

**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, January 19, 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 - Rejecting the Bids for the Construction of the Bicentennial and Marble Street Parks Project
- Resolution No. 2 - Approving Contract for Professional Services With Avalon Associates Inc. and Neighbors of Watertown, Inc. for a FY 2010 Small Cities CDBG Application
- Resolution No. 3 - Approving Contract for Professional Services for Avalon Associates, Inc. and Neighbors of Watertown, Inc. for a FY 2010 HOME Application to NYSDHCR
- Resolution No. 4 - Approving Special Use Permit Request Submitted by Cowlco Alloy & Metals, Inc. to Allow a Sweat Furnace Operation Located at 301 Pearl Street, Parcel No. 04-01-101.000
- Resolution No. 5 - Approving the Site Plan for the Construction of a 4,095 sq. ft. Friendly's restaurant located at 1233 Arsenal Street, Parcel Numbers: 09-19-103.002 and 09-19-106.000

ORDINANCES

- Ordinance No. 1 - Approving the Zone Change Request Submitted by Vernon Johnson, to Change the Approved Zoning Classification of

1175 Water Street and 1185 Water Street, Parcels Number
04-27-501.006 and 4-27-501.005, from Light Industry to
Neighborhood Business

LOCAL LAW

PUBLIC HEARING

OLD BUSINESS

Tabled – Resolution Approving Salary Structure, and Annual Pay Increase for
Watertown Housing Authority Employees

STAFF REPORTS

1. 2010 CDBG Small Cities Application Public Hearings
2. Breen Avenue Traffic Counts
3. Sales Tax Revenue Quarterly Update – December 2009
4. City Wastewater Treatment Plant, Treatment of Flowback Water
5. Best Cities for Military Families
6. City Manager's and City Clerk's Annual Review

NEW BUSINESS

EXECUTIVE SESSION

1. To discuss the employment history of particular individuals.
2. To discuss the proposed acquisition or sale of real property where public disclosure could affect the value thereof.

WORK SESSION

ADJOURNMENT

**NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS MONDAY,
FEBRUARY 1, 2010.**

Res No. 1

January 13, 2010

To: The Honorable Mayor and City Council
From: Kenneth A. Mix, Planning and Community Development Coordinator
Subject: Rejecting Bids for the Bicentennial and Marble Street Parks Project

As the City Council is aware from the presentation at the Council work session on January 11, 2010, bids for the riverfront park improvements at Marble Street Park and Bicentennial Park were received by the City Purchasing Department on December 10, 2009. The City received three bids for the project which are detailed in the attached report from City Purchasing Agent Robert J. Cleaver.

The low bid submitted by Barber Corporation of Watertown, New York was \$661,000, which is \$137,000 over the estimated construction budget. Even after accepting a deduct alternate and reducing the number of site amenities based on unit pricing to reduce the cost of the base bid by \$30,800, the project is still underfunded by \$106,200.

Rather than allocate additional funds to the project, Staff and the City Council have been discussing whether or not the City's Department of Public Works (DPW) could complete the project with in house staff. It has been determined that DPW is willing to complete the work but it is not likely that it can be completed before December 31, 2010, the time that the grant agreement with the New York State Department of State (DOS) expires. Staff has contacted our grant representative at the DOS and asked whether or not the City could be granted an extension on the project until December 31, 2011. This would give the DPW plenty of time to complete the work. DOS indicated that an extension would be granted and Staff will proceed with the necessary paperwork to get the extension.

Having the DPW complete the work will allow the City to complete the project within the grant budget and may allow for reimbursement of some of our labor and equipment costs.

Therefore, it is Staff's recommendation that the City Council reject the bids submitted for the Bicentennial and Marble Street Parks Project. The attached resolution prepared for Council consideration rejects the bids for the project.

RESOLUTION

Page 1 of 1

Rejecting the Bids for the Construction of the Bicentennial and Marble Street Parks Project

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’s Purchasing Department has advertised for sealed bids for the Bicentennial and Marble Street Parks Project involving the construction of riverfront improvements at Bicentennial Park at the Fairgrounds and Marble Street Park on the eastern edge of the City, and

WHEREAS plans and specifications were issued to twenty three (23) prospective bidders, with three (3) bids being received and publicly opened and read in the City Purchasing Department on Thursday, December 10, 2009 at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver and City Planning and Community Development Coordinator Kenneth A. Mix have reviewed the bids and are recommending that they be rejected as all three are over the estimated construction budget, and

WHEREAS the City Council desires to move forward with the project by having the Department of Public Works construct the project with in house staff,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York rejects the three bids submitted on December 10, 2009 for the construction of the Bicentennial and Marble Street Parks Project.

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

January 14, 2010

To: Mary Corriveau
From: Robert J. Cleaver
Subject: Bicentennial Park & Marble Street Park Bid

The Purchasing Department, in conjunction with the Planning Department and EDR Consulting Engineers, Syracuse, N.Y., advertised in the Watertown Daily Times on Monday, October 19, 2009 calling for sealed bids for the construction of the Bicentennial Park and Marble Street Park Improvement Project per City's specifications. The Dodge Reports as well as the Northern NY and Syracuse Builders' Exchanges were also notified of the pending bid.

Bid plans were issued to 23 potential bidders with 3 bids received in the Purchasing Department where they were publicly opened and read on Thursday, December 10, 2009 at 11:00 am local time. A fourth bid was received well after the bid opening and was disqualified from consideration

This bid project was divided into 3 segments and the bidders were allowed to bid either Contract # 1 – Bicentennial Park Site, Contract # 2 – Marble Street Park or Contract #3, the Combination of Contracts 1 & 2. Two of the three bidders quoted Contract 3 only and the third bidder quoted all three. Results of those submittals are as follows:

Barber Corporation 22622 Murrock Drive Watertown, N.Y. 13601	Contract # 3 Only Alternate #S1 Play Equipment Alternate #E1 Court Lighting (deduct)	\$ 661,000.00 \$ 18,000.00 \$ 3,500.00
CMI 624 State Route 49 Bernhards Bay, N.Y. 13028	Contract #3 Only Alternate # S1 Play Equipment Alternate E1 Court Lighting (deduct)	\$ 814,200.00 \$ 16,800.00 \$ 3,500.00
E-Z Paving/Sealant LLC 716 West Broadway Fulton, N.Y. 13069	Contract #1 Bicentennial Park Alternate # S1 Play Equipment Alternate #E1 Court Lighting (deduct)	\$ 482,900.00 \$ 17,500.00 \$ 3,572.00
E-Z Paving/Sealant	Contract #2 Marble Street Park	\$ 380,900.00
E-Z Paving/Sealant	Contract #3 Combined Bicentennial/Marble Alternate # S1 Play Equipment Alternate E1 Court Lighting (deduct)	\$ 863,800.00 \$ 17,500.00 \$ 3,500.00

I have reviewed the submittals with City Planner Michael Lumbis and it is my recommendation that all bids submitted be rejected.

A handwritten signature in black ink, appearing to read "Robert J. Cleon". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

cc: Michael Lumbis, City Planner
Ken Mix, City Planner
File

Res Nos. 2 and 3

January 13, 2010

To: The Honorable Mayor and City Council

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

Subject: Approving Contracts for Professional Services With Avalon Associates, Inc. and Neighbors of Watertown, Inc. for CDBG and HOME Applications

On December 21, 2009, the City Council selected Avalon Associates, Inc. as its Community Development Consultant for the Small Cities Community Development Block Grant Program and the HOME Investment Partnerships Program for a period of up to three years (2010, 2011, and 2012). Each year contracts for services will be put before the City Council for consideration.

The services to be provided by Avalon Associates, Inc. include writing the applications and assisting with the administration and program delivery of the housing programs. They will subcontract with Neighbors of Watertown, Inc. to provide local staff. Attached are two resolutions for City Council consideration. Each approves a contract for professional services between the City, Avalon Associates, and Neighbors of Watertown for the different grant programs.

The first resolution is for the Community Development Block Grant Program. Avalon will write the application for \$7,500 plus reimbursement of expenses. All other program development activities, delivery services and administration will be paid for with grant funds.

The second resolution is for the HOME Application to the New York State Division of Housing and Community Renewal. In this case, Neighbors of Watertown is the eligible applicant. Avalon will write the grant for \$4,500 plus reimbursement of expenses.

RESOLUTION

Page 1 of 1

Approving Contract for Professional Services With Avalon Associates Inc. and Neighbors of Watertown, Inc. for a FY 2010 Small Cities CDBG Application

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 it is expected that grant funding will be available through the New York State Office of Community Renewal to support local community development activities that are undertaken by eligible municipalities, and

WHEREAS the City of Watertown is eligible to apply for funding in the Fiscal Year 2010 competition under the Small Cities Community Development Block Grant Program, and

WHEREAS Avalon Associates, Inc. has been selected as the City’s Community Development Consultant for the Small Cities Program, and

WHEREAS a Contract for Professional Services between the City of Watertown, Avalon Associates, Inc. and Neighbors of Watertown, Inc. has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Contract for Professional Services with Avalon Associates, Inc. and Neighbors of Watertown, Inc. for a FY 2010 Small Cities CDBG Application, and

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

Seconded by

CONTRACT FOR PROFESSIONAL SERVICES

BY AND BETWEEN

CITY OF WATERTOWN

AND

NEIGHBORS OF WATERTOWN

AND

AVALON ASSOCIATES, INC.
Community Development Consultant

THIS AGREEMENT, made as of the 21st day of December 2009, by and between the City of Watertown, (the "City" or the "Community") and Neighbors of Watertown (the "Program Coordinator") and Avalon Associates, Inc., Community Development Consultant of Glens Falls, New York, (the "Consultant"), details the terms and conditions applicable to the following "Project":

Application preparation, program development activities and general advisory services required for administration of local community development activities funded under the NYS Small Cities Community Development Block Grant Program for 2010.

It is understood that the services detailed in Section II.B, II.C and II.D of this Agreement will be required only if a grant is awarded to the City by the NYS Office of Community Renewal (OCR). If a grant is not awarded, no services will be required beyond the application preparation detailed in Section II.A.

I. EMPLOYMENT OF THE CONSULTANT

The City hereby engages the Consultant, and the Consultant agrees to perform the services detailed in this Agreement. The services of the Consultant are to commence upon execution of this Agreement and be undertaken in an expeditious manner in order to accomplish the purposes of the Agreement and meet schedules and deadlines established by the parties to this Agreement or by other agencies involved in the Project. Unless terminated earlier according to Section V of this Agreement, the services of the Consultant shall continue until completion of all Small Cities activities and close-out of the grant.

II. SCOPE OF SERVICES

The Consultant shall work with city officials and representatives from Neighbors of Watertown to organize the local community development program and assist with implementation and administration activities to assure compliance with applicable federal regulations. Services of the Consultant are detailed in this section.

A. Application:

The Consultant shall prepare and file a complete application which complies with the regulations and funding criteria established by the New York State Office of Community Renewal (OCR) for the Small Cities Community Development Block Grant (CDBG) Program, including but not limited to:

1. Program Design

Design of a program of activities that fits the CDBG application requirements and addresses the rating criteria for that type of program.

2. Application Preparation

Information gathering, analysis, documentation, etc. as required to complete the application and address all rating criteria. Three copies of the application will be submitted to OCR (including one copy with original signatures) and one copy will be provided for the City and one copy will be provided for Neighbors of Watertown.

3. Meetings

Attendance at meetings in Watertown or Albany or any other location as needed to develop the program proposed for this application.

4. Services by Others

The following services required for work to be performed by the Consultant will be provided by the City or Neighbors of Watertown or other agencies that will be involved in the Project. These activities will be coordinated with the work of the Consultant and done in a timely manner to assure completion of the application within the schedule established by OCR.

- a. Assistance with surveys and documentation required to detail the existing conditions that will be addressed by the proposed program.
- b. Inspections in selected properties and preparation of work writeups and cost estimates to be used as samples for the application.
- c. Photographs of the individual properties proposed for assistance under the program.
- d. Preparation of maps and other graphics required for the application.
- e. Collection of support letters and other documentation of local commitments for the proposed program.
- f. Scheduling of and attendance at all public hearings required for the project.
- g. Resolutions of the City Council that are required for submission of the application.

B. Program Development Activities:

The Consultant shall assist local officials in the completion of all preliminary activities necessary to organize the community development program and secure a Release of Funds, including:

1. Program Setup Activities

Assistance in organizing the systems and records necessary to properly manage all activities under the Small Cities Program.

- a.** Review grant award documents and advise local officials regarding any special conditions that might affect the design or operation of the local program.
- b.** Assist with preparation of signature cards and certifications required to establish the local bank accounts required for the program.
- c.** Assist local officials with organization of books and accounts as required for the operation of the program and for documentation of all Project expenditures.
- d.** Set up a filing system for the program and assist local officials with organizing all information and documentation on hand for the program.
- e.** Review local files to assure that all documentation is in place to demonstrate compliance with the certifications and other regulations affecting the program. In particular, this review will cover the Community Development Plan, the Citizen Participation Plan, the Relocation Plan and Drug-Free Workplace Certifications. These files will be updated to reflect new activities in the approved program and any modifications to future planning that might be appropriate as a result of this grant.

2. Environmental Clearance

Assistance with the Environmental Review to assure compliance with the National Environmental Policy Act of 1969, including:

- a.** Analysis of any adverse environmental impacts of the proposed activities.
- b.** Analysis of alternatives and/or mitigating efforts that can minimize adverse environmental impacts of the proposed activities.
- c.** Preparation of an Environmental Review Record that documents existing conditions and details the proposed activities.
- d.** Preparation of appropriate findings, resolutions, public notices and reports as required to complete the Environmental Review Record.
- e.** Notification of the State Historic Preservation Office and other agencies that might have an interest in the activities included in the program.

3. **Program Guidelines**

Assistance with the development of guidelines, criteria and procedures necessary for implementation of activities in the Small Cities Program, including:

- a. **Draft Program** - a preliminary draft of program guidelines for review with local officials to determine the criteria and procedures for the program.
- b. **Program Manual** - containing final, approved guidelines, eligibility criteria, procedures and policies to be used by local program administrators.
- c. **Forms** - a complete set of forms required for processing applications for assistance under the program.
- d. **Brochure** - outlining the guidelines and assistance available under the program.

4. **Program Coordinator**

The Consultant will meet with the Program Coordinator to explain the local Guidelines and Procedures. This meeting should include a clear explanation of the authority and relationship of all parties involved in the program.

5. **Project Review Committee**

Assistance with the organization of a Project Review Committee to review cases proposed for assistance under the program. The Consultant will meet with the Committee to explain the guidelines and the procedures that have been established for the local program and clarify the roles and responsibilities of all parties involved in the program.

7. **Local Staffing and Support**

The Consultant will meet with other local staff who will be involved in the program to explain the Guidelines and Procedures and provide a clear explanation of the roles and responsibilities of all parties involved in the program.

8. **Rehabilitation Office**

Assistance with organization of a local office for administration of the program to assure that adequate provision has been made for furniture, supplies and equipment as required.

9. **Public Meetings**

Attendance at community meetings to introduce the program, explain eligibility criteria and the assistance which is available, and answer questions from residents and property owners in the area designated for the program.

C. General Administration:

The Consultant shall provide advice and assistance at the specific direction of local officials or designated project directors as required during implementation of the program. These services may include activities by the Consultant with specialized assistance provided by qualified professionals who are retained by the Consultant under subcontract. Alternatively, the Consultant may assist the City to secure outside professional services directly. In that case, the Consultant will prepare Requests For Proposals and assist with interviews and negotiations conducted by local officials.

1. General Advisory Services

Advice and assistance as required during implementation and administration of the local program to monitor the performance of the Program Coordinator and help coordinate the activities of others who are involved with the program.

2. Legal Services

Specialized legal assistance as required for the design or administration of activities included in the program.

3. Accounting Services

Specialized assistance or support as required to set up local books and accounts or document expenditures under the program.

4. Engineering Services

Technical services as required for design and implementation of public facilities activities included in the program.

5. Local surveys

Detailed surveys required by the State Historic Preservation Office (SHPO) to identify properties that might be eligible for inclusion on the National Register of Historic Places.

6. Memorandum of Agreement

Negotiation of a Memorandum of Agreement if required by the SHPO for activities which might affect properties included on or eligible for inclusion on the National Register.

7. Technical Analysis

Specialized technical analysis required as part of the Environmental Review to satisfy concerns raised by the public or any state or federal agencies.

D. Program Delivery:

The Consultant shall provide advice and assistance during implementation of the program. With approval by the City, a portion of this work may be subcontracted to a local Program Coordinator; and in that event, the Consultant is not responsible for the activities of the Program Coordinator or others who might be involved with day-to-day activities in the Community. However, all activities will be coordinated by the Consultant who will advise the Community regarding actions required to assure completion of the program on schedule and within the budget established for those activities.

1. Assistance to Property Owners

If the program includes activities to promote housing rehabilitation, the Consultant and the local Program Coordinator will work with eligible property owners to help them decide what improvements are needed and arrange for qualified contractors to complete that work in compliance with all local, state and federal rules and regulations, as follows:

- a. Explanation of the program, its objectives and eligibility requirements both at public meetings and in response to inquiries from property owners.
- b. Inspection of eligible properties to identify deficiencies that may be addressed with assistance under the program.
- c. Lead-based paint inspections (using qualified staff or contractors) to identify problems that should be addressed during rehabilitation activities.
- d. Preparation of work write-ups detailing the improvements needed in each property and including estimates of the cost of that work if performed by qualified contractors.
- e. Qualification of contractors who will be permitted to work under the program.
- f. Computation of the assistance that may be available for work on each property.
- g. Assistance in securing competitive bids from qualified contractors for the work to be done on each property.
- h. Review of bids for contract awards to be made by property owners.
- i. Computation of final grant awards and recommendation for approval by the Community for each eligible property.
- j. Periodic inspections of work in progress, including at a minimum, on-site inspections before approval of any progress payments.
- k. Final inspection before approval of final payment on each property.
- l. Clearance testing (using qualified staff or contractors) to certify that lead-based paint hazards have not been created by the work completed under this program.

2. Assistance to First-time Home Buyers

If the program includes activities to promote home ownership, the Consultant and the local Program Coordinator will work with eligible applicants to help them qualify as first-time buyers and locate a suitable home that is for sale in the City. Where needed, rehabilitation improvements will be made in those properties to correct code violations and eliminate any other problems that could become a financial hardship to the home owner, as follows:

- a. Explanation of the program, its objectives and eligibility requirements both at public meetings and in response to inquiries from applicants.
- b. Special Home Ownership Counseling to help applicants prepare for home ownership and decide what they can afford with assistance under the program.
- c. Assistance with purchase negotiations and mortgage applications to local banks who will provide primary financing for each project.
- d. Inspection of selected properties to identify deficiencies that may be addressed with assistance under the program.
- e. Lead-based paint inspections (using qualified staff or contractors) to identify problems that should be addressed during rehabilitation activities.
- f. Preparation of work write-ups detailing the improvements needed in each property and estimates of the cost of that work if performed by qualified contractors.
- g. Assistance in securing competitive bids from qualified contractors for the work to be done on each property.
- h. Computation of the financial assistance that may be available for eligible work on each project and recommendation for approval by the Project Review Committee.
- i. Periodic inspections of work in progress on each property, including as a minimum, inspections of work completed before approval of any progress payments.
- j. Final inspection before approval of final payment on each property.
- k. Clearance testing (using qualified staff or contractors) to certify that lead-based paint hazards have not been created by the work completed under this program.

3. Periodic Reports

Monthly reports shall be submitted to the Consultant and the Community detailing the status of all activities in the program. Those reports will include the following:

- a. Project Status including the number and status of active projects handled to date.
- b. Budget Status detailing commitments and expenditures for each activity to date.

III. COMPENSATION AND METHOD OF PAYMENT

The City shall pay the Consultant for the services detailed in this Agreement as follows:

1. For Application preparation (Section II.A), a lump sum fee of \$7,500.00 plus reimbursement of expenses incurred during the course of that work.
2. For Program Development Activities detailed in Section II.B of this Agreement, a lump sum fee of \$15,000, payable when the City has received approval of a Fund Release.
3. For General Administration Services as detailed in Section II.C of this Agreement, fees shall be billed for actual time plus reimbursement of expenses as follows:

- a. These billing rates shall apply during the calendar year in which this Agreement is executed and may be adjusted annually after giving 30 days written notice:

Principal	\$100.00/hr.
Associate	\$ 90.00/hr.
Project Manager	\$ 80.00/hr.
Community Planner	\$ 60.00/hr.
Clerical	N/C (included in above rates)

- b. At direct cost for out-of-pocket expenses, outside professional services, materials, reproduction costs, long-distance telephone calls, etc. For travel expenses, 38 cents per mile for required automobile travel; at direct cost for travel by commercial carrier, lodging and subsistence if required during travel outside the Glens Falls area.
4. For Program Delivery Services detailed in Section II.D of this Agreement, a fixed lump sum fee of \$2,000 for each housing unit that is approved for rehabilitation assistance.
 5. The Consultant will submit claims for payment on forms prescribed by the City detailing the work performed and the fees payable under the terms of this Agreement. Claims for payment for General Administration Services (Section II.C) shall include a description of the services provided detailing the time and expenses of the Consultant. A Service Charge may be added for any amounts unpaid after 30 days at the rate of 1-1/2% per month (18% per annum); and the City agrees to pay all costs of collection including reasonable legal fees in the event the Consultant is forced to pursue legal action in order to collect these fees.

IV. INDEMNIFICATION OF HTFC

The City and the Consultant shall indemnify the Housing Trust Fund Corporation, its agents and employees, from and against any and all claims, actions, damages, losses, expenses and costs of every nature and, including reasonable attorney fees, incurred by or assessed or imposed against the Housing Trust Fund Corporation, to the fullest extent permitted by law, arising out of the Project being funded with CDBG funds.

V. TERMINATION OF AGREEMENT

This Agreement may be terminated by either party upon thirty days written notice should the other party fail to perform in accordance with its terms through no fault of the party initiating the termination, or by mutual consent when terminated for convenience. If the contract is terminated after the application is submitted but before Program Development activities are completed, the full fee specified in Paragraph 2 of Section III will be immediately due and payable. In the event of termination, all materials prepared under the Project shall be forwarded to the City and the Consultant shall be paid for all work completed on the Project according to the terms of this Agreement.

VI. OTHER CONDITIONS

The following conditions required by the Uniform Administrative Requirements (24 CFR Part 85) shall also apply to this Agreement.

A. Equal Employment Opportunity:

The Consultant shall comply with the applicable provisions of Executive Order 11246, entitled "Equal Opportunity", as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

B. Books and Records:

The Consultant shall maintain accurate records for all work performed under this Agreement. The City, New York State, HUD, or any of their authorized representatives, shall have access to those records for the purpose of making audit, examination, excerpts, and transcriptions. Said examination of records shall take place in the Glens Falls office of the Consultant. The Consultant shall maintain all required records for three years after final payment is received and all other pending matters are closed.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

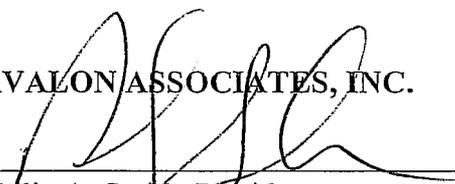
CITY OF WATERTOWN

BY: _____
Mary Corriveau, City Manager

NEIGHBORS OF WATERTOWN

BY: _____
Gary Beasley, Executive Director

AVALON ASSOCIATES, INC.

BY:  _____
Philip A. Smith, President

RESOLUTION

Page 1 of 1

Approving Contract for Professional Services for Avalon Associates, Inc. and Neighbors of Watertown, Inc. for a FY 2010 HOME Application to NYSDHCR

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 Notice of Funding Availability for the HOME Investment Partnership Program has been issued by the New York State Housing Trust Fund, and

WHEREAS Avalon Associates, Inc. has been selected as the City of Watertown's Community Development Consultant for the HOME Investment Partnership Program, and

WHEREAS a Contract for Professional Services between the City of Watertown, Avalon Associates, Inc. and Neighbors of Watertown, Inc. has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Contract for Professional Services with Avalon Associates, Inc. and Neighbors of Watertown, Inc. for a FY 2010 HOME Investment Partnership Application to the New York State Division of Housing and Community Renewals, and

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

Seconded by

CONTRACT FOR PROFESSIONAL SERVICES

BY AND BETWEEN

CITY OF WATERTOWN

AND

NEIGHBORS OF WATERTOWN

AND

AVALON ASSOCIATES, INC.
Community Development Consultant

THIS AGREEMENT, made as of the 21st day of December 2009, by and between the City of Watertown, (the "City" or the "Community") and Neighbors of Watertown (the "Project Sponsor") and Avalon Associates, Inc., Community Development Consultant of Glens Falls, New York, (the "Consultant"), details the terms and conditions applicable to the following "Project":

Application preparation, program development activities and general advisory services required for administration of local community development activities funded under the HOME Investment Partnerships Program administered by the New York State Housing Trust Fund Corporation (HTFC) for 2010.

It is understood that the services detailed in Section II.B and II.C of this Agreement will be required only if a grant is awarded to the Project Sponsor by HTFC. If a grant is not awarded, no services will be required beyond the application preparation detailed in Section II.A.

I. EMPLOYMENT OF THE CONSULTANT

The City and the Project Sponsor hereby engage the Consultant and the Consultant agrees to perform the services detailed in this Agreement. The services of the Consultant are to commence upon execution of this Agreement and be undertaken in an expeditious manner in order to accomplish the purposes of the Agreement and meet schedules and deadlines established by the parties to this Agreement or by other agencies involved in the Project. Unless terminated earlier according to Section IV of this Agreement, the services of the Consultant shall continue until completion of all HOME activities and close-out of the grant.

II. SCOPE OF SERVICES

The Consultant shall work with local officials and the Project Sponsor to identify activities that will be appropriate for HOME funding and help gather information, conduct surveys, analysis, etc. as required to complete an application for funding before the deadline established by HTFC.

A. Application:

The Consultant shall prepare and file a complete application which complies with the regulations and funding criteria established by the New York State Housing Trust Fund Corporation for the HOME Investment Partnership Program, including but not limited to:

1. Program Design

Design of a program of activities that fits the HOME application requirements and addresses the rating criteria for this application.

2. Application Preparation

Information gathering, analysis, documentation, etc. as required to complete the application and address all rating criteria. Three copies of the application will be submitted to HTFC (including one copy with original signatures) and one copy will be provided for the City and one copy will be provided for Neighbors of Watertown.

3. Meetings

Attendance at meetings in Watertown or Albany or any other location as needed to develop the program proposed for this application.

4. Services by Others

The following services required for work to be performed by the Consultant will be provided by the City or Neighbors of Watertown or other agencies that will be involved in the Project. These activities will be coordinated with the work of the Consultant and done in a timely manner to assure completion of the application within the schedule established by HTFC.

- a. Assistance with surveys and documentation required to detail the existing conditions that will be addressed by the proposed program.
- b. Inspections in selected properties and preparation of work writeups and cost estimates to be used as samples for the application.
- c. Photographs of the individual properties proposed for assistance under the program.
- d. Preparation of maps and other graphics required for the application.
- e. Collection of support letters and other documentation of local commitments for the proposed program.
- f. Scheduling of and attendance at all public hearings required for the project.
- g. Resolutions that are required for submission of the application.

B. Program Development:

If the application is successful, the Consultant shall assist local officials in the completion of all activities necessary to execute a Grant Agreement and begin the program, including:

1. Files, Records, and Accounts

Assistance in establishing local files and records for the HOME Program.

2. Environmental Clearance

Assistance with Environmental Reviews necessary to assure compliance with the State Environmental Quality Review Act, including:

- a.** Analysis of adverse impacts and review of alternatives to mitigate those problems for the proposed activities.
- b.** Documentation of the Environmental Assessment including all required findings, resolutions, notices and reports.

3. Program Guidelines

Assistance with development of guidelines and procedures for implementation of the local program, including:

- a.** **Program Manual** with final, approved guidelines and procedures for use by local program administrators.
- b.** **Forms** - a complete set of forms required for processing applications for assistance under the local program.

C. General Administration:

The Consultant shall provide advice and assistance at the direction of local officials during administration of the local program. These services may include:

- 1. Technical Assistance** - assistance with general procedures and analysis of projects being considered for financing assistance under the program.
- 2. Monitoring & Documentation** - monitoring and documentation as needed to assure proper performance under the local Guidelines and Procedures.
- 3. Reports** - preparation of various reports required to document compliance with applicable federal and state regulations and local program guidelines for each project.

D. Program Delivery:

The Consultant shall provide advice and assistance during implementation of the program. These services require a joint effort by the Consultant and the Project Sponsor; and the Consultant is not responsible for the activities of the Project Sponsor or its employees or others who might be involved with day-to-day activities under the program. However, all activities will be coordinated by the Consultant who will advise the Project Sponsor regarding actions required to assure completion of the program on schedule and within the budget established for these activities.

1. Assistance to Property Owners

If the program includes activities to promote housing rehabilitation, the Consultant and the local Program Coordinator will work with eligible property owners to help them decide what improvements are needed and arrange for qualified contractors to complete that work in compliance with all local, state and federal rules and regulations, as follows:

- a. Explanation of the program, its objectives and eligibility requirements both at public meetings and in response to inquiries from property owners.
- b. Inspection of eligible properties to identify deficiencies that may be addressed with assistance under the program.
- c. Lead-based paint inspections (using qualified staff or contractors) to identify problems that should be addressed during rehabilitation activities.
- d. Preparation of work write-ups detailing the improvements needed in each property and estimates of the cost of that work if performed by qualified contractors.
- e. Qualification of contractors who will be permitted to work under the program.
- f. Computation of the assistance that may be available for work on each property.
- g. Assistance in securing competitive bids from qualified contractors for the work to be done on each property.
- h. Review of bids for contract awards to be made by property owners.
- i. Computation of final grant awards and recommendation for approval by the Community for each eligible property.
- j. Periodic inspections of work in progress, including at a minimum, on-site inspections before approval of any progress payments.
- k. Final inspection before approval of final payment on each property.
- l. Clearance testing (using qualified staff or contractors) to certify that lead-based paint hazards have not been created by the work completed under this program.

2. Assistance to Home Buyers

If the program includes activities to promote home ownership, the Consultant and the local Program Coordinator will work with eligible applicants to help them qualify as first-time buyers and locate a suitable home that is for sale in the City. Where needed, rehabilitation improvements will be made in those properties to correct code violations and eliminate any other problems that could become a financial hardship to the home owner, as follows:

- a. Explanation of the program, its objectives and eligibility requirements both at public meetings and in response to inquiries from applicants.
- b. Special Home Ownership Counseling to help applicants prepare for home ownership and decide what they can afford with assistance under the program.
- c. Assistance with purchase negotiations and mortgage applications to local banks who will provide primary financing for each project.
- d. Inspection of selected properties to identify deficiencies that may be addressed with assistance under the program.
- e. Lead-based paint inspections (using qualified staff or contractors) to identify problems that should be addressed during rehabilitation activities.
- f. Preparation of work write-ups detailing the improvements needed in each property and estimates of the cost of that work if performed by qualified contractors.
- g. Assistance in securing competitive bids from qualified contractors for the work to be done on each property.
- h. Computation of the financial assistance that may be available for eligible work on each project and recommendation for approval by the Project Review Committee.
- i. Periodic inspections of work in progress on each property, including as a minimum, inspections of work completed before approval of any progress payments.
- j. Final inspection before approval of final payment on each property.
- k. Clearance testing (using qualified staff or contractors) to certify that lead-based paint hazards have not been created by the work completed under this program.

3. Periodic Reports

Monthly reports shall be submitted to the City detailing the status of all activities in the program. Those reports will include the following:

- a. Project Status including the number and status of active projects handled to date.
- b. Budget Status detailing commitments and expenditures for each activity to date.

III. COMPENSATION AND METHOD OF PAYMENT

The Consultant will be paid for the services detailed in this Agreement as follows:

1. By the City for Application preparation (Section II.A), a lump sum fee of \$4,500.00 plus reimbursement of expenses incurred during the course of that work.
2. By the Project Sponsor for Program Development activities (Section II.B), a lump sum fee of \$7,500, payable when the Project Sponsor has received approval of a Fund Release.
3. By the Project Sponsor for General Administration services (Section II.C), at hourly billing rates for actual time plus reimbursement of expenses as follows:

- a. These billing rates shall apply during the calendar year in which this Agreement is executed and may be adjusted annually after giving 30 days written notice:

Principal	\$100.00/hr.
Associate	\$ 90.00/hr.
Project Manager	\$ 80.00/hr.
Technician	\$ 60.00/hr.
Clerical	N/C (included in above Rates)

- b. At direct cost for out-of-pocket expenses, outside professional services, materials, reproduction costs, long-distance telephone calls, etc. For travel expenses, 38 cents per mile for required automobile travel; at direct cost for travel by commercial carrier, lodging and subsistence if required during travel outside the Glens Falls area.
4. By the Project Sponsor for Program Delivery Services (Section II.D), a fixed fee of \$1,000/unit, payable when the project is approved by the Executive Director.
 5. The Consultant will submit claims for payment detailing the work performed and the fees payable under the terms of this Agreement. Claims for payment for General Administration Services (Section II.C) shall include a description of the services provided detailing the time and expenses of the Consultant. A Service Charge may be added for any amounts unpaid after 30 days at the rate of 1-1/2% per month (18% per annum); and the City or the Project Sponsor will pay all costs of collection including reasonable legal fees in the event the Consultant is forced to pursue legal action in order to collect these fees.

IV. TERMINATION OF AGREEMENT

This Agreement may be terminated by either party upon thirty days written notice should the other party fail to perform in accordance with its terms through no fault of the party initiating the termination, or by mutual consent when terminated for convenience. If the contract is terminated after the application is submitted but before Program Development activities are completed, the full fee specified in Paragraph 2 of Section III will be immediately due and payable. In the event of termination, all materials prepared under the Project shall be forwarded to the Project Sponsor and the Consultant shall be paid all amounts due for work completed on the Project according to the terms of this Agreement.

V. OTHER CONDITIONS

The following conditions required by the Uniform Administrative Requirements (24 CFR Part 85) shall also apply to this Agreement.

A. Equal Employment Opportunity:

The Consultant shall comply with the applicable provisions of Executive Order 11246, entitled "Equal Opportunity", as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

B. Books and Records:

The Consultant shall maintain accurate records for all work performed under this Agreement. The Project Sponsor, the City, New York State, or any of their authorized representatives, shall have access to those records for the purpose of making audit, examination, excerpts, and transcriptions. Said examination of records shall take place in the Glens Falls office of the Consultant. The Consultant shall maintain all required records for three years after final payment is received and all other pending matters are closed.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF WATERTOWN

BY: _____
Mary Corriveau, City Manager

AVALON ASSOCIATES, INC.

BY: _____
Philip A. Smith, President

NEIGHBORS OF WATERTOWN

BY: _____
Gary Beasley, Executive Director

Res No. 4

January 14, 2010

To: The Honorable Mayor and City Council

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

Subject: Request for a Special Use Permit to Allow a Sweat Furnace Operation
Located at 301 Pearl Street, Parcel No. 04-01-101.000.

The Planning Board reviewed the above subject request submitted by Cowlco Alloys & Metal, Inc. at its January 5, 2010 meeting and adopted a motion recommending that the City Council approve the Special Use Permit with conditions. Attached is a copy of the report prepared for the Planning Board and an excerpt from its Minutes.

A public hearing is required before the City Council may vote on this resolution. It is recommended that a public hearing be scheduled for 7:30 p.m. on Monday, February 1, 2010.

RESOLUTION

Page 1 of 2

Approving Special Use Permit Request Submitted by Cowlco Alloy & Metals, Inc. to Allow a Sweat Furnace Operation Located at 301 Pearl Street, Parcel No. 04-01-101.000.

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 Cowlco Alloys & Metals, Inc. has made an application for a Special Use Permit to allow a sweat furnace operation located at 301 Pearl Street, Parcel No. 04-01-101.000, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on January 5, 2010, and recommended that the City Council of the City of Watertown approve the request with the following conditions:

1. The applicant must obtain a letter from the property owner authorizing the Special Use Permit application.
2. That initial and continual inspections by the EPA is required for the sweat furnace operation and the results of those inspections shall be sent to the City of Watertown Codes Bureau. If their certification is lost from the EPA, for any reason, their Special Use Permit is then revoked.
3. That the smelting and junk yard operations and the scrap storage are to be limited to within the building only,
4. That the Special Use Permit expires after a 5 year period to allow the Planning Board and City Council to reevaluate the operation.

And,

WHEREAS a public hearing was held on the proposed Special Use Permit on February 1, 2010, after due public notice, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part II and has determined that the proposed project will not have a significant effect on the environment,

RESOLUTION

Page 2 of 2

Approving Special Use Permit Request Submitted by Cowlco Alloy & Metals, Inc. to Allow a Sweat Furnace Operation Located at 301 Pearl Street, Parcel No. 04-01-101.000.

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

THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed Special Use Permit to allow a sweat furnace operation is an Unlisted Action for the purposes of SEQRA and hereby determines that the project will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York, that a Special Use Permit is hereby granted to Cowlco Alloys & Metals, Inc. to allow a sweat furnace operation located at 301 Pearl Street, Parcel No. 04-01-101.000 with the conditions recommended by the Planning Board as listed above.

Seconded by



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: Special Use Permit Approval – 301 Pearl Street

DATE: December 30, 2009

Request: Special Use Permit Approval to allow a Sweat Furnace Operation located at 301 Pearl Street, Parcel Number 04-01-101.000

Applicant: Cowlco Alloys & Metal, Inc.

Proposed Use: Heavy Industry – Sweat Furnace Operation

Property Owner: Railstar Corporation

Submitted:

8 ½" x 11" Copy of Parcel Map: Yes

A Sketch of the Site to Scale: No

Completed Part I of an
Environmental Assessment Form: Yes

SEQRA: Unlisted Action

County Planning Board Review Required: Yes

Comments: The applicant is proposing to use an existing building (formerly Black Clawson) located at 301 Pearl Street, parcel number 04-01-101.000 for a sweat furnace operation. This operation will recover aluminum and/or steel from scrap automotive parts with the use of a sweat furnace. The proposed use is a combination of a junkyard and a smelting operation, both of which require a special use permit.

The applicant states that the furnace will exceed all EPA standards that are required for this process. The applicant has also verbally stated that all of the scrap metal will be stored inside the building.

The applicant must obtain a letter from the property owner that allows the applicant to apply for the special use permit before the City Council can act on this application. Special Use permits require City Council approval after recommendation from the Planning Board and a Public Hearing. The procedure is outlined in Section 310-67 of the Zoning Ordinance. The standards are in Section 310-52.3.

Summary:

- 1.) The applicant must obtain a letter from the property owner allowing the applicant to apply for a special use permit.

cc: Planning Board Members
City Council Members
Robert J. Slye, City Attorney
Justin Wood, Engineer
Cowlco Alloys & Metal, Inc., 129 N. Rutland Street, Watertown, NY 13601



CITY OF WATERTOWN, NEW YORK
Special Use Permit Application

I. Applicant Information

Name: Cowlco Alloys & Metal, Inc

Mailing Address: 129 N. Rutland St
Watertown NY 13601

II. Property Information

Address: 301 Pearl Street,

Tax Parcel #: 4-01,101,000

Property Owner (if not applicant): RAILSTAR Corp.

If applicant is not owner, does applicant have a signed purchase agreement Yes No

Zoning District: HI

Attachments Required:

- 8 1/2" x 11" parcel map with tax parcel involved in request outlined with a thick black line
- A sketch of the site drawn to an engineering scale (e.g. 1"=20', 1"=30').
- Completed Part I of an Environmental Assessment Form (SEQR)

III. Request Information

Proposed Use: SWEAT FURNACE OPERATION

Explain Proposal: We will Recover Aluminum from SCRAP Automotive parts with this furnace. The furnace exceeds ALL EPA STANDARDS.

We will also Recover steel with this furnace.

Use additional 8 1/2" x 11" sheets as needed.

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

Signature: Kathleen M. C... ..

Date: 12/28/09

JANUARY 5, 2010 PLANNING BOARD MEETING MINUTES:

SPECIAL USE PERMIT REQUEST – 301 PEARL STREET, PARCEL NO. 04-01-101.000

The Planning Board then considered a Special Use Permit Request submitted by Cowlico Alloys & Metal, Inc., to allow a sweat furnace operation located at 301 Pearl Street, Parcel No. 04-01-101.000.

Tom Blair was in attendance to represent the applicant as legal counsel. They were hoping to locate here and be the only sweat furnace in Northern New York. They hoped to enter into a long-term lease agreement with the current owner of the property; the site is a former Black Clawson Building. They plan to have a self-contained use with no exterior storage. He explained that there are virtually no emissions from the operation and that they met all the requirements for EPA approval. They said they are working with a firm to certify the equipment with the EPA and that this business will be Empire Zone certified as well as a woman-owned entity. In the first year, they intend to create anywhere from 10 to 23 jobs. Frank Conklin was also present, and he would be the plant manager of the operation.

Mike Pascarella was also present as a consultant. Vince Rose was present and would be the Vice President of Business Development. They submitted a Special Use Permit Request for sweat furnace and junk yard; however, they stated this is already allowed and permitted in a High Industry Zone. They questioned whether the Planning Board even needed to review this request. Mrs. Freda asked Mr. Slye if this was considered an "other use" and that is why it needed a Special Use Permit. Mr. Slye responded that it is listed under Heavy Industry as needing a Special Use Permit for these two uses, smelting and a junk yard.

Mr. Valianos asked if parts were going to be left out in the yard, and Mr. Blair responded that nothing would be left in the yard as they would offload all scrap metal inside the building, which has a 70,000 sq. ft. capacity for inside storage. Mr. Wayte stated that he had concerns that the City had been working on a new vision for the river in that area, and this operation does not fit in with the City's plans. Mr. Conklin stated that there would be no dismantling out in the yard as the entire operation would be contained inside the building. He said the scrap would be put into the machine, heated to a level that would melt the aluminum out of the scrap but leave the metal. The aluminum would collect in a tub area and the two would be separated. Mrs. Freda asked who would buy the iron that is left over, and Mr. Conklin responded that any scrap yard in the area would buy it. He also stated that another byproduct is an ash that also is a sellable product to other scrap yards who would then further melt that ash down for any other small amount of aluminum remaining.

Mr. Wayte inquired about how many truck loads of scrap would be expected in the facility per week, and Mr. Conklin responded that one to two loads in and out per week would be expected. Mr. Valianos then asked if this is something that has to conform to EPA standards, and Mr. Blair responded that everything is in the manufacturing specs explaining that it conforms to EPA standards. Mrs. Freda inquired about EPA inspections, and Mr. Conklin responded that initially they have inspections and then follow up training with more inspections later. Mr. Blair said that there are no real emissions. Mrs. Freda asked if Mr. Conklin would be plant manager, and they responded yes. Mr. Fipps inquired about the types of exhaust emitted, such as any clear or black smoke. Mr. Conklin said that the emissions that are given off are held in a chamber in the machine for 1.5 seconds, which is double the standard, and this process burns off any emissions. Once the flue is opened, there is nothing let out but steam and the occasional fire because it burns so hot.

Mr. Harris stated that this whole process does not seem to fit with the long-term use of the area and inquired about changing the zoning. Mr. Wayte thought that the parcel did not abut the river, and Mr. Harris claimed that it did. Ms. Longton stated that the building is set back, but that the property does abut the river. Mr. Blair said that the building was set back from the river 600 feet. Mr. Wayte said that they were looking at low density housing for the area, and an environmentally friendly residential recreational or commercial entity, such as restaurants, was more of the neighborhood business type feel he was looking to achieve. He stated that he was torn on this issue and thought that this area had potential for other uses.

Mr. Mix said that there is a lot of discussion with the LWRP taking place right now; however, it is only in draft form and not formally adopted at this point. The current zoning does not conflict with the use that is being proposed. Mr. Slye said that the City's position on this is that it is zoned Heavy Industry, and the proposed project can be conducted as a lawful operation. He further stated that the applicant is within his right to make this application. As the Planning Board considers this project, they have the right to consider if it fits into the current district. Mr. Blair stated that an LWRP is great and that the applicant would be willing to work with the City in the future if needed. Mr. Wayte said that the building is set back far enough from the river and there could be a buffer there.

Ms. Longton asked if there is an option to buy, and Mr. Blair responded that there is an agreement in process for a future purchase, but that they were not planning to use the vacant area along the river as they really only want the building for the furnace operation.

Mr. Wood asked if they plan to add any other furnaces, and Mr. Blair responded that they may possibly add another furnace when they grow, which would add another 10 to 12 jobs.

Mr. Harris inquired what they use for flux in this process, and Mr. Conklin said that there is no need to use flux as it is a dry hearth furnace.

Mr. Wayte was concerned about this project and protecting the river area.

Mr. Mix said they tried to finalize the draft of the LWRP with the State and once that happens, they will need City Council approval and the process takes some time. Right now, this project is progressing slowly. Mr. Mix also said that it is possible that a moratorium on development could be put in place, but was not sure the Board wanted to pursue this avenue. Mr. Slye said that there is no guarantee on a zone change whether the LWRP is put into place or not. The City Council's general position is that the neighbor has the right to say if they want their zone to change. If the neighbor does not want to change their zone, then this would not happen and it could continue as Heavy Industry. Mr. Blair said that this is a family-run, locally-run company that recognizes the interest of the community.

Mrs. Freda said that as much as we would like to see mixed use, to have a business like this offering jobs in the area is something that the Planning Board should embrace and since the applicant is willing to work with the City, perhaps in the future when we begin more plans with the LWRP, something could be worked out on that property along the river.

Mr. Wayte said he is all for river development, but this building is set back and it might not be as big of an issue as expected. Ms. Longton submitted a letter from the owner of a nearby property and reported that other phone calls had come into the Planning Office from other property owners that were concerned about this business going in. Ms. Longton also inquired about a letter from the property owner of 301 Pearl Street and asked when that could be received, and Mr. Blair replied within one week.

Mr. Slye suggested that if approval were recommended, the Planning Board could subject that approval to: having a specific time period, three to four years perhaps, when they could reevaluate the project, limit operations within the building, and be updated on any EPA inspections on the site.

Mr. Harris inquired if they could restrict hours of operation, and Mr. Slye said they needed to consider if it would have a negative impact on the neighborhood. Mr. Harris said the company was proposing two 10-hour shifts. Mr. Blair said that the delivery of the large trucks would only occur during business hours. Mr. Conklin said that the noise levels of this type of operation have been tested by OSHA and it will be within the acceptable range.

Mr. Wayte asked if a copy of the inspection certificates could be sent to Code Enforcement.

Mr. Harris said that he is concerned with the amount of ambient noise. Mr. Blair stated that you would hear trucks but you would not hear any noise outside from the operation. Mr. Conklin confirmed this and said that with this type of furnace, no noise is heard outside the building.

Mrs. Freda asked if we limited it to one furnace now and if they grew their business, they would need to come back to the Planning Board. Mr. Slye said no, it is the type of use and not the number of furnaces that is in question. Mr. Harris asked about the geographic area from which the scrap metal is being supplied from, and Mr. Blair replied that it would come from Northern New York to Buffalo and down state. He also said it would come from scrap yards, mostly automotive scrap yards.

With no further discussion, Mrs. Freda moved to recommend the Special Use Permit at 301 Pearl Street, Parcel No. 04-01-101.000 contingent upon:

1. The applicant must obtain a letter from the property owner authorizing the Special Use Permit application.
2. That initial and continual inspections by the EPA is required for the sweat furnace operation and the results of those inspections shall be sent to the City of Watertown Codes Bureau. If their certification is lost from the EPA, for any reason, their Special Use Permit is then revoked.
3. That the smelting and junk yard operations and the scrap storage are to be limited to within the building only,
4. That the Special Use Permit expires after a 5 year period to allow the Planning Board and City Council to reevaluate the operation.

The motion was seconded by Mr. Valianos. All voted in favor.

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

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

1. APPLICANT/SPONSOR: <i>Kathleen M Cowles</i>	2. PROJECT NAME <i>Cowles Alloys & Metals Inc</i>
3. PROJECT LOCATION: Municipality <i>Water town</i> County <i>Jefferson</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>301 Pearl St</i> <i>The old Black Clawson Building</i>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>A sweat furnace operation to recover Aluminum & steel</i>	
7. AMOUNT OF LAND AFFECTED: Initially <u>5</u> acres Ultimately _____ 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 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 checked="" type="checkbox"/> Yes <input 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 <i>EPA & LOCH/AGENCY</i>	
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: <i>Kathleen M Cowles</i>	Date: <i>12/28/09</i>
Signature: <i>Kathleen M Cowles</i>	

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

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.
 Yes No

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.
 Yes No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

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:

C2. Aesthetic agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

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:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?
 Yes No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If yes, explain briefly

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. 5

January 13, 2010

To: The Honorable Mayor and City Council

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

Subject: Request for Site Plan Approval for the construction of a 4,095 sq. ft. Friendly's restaurant, located at 1233 Arsenal Street, Parcel Numbers: 09-19-103.002 and 09-19-106.000.

A request has been submitted by Ken Bracker, on behalf of the Kessler Family, LLC for the above subject site plan approval.

The Planning Board reviewed the request at its January 5, 2010 meeting and adopted a motion recommending that the City Council approve the site plan with the conditions listed in the resolution.

The County Planning Board reviewed the request on December 29, 2009 and adopted a motion that the project does not have any significant county-wide or inter-municipal issues and is of local concern only.

Attached are copies of the report prepared for the Planning Board and an excerpt from its Minutes. Also included in each City Council Member's agenda packet is a revised site plan that addresses all, except five of the Planning Board's conditions.

The City Council must respond to the questions in Part 2, and Part 3 if necessary of the SEQRA before it may vote on the resolution. The resolution prepared for City Council Consideration states that the project will not have a significant negative impact on the environment and approves the revised site plan submitted to the City Engineering Department on January 13, 2010 with five remaining conditions.

RESOLUTION

Page 1 of 2

Approving the Site Plan for the Construction of a 4,095 sq. ft. Friendly's restaurant located at 1233 Arsenal Street, Parcel Numbers: 09-19-103.002 and 09-19-106.000.

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 Ken Bracker, on behalf of the Kessler Family, LLC, has made an application for site plan approval for the construction of a 4,095 sq. ft. Friendly's restaurant located at 1233 Arsenal Street, Parcel Numbers 09-19-103.002 and 09-19-106.000, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on January 5, 2010, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. Consideration should be given to adding trees and/or landscaping in the grass area located to the south and east of the dumpster enclosure.
2. The applicant should diversify their tree species selection by including several different species of large deciduous trees instead of one small maturing species.
3. Specify SDR-35 for the proposed sanitary lateral in lieu of SDR-21, or provide in writing, specific reasoning for exception.
4. Add a backflow preventer to the sanitary lateral. The Engineering Department can provide a detail if requested.
5. Adjust spot grade elevations to reduce the slope of the handicap parking spaces to a maximum of 2.00% (1/4" per foot) for ADA compliance.
6. Adjust spot grade elevations to reduce the slope of the handicap ramp (leading to main entrance) to a maximum of 8.33% (1" per foot) for ADA compliance.
7. Dumpster fence enclosure cannot exceed 6' height.
8. Provide a stamped and signed original Boundary and Topographic Survey map.
9. Provide a copy of all correspondence and submittals with NYS DOT for work in the right-of-way.
10. Maintain the eastern portion of 120 Haney Street.
11. Prior to obtaining a building permit, the owner should close with the City and combine the lots into one parcel.

And,

RESOLUTION

Page 2 of 2

Approving the Site Plan for the Construction of a 4,095 sq. ft. Friendly's restaurant located at 1233 Arsenal Street, Parcel Numbers: 09-19-103.002 and 09-19-106.000.

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 applicant submitted a revised site plan to the City Engineering Department on January 13, 2010 that meets most of the conditions recommended by the Planning Board except the following:

1. Dumpster fence enclosure cannot exceed 6' height.
2. Provide a stamped and signed original Boundary and Topographic Survey map.
3. Provide a copy of all correspondence and submittals with NYS DOT for work in the right-of-way.
4. Maintain the eastern portion of 120 Haney Street.
5. Prior to obtaining a building permit, the owner should close with the City and combine the lots into one parcel.

And,

WHEREAS the County Planning Board reviewed the request on December 29, 2009 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 the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2 and has determined that the project is an Unlisted Action and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Ken Bracker, on behalf of the Kessler Family, LLC, for the construction of a 4,095 sq. ft. Friendly's restaurant located at 1233 Arsenal Street, Parcel Numbers 09-19-103.002 and 09-19-106.000, as shown on the revised site plan submitted to the City Engineer on January 13, 2010 with on the remaining conditions listed above.

Seconded by



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: Site Plan Approval – 1233 Arsenal Street

DATE: December 30, 2009

Request: Site Plan Approval for the construction of a 4,095 square foot Friendly's Restaurant at 1233 Arsenal Street, Parcel Number 9-19-103.002 and 9-19-106.

Applicant: Kessler Family, LLC.

Proposed Use: Restaurant

Property Owner: Kessler Family, LLC and City of Watertown

Submitted:

Property Survey: Yes	Preliminary Architectural Drawings: Yes
Site Plan: Yes	Preliminary Site Engineering Plans: Yes
Vehicle and Pedestrian Circulation Plan: No	Construction Time Schedule: No
Landscaping and Grading Plan: Yes	Description of Uses, Hours & Traffic Volume: Yes

SEQRA: Unlisted Action County Planning Board Review Required: Yes

Zoning Information:

District: Commercial	Maximum Lot Coverage: None
Setback Requirements: None	Buffer Zone Required: No, except when abutting residential properties.

Project Overview: The applicant is intending to demolish the existing Friendly's restaurant and build a newer and larger one in the same area. They also intend to add additional parking onto the newly acquired parcel in the rear portion of the property.

Parking: The applicant shows a total of 56 parking spaces for this property. Three of which are handicapped parking spaces. The zoning ordinance states that for a commercial use the property must have 5 spaces for every 1000 square feet of floor space, excluding storage areas. This building is 4,095 square feet and requires a minimum of 21 spaces, therefore the applicant is well with in the zoning ordinance regulations for parking spaces.

Grading, Drainage and Utilities: The applicant should specify SDR-35 for the proposed sanitary lateral in lieu of SDR-21, or provide in writing, specific reasoning for exception. The applicant should also add a backflow preventer to the sanitary lateral. The Engineering Department can provide a detail if requested.

The applicant should adjust the spot grade elevations to reduce the slope of the Handicap Parking spaces to a maximum of 2.00% (1/4" per foot) for ADA Compliance as well as adjust the spot grade elevations to reduce the slope of the Handicap Ramp (leading to main entrance) to a maximum of 8.33% (1" per foot) for ADA Compliance.

Attached to this memo is a memo from the Water Department with their comments on this site plan.

Lighting: The lighting levels around the property are within the 0.5 cf restrictions and do not exceed this amount over any of the property lines.

Landscaping: The Planning Board's Landscaping and Buffer Zone Guidelines recommends that when an existing site is undergoing any external alteration or expansion that the site be gradually brought into compliance with the minimum standards of the guidelines. It states that the applicant should make every effort to include new landscaping and buffering as a part of any alteration or expansion. While the construction at this location includes an entirely new building, the parking lot will remain largely intact. Therefore, we have reviewed the landscaped plan for this site as an expansion and not an entirely new site plan. The applicant has made a good effort to meet the minimum standards of the guidelines for the site.

The proposed landscaping plan shows a 15' wide buffer along the Arsenal Street right-of-way that includes three small street trees as well as many smaller shrubs, perennials and annuals which meets the right-of-way landscape setback recommendation in the Guidelines for size and composition.

Interior parking lot trees and landscaping are also recommended in the Guidelines at a minimum average density of one (1) shade tree for each fifteen (15) parking spaces, or any fraction thereof meaning that 4 trees would be required. The applicant has eliminated a parking space along the west side of the parking lot to create a new landscaped island and has added a new island in between the existing lot and the new parking area at the rear of the site.

The guidelines also recommend an 8' wide landscaped strip around the perimeter of the parking lot. Since a majority of the parking lot on the west and south sides will remain unchanged, meeting this requirement on those sides of the lot is not practical. However, there is room on the east side of the parking lot to the south of the dumpster enclosure for additional trees or landscaping.

Under the General Provisions of the Guidelines there is a paragraph which recommends that no one species of tree take up more than 15% of the total amount of landscape plantings. We would recommend that the applicant diversify their tree species selection and try to include several different species of large deciduous trees instead of one small maturing species. Diversifying the plantings will help protect against various tree diseases and will overall promote a better urban forest city wide.

The plan also includes foundation plantings along the east and west sides of the building. New fencing is also proposed along a portion of the eastern property line and on the north and south sides of the new parking area.

Other Comments: The applicant should also note that the dumpster fence enclosure cannot exceed 6' height. A stamped and signed original Boundary and Topographic Survey map must be provided to the City's Engineering department. Also a copy of all correspondence and submittals with NYS DOT for work in the Right-of-Way should be submitted to the City's Engineering Department.

Final approval for this application will be given by the City Council after a recommendation from the Planning Board. Any proposed signage for the project will not be approved as part of the site plan submission. Any proposed signage will be handled as a separate matter through the Bureau of Code Enforcement.

Summary: The following lists several key issues that should be addressed:

1. Consideration should be given to adding trees and/or landscaping in the grass area located to the south and east of the dumpster enclosure.
2. The applicant should diversify their tree species selection by including several different species of large deciduous trees instead of one small maturing species.
3. Specify SDR-35 for the proposed sanitary lateral in lieu of SDR-21, or provide in writing, specific reasoning for exception.
4. Add a backflow preventer to the sanitary lateral. The Engineering Department can provide a detail if requested.
5. Adjust spot grade elevations to reduce the slope of the Handicap Parking spaces to a maximum of 2.00% (1/4" per foot) for ADA Compliance.
6. Adjust spot grade elevations to reduce the slope of the Handicap Ramp (leading to main entrance) to a maximum of 8.33% (1" per foot) for ADA Compliance.
7. Dumpster Fence enclosure cannot exceed 6' height.
8. Provide a stamped and signed original Boundary and Topographic Survey map.
9. Provide a copy of all correspondence and submittals with NYS DOT for work in the Right-of-Way.

cc: Planning Board Members
City Council Members
Robert J. Slye, City Attorney
Justin Wood, Civil Engineer II
Kessler Family, LLC 410 White Spruce BLVD., Rochester, NY 14623
Ken Bracker, 311 Alexander St., Suite 304, Rochester, NY 14604

Ken Bracker
Architect

311 Alexander St., Suite 310
Rochester, NY 14607
Tel 585.325.6110 Fax 585.325-6110
Email kenbracker@aol.com

December 14, 2009

Kurt W. Hauk, P.E.
City Engineer
Room 305, City Hall
245 Washington Street
Watertown, NY 13601

Re: Friendly's Restaurant
1233 Arsenal Street
Watertown, NY

Dear Mr. Hauk

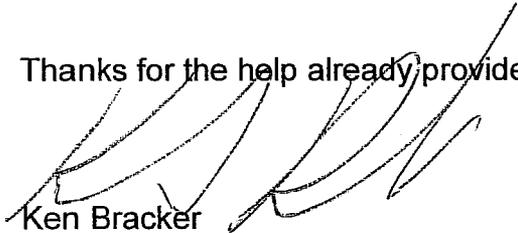
On behalf of my client, Kessler Family, LLC, we are hereby submitting to the Planning Board to construct a new Friendly's Restaurant at the above noted location. As part of the project scope of work we shall demolish the existing Friendly's Restaurant, modify the existing parking lot slightly and add additional parking on a parcel that the Kessler's have an option on to buy. That parcel is presently owned by the City of Watertown.

Please find enclosed the following

- A check in the amount of \$50, payable to the City of Watertown
- (3) full size and (14) 11" x17" copies of the Site Drawings
- (3) full size and 914) 11" x 17" Survey Drawings
- (3) full size and (14) 11" x17", of the Building Elevations, Floor Plan, Roof Plan and Material Finish Schedule
- (14) completed copies of the CITY OF WATERTOWN SITE PLAN AND SHORT ENVIRONMENTAL ASSESSMENT FORM, PART 1
- (14) completed copies of the SEQR, Short Environmental Assessment Form-Part 1
- (14) Engineering reports
- (3) copies of the design calculations for grease separator

Previously we have submitted to the City of Watertown Engineering Department pre and post storm water design calculations

Thanks for the help already provided.



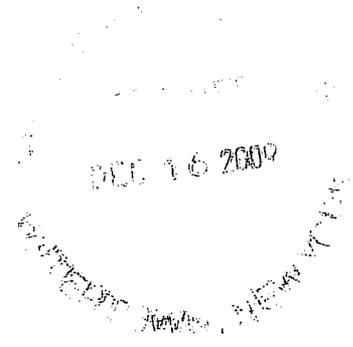
Ken Bracker
Architect

CC: Dave VanBlarcom, Friendly's



7 8 6 9

CITY OF WATERTOWN
SITE PLAN APPLICATION
AND
SHORT ENVIRONMENTAL
ASSESSMENT FORM, PART 1



** Provide responses for all sections. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED. Failure to submit required information by the submittal deadline will result in not making the agenda for the upcoming Planning Board meeting.

PROPERTY LOCATION

Proposed Project Name: FRIENDLY'S RESTAURANT
Tax Parcel Number: # 9-19-103.002
Property Address: 1233 ARSENAL STREET
Existing Zoning Classification: C - COMMERCIAL

OWNER OF PROPERTY

Name: KESSLER FAMILY LLC
Address: 410 WHITE SPURGE BLYD.
ROCHESTER, NY 14623
Telephone Number: 585-424-5277
Fax Number: 585-424-2485

APPLICANT

Name: KESSLER FAMILY, LLC CONTACT DAVE VANBLAR.COM TEL # 585-739-5709
Address: 410 WHITE SPURGE BLVD
ROCHESTER, NY 14623
Telephone Number: 585-424-5277
Fax Number: 585-424-2485
Email Address: DVANBLAR.COM & KESSLERRESTAURANTS

ENGINEER/ARCHITECT/SURVEYOR

Name: KEN BRACKER
Address: 311 ALEXANDER ST. SUITE 310
ROCHESTER, NY 14604
Telephone Number: 585-269-1955
Fax Number: 585-325-6113
Email Address: KENBRACKER @ AOL.COM

TAX I.D. # 9-16-106

PROJECT DESCRIPTION

Describe project and proposed use briefly:

KESSLER FAMILY HAS AN OPTION TO BUY .605 ACRES OF LAND OWNED BY THE CITY, WITH THE PURCHASE OF THIS ADDITIONAL LAND THEY WOULD DEMOLISH THE EXISTING BUILDING ON THE SITE. BUILD A BIGGER NEW RESTAURANT & ADD PARKING ON THE LOT PREVIOUSLY OWNED BY THE CITY

Is proposed Action:

- [X] New ? [] Expansion [] Modification/Alteration

Amount of Land Affected:

Initially: 28,000 S.F. Acres OR .64 ACRES Ultimately: 28,000 S.F. Acres OR .64 ACRES

Will proposed action comply with existing zoning or other existing land use restrictions?

- [X] Yes [] No If no, describe briefly

NO

What is present land use in vicinity of project?

- [X] Residential [] Industrial [X] Commercial [] Agriculture [X] Park/Forest/Open Space [] Other

Describe: VACANT EMPTY LAND OWNED BY THE CITY OF WATERTOWN

Does project involve a permit approval, or funding, now or ultimately from any other Governmental Agency (Federal, State or Local)?

- [X] Yes [] No If yes, list agency(s) and permit/approval(s)

NEW YORK STATE DEPARTMENT OF TRANSPORTATION, PLANNING BOARD CITY OF WATERTOWN

Does any aspect of the project have a currently valid permit or approval?

- [] Yes [X] No If yes, list agency(s) and permit/approval(s)

CITY COUNCIL, JEFFERSON COUNTY PLANNING BOARD

As a result of proposed project, will existing permit/approval require modification?

Yes No

Proposed number of housing units (if applicable): NA

Proposed building area: 1st Floor 4095 Sq. Ft.

2nd Floor _____ Sq. Ft.

3rd Floor _____ Sq. Ft.

Total _____ Sq. Ft.

Area of building to be used for the boiler room, heat facilities, utility facilities and storage: 100 Sq. Ft.

Number of parking spaces proposed: 56 SPACES

Construction Schedule: START LATE WINTER 2010,
COMPLETED BY EARLY SPRING 2010

Hours of Operation: 7:00 AM TO MIDNIGHT, 7 DAYS A
WEEK

Volume of traffic to be generated: _____ ADT

ESTIMATED CURRENT TRAFFIC IS 195
CARS / DAY

ESTIMATED TRAFFIC AFTER PROJECT IS
COMPLETED WOULD BE 233 CARS / DAY

REQUIRED DRAWINGS:

** The following drawings with the listed information ARE REQUIRED, NOT OPTIONAL. If the required information is not included and/or addressed, the Site Plan Application will **not** be processed.

BOUNDARY & TOPOGRAPHIC SURVEY

(Depict existing features as of the date of the Site Plan Application. This Survey and Map must be performed and created by a Professional Land Surveyor licensed and currently registered to practice in the State of New York. This Survey and Map must be stamped and signed with an original seal and signature on at least one copy, the rest may be copies thereof.

All elevations are National Geodetic Vertical Datum of 1929 (NGVD29).

1' contours are shown & labeled with appropriate spot elevations.

All existing features on and within 50 feet of the subject property are shown and labeled.

All existing utilities on and within 50 feet of the subject property are shown and labeled.

All existing easements and/or right-of-ways are shown and labeled.

Existing property lines (bearings & distances), margins, acreage, zoning, existing land use, reputed owner, adjacent reputed owners & tax parcel numbers are shown and labeled.

The north arrow & graphic scale are shown.

DEMOLITION PLAN (If Applicable)

All existing features on and within 50 feet of the subject property are shown and labeled.

All items to be removed are labeled in darker text.

SITE PLAN

All proposed above ground features are depicted and clearly labeled.

All proposed features are clearly labeled "proposed".

All proposed easements & right-of-ways are shown and labeled.

Land use, zoning, & tax parcel number are shown.

NO NEW EASEMENTS ARE PROPOSED

The Plan is adequately dimensioned including radii.

The line work & text for all proposed features is shown darker than existing features.

All vehicular & pedestrian traffic circulation is shown including a delivery or refuse vehicle entering and exiting the property.

Proposed parking & loading spaces including ADA accessible spaces are shown and labeled.

Refuse Enclosure Area (Dumpster), if applicable, is shown. Section 161-19.1 of the Zoning Ordinance states, "No refuse vehicle or refuse container shall be parked or placed within 15 feet of a party line without the written consent of the adjoining owner, if the owner occupies any part of the adjoining property".

The north arrow & graphic scale are shown.

GRADING PLAN

All proposed below ground features including elevations & inverts are shown and labeled.

All proposed above ground features are shown and labeled.

The line work & text for all proposed features is shown darker than existing features.

All proposed easements & right-of-ways are shown and labeled.

1' existing contours are shown dashed & labeled with appropriate spot elevations.

1' proposed contours are shown & labeled with appropriate spot elevations.

All elevations are National Geodetic Vertical Datum of 1929 (NGVD29).

Sediment & Erosion control are shown & labeled on the grading plan unless separate drawings have been provided as part of a Stormwater Pollution Prevention Plan (SWPPP).

UTILITY PLAN

All proposed above & below ground features are shown and labeled.

All existing above & below ground utilities including sanitary, storm water, water, electric, gas, telephone, cable, fiber optic, etc. are shown and labeled.

- All proposed easements & right-of-ways are shown and labeled.
- The Plan is adequately dimensioned including radii.
- The line work & text for all proposed features is shown darker than existing features.
- The following note has been added to the drawings stating, "All water main and service work must be coordinated with the City of Watertown Water Department. The Water Department requirements supercede all other plans and specifications provided."

LANDSCAPING PLAN

- All proposed above ground features are shown and labeled.
- All proposed trees, shrubs, and other plantings are shown and labeled.
- All proposed landscaping & text are shown darker than existing features.
- All proposed landscaping is clearly depicted, labeled and keyed to a plant schedule that includes the scientific name, common name, size, quantity, etc.
- For additional landscaping requirements where nonresidential districts and land uses abut land in any residential district, please refer to Section 310-59, Landscaping of the City's Zoning Ordinance.
- Site Plan complies with and meets acceptable guidelines set forth in Appendix A - Landscaping and Buffer Zone Guidelines (August 7, 2007).

PHOTOMETRIC PLAN (If Applicable)

- All proposed above ground features are shown.
- Photometric spot elevations or labeled photometric contours of the property are clearly depicted. Light spillage across all property lines shall not exceed 0.5 foot-candles.

CONSTRUCTION DETAILS & NOTES

- All details and notes necessary to adequately complete the project including, but not limited to, landscaping, curbing, catch basins, manholes, water line, pavement, sidewalks, trench, lighting, trash enclosure, etc. are provided.
- Maintenance & protection and traffic plans & notes for all required work within City streets including driveways, water laterals, sanitary laterals, storm connections, etc. are provided.

- The following note must be added to the drawings stating:
"All work to be performed within the City of Watertown margin will require sign-off from a Professional Engineer, licensed and currently registered to practice in the State of New York, that the work was built according to the approved site plan and applicable City of Watertown standards. Compaction testing will be required for all work to be performed within the City of Watertown margin and must be submitted to the City of Watertown Codes Department."

PRELIMINARY ARCHITECTURAL PLANS (If Applicable)

- Floor plan drawings, including finished floor elevations, for all buildings to be constructed are provided.
- Exterior elevations including exterior materials and colors for all buildings to be constructed are provided.
- Roof outline depicting shape, slope and direction is provided.

ENGINEERING REPORT

**** The engineering report at a minimum includes the following:**

- Project location
- Project description
- Existing & proposed sanitary sewer flows & summary
- Water flows & pressure
- Storm Water Pre & Post Construction calculations & summary
- Traffic impacts
- Lighting summary
- Landscaping summary

GENERAL INFORMATION

ALL ITEMS ARE STAMPED & SIGNED WITH AN ORIGINAL SIGNATURE BY A PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR SURVEYOR LICENSED AND CURRENTLY REGISTERED TO PRACTICE IN THE STATE OF NEW YORK.

If required, a copy of the Stormwater Pollution Prevention Plan (SWPPP) submitted to the NYSDEC will also be sent to the City of Watertown Engineering Department.

^{NA} If required, a copy of all submittals sent to the New York State Department of Environmental Conservation (NYSDEC) for the sanitary sewer extension permit will also be sent to the City of Watertown Engineering Department

If required, a copy of all submittals sent to the New York State Department of Health (NYSDOH) will also be sent to the City of Watertown Engineering Department.

Signage will not be approved as part of this submission. It requires a sign permit from the Codes Department. See Section 310-52.2 of the Zoning Ordinance.

Plans have been collated and properly folded.

Explanation for any item not checked in the Site Plan Checklist.

Completed SEQR – Short Environmental Assessment Form – Part I.
*A copy of the SEQR Form can be obtained from the City of Watertown website.

SIGNATURE

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

Applicant (please print) KEVIN BRACKEN

Applicant Signature [Signature] Date: 12/14/2009

**FRIENDLY'S RESTAURANT
ENGINEERING REPORT
BUILDING RECONSTRUCTION
1233 ARSENAL STREET
WATERTOWN, NY
DECEMBER 14, 2009**



PROJECT DESCRIPTION

THE EXISTING FRIENDLY'S RESTAURANT WAS BUILT IN THE EARLY 1960'S AND DOES NOT HAVE THE SEATING OR DESIGN LAYOUT THAT IS REQUIRED TO PROVIDE QUALITY RESTAURANT SERVICE. THE TOILET ROOMS ARE NOT HANDICAP ACCESSIBLE. THE BUILDING DOES NOT HAVE A SPRINKLER SYSTEM. THERE IS NOT ENOUGH KITCHEN AREA TO SUPPORT THE NEW FOOD PRODUCTS THAT FRIENDLY'S IS ADDING TO THE MENU.

FRIENDLY'S IS A NATIONAL RESTAURANT CHAIN THAT SPECIALIZES IN SERVING FAMILY MEALS AND ICE CREAM. THE KESSLER FAMILY LLC IS A FRIENDLY'S FRANCHISE OPERATOR WITH CLOSE TO 50 FRIENDLY'S RESTAURANT LOCATIONS. THE KESSLER FAMILY LLC HAS OBTAINED AN OPTION TO PURCHASE APPROXIMATE .6 ACRES OF LAND ADJOINING THE EXISTING FRIENDLY'S PARCEL. THIS ADDITIONAL LAND WILL ALLOW A NEW LARGER FRIENDLY'S TO BE BUILT AND HAVE ENOUGH SUPPORTING PARKING

PROJECT LOCATION

A FRIENDLY'S RESTAURANT HAS BEEN LOCATED AT 1233 FOR OVER 40 YEARS. ARSENAL STREET IS A MAJOR COMMERCIAL STREET IN WATERTOWN. IT IS THE GOAL OF THIS PROJECT TO PROVIDE AN ATTRACTIVE FUNCTIONAL FRIENDLY'S RESTAURANT TO SERVE THE WATERTOWN COMMUNITY. THE FRIENDLY'S RESTAURANT WILL BE REBUILT AT APPROXIMATELY THE SAME LOCATION AS BEFORE. THE SITE DESIGN OPTIONS ARE RESTRICTED DUE TO A STORM SEWER EASEMENT TO THE NYSDOT

WATER SUPPLY

THE RESTAURANT IS PRESENTLY SUPPLIED BY A 1 ½' COPPER SERVICE. THIS SERVICE WILL BE ABANDONED AND NEW 6" COMBINATION WATER SERVICE WILL BE PROVIDED. THIS NEW LARGER WATER SERVICE WILL ALLOW THE INSTALLATION OF A FIRE PROTECTION SYSTEM (BY BUILDING CODE FOR RESTAURANTS OF THIS SIZE REQUIRE FIRE PROTECTION SYSTEM). THE DOMESTIC SIDE OF THE SERVICE WILL BE PROTECTED BY AN RPZ. ALL THE PLUMBING FIXTURES WILL BE LOW FLOW TYPE.

SANITARY SEWER SYSTEM

THE RESTAURANT PRESENTLY HAS A SANITARY LATERAL CONNECTING TO THE EXISTING CITY OF WATERTOWN SANITARY SEWER WITHIN THE SOUTHERLY HIGHWAY CURB LANE OF ARSENAL STREET. THIS EXISTING CONNECTION WILL CONTINUE TO BE USED WITHIN THE ROAD RIGHT-OF-WAY. THE LATERAL WILL BE REPLACED ON SITE OUTSIDE THE RIGHT-OF-WAY TO CONNECT TO THE NEW DISCHARGE SANITARY LINE FROM THE KITCHEN THROUGH A NEW GREASE TRAP AND TO A NEW DOMESTIC SANITARY WASTE LINE FOR THE FACILITY.

STORM SEWER SYSTEM

THE PRESENT SITE IS BISECTED BY A MAJOR (60 INCH DIAMETER) NYSDOT STORM LINE AND THE ASSOCIATED ACCESS/MAINTENANCE EASEMENT. THE SITE PRESENTLY DISCHARGES STORM FLOW FROM THE PARKING LOT AND BUILDING INTO CATCH BASINS ON/OVER THIS

NYSDOT STORM LINE. THE NEW PARKING WILL DRAIN INTO A NEW CATCH BASIN WITH A 22" X 13" CMPA PIPE. PRIOR TO CONNECTION TO THE EXISTING STORM SEWER SYSTEM THERE WILL BE A RESTRICTOR PLATE WITH A 6" ORIFICE. BY INCORPORATING THESE FEATURES INTO OUR DESIGN, THERE WILL BE NOT CHANGE IN THE PRE AND POST CONSTRUCTION WATER RUNOFF FLOW.

TRAFFIC IMPACT

WE HAVE BEEN ADVISED BY FRIENDLY'S CORPORATION THE NUMBER OF ADDITIONAL VEHICULAR TRIPS PER DAY WITH THIS NEW RESTAURANT DESIGN WILL BE APPROXIMATELY 38.

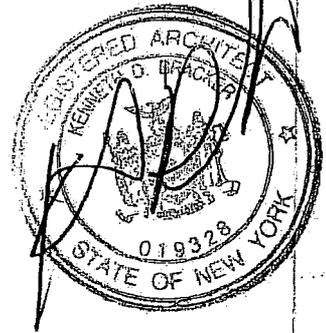
SITE LIGHTING SUMMARY

THE EXISTING SITE LIGHTING IS BEING REMOVED AND NEW IS PROPOSED. THE PROPOSED LIGHT POLES ARE 25' TALL AND ARE A SHOEBOX DESIGN. SHIELDS ARE PROVIDED ON THE LIGHT POLES TO MINIMIZE THE LIGHTING LEVEL AT THE PROPERTY LINES

LANDSCAPING SUMMARY

A 15' WIDE LANDSCAPED WIDE BUFFER IS PROPOSED ALONG THE R.O.W. LANDSCAPED ISLANDS HAVE BEEN PROVIDED. THE NEW SITE DESIGN IS IN ACCORDANCE WITH THE CITY DESIGN GUIDELINES. IN ADDITION WE HAVE ADDED FENCING TO HIDE THE NEW PARKING AREA, PLUS ADDED GREEN SPACE ON THE EXISTING PARCEL

FRIENDLY'S
 WATERTOWN, NY
 SEPARATOR
GREASE TRAP



DRAINAGE ITEM	FIXTURE QTY	FIXTURE UNITS	TOTAL
3 COMP SINK	1	4	4
2 COMP SINK	1	2	2
DISHWASHER	1	4	4
HUB DRAINS & ICE CREAM	2	3	6
SINK GENERAL NO FOOD (HAND WASH)	4	2 2	8
MOP BASIN	1	3	3
DRAINS & SODA & ICE MACHINE	2	2	4
FLOOR DRAINS	5	2	10



TOTAL DRAINAGE FIXTURE UNITS = 31

F (FLOW RATE MAX/MIN.) = $(.7 \times DFU)$

1 of 5

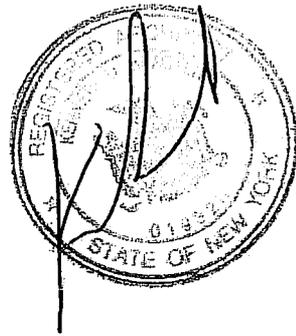
FLOW

= $.7 \times 31$
 = 21.7 GPM

$$\begin{aligned} V(\text{MIN}) &= F \times 30 \times 1.25 \\ &= 21.7 \times 30 \times 1.25 \\ &= 21.7 \times 37.5 \end{aligned}$$

$$V_{MIN} = 813.75$$

1000 GAL GREASE
SEPARATOR IS ACCEPTABLE



2 of 5

New Construction Interceptor Sizing Criteria

$$V(\text{min}) = F \times R \times S$$

Where:

V(min)= Minimum Grease Interceptor Operating Volume, gallons
F = Flow Rate (maximum), gallons per minute
R = Retention Time = 30 minutes
S = Storage Factor = 25 percent

Thus:
$$\underline{V(\text{min}) = F \times 30 \times 1.25}$$

FLOW RATE (F):

The flow rate shall be determined based on the total flow rate from all equipment and plumbing fixtures connected to the grease interceptor using one of the following equations:

1. Drainage Fixture Units (DFU) less than or equal to 40:

$$F = (0.7 \times \text{DFU})$$

2. Drainage Fixture Units greater than 40:

$$F = (0.2 \times \text{DFU}) + 20$$

Where: DFU = Drainage Fixture Units, defined by the Uniform Plumbing Code, 1997 Edition, Tables 7-3: Drainage Fixture Unit Values (Public: General Use), Section 702.0 Fixture Unit Equivalents - Maximum Trap Loading or Table 7-4: Discharge capacity in gallons per minute for intermittent flow only, as amended by the Department of Environmental Services

RETENTION TIME:

The minimum retention time of **30 minutes** is based on Wastewater Engineering, Treatment, Disposal and Reuse, Third Edition, Metcalf and Eddy, Inc., McGraw-Hill, Inc., page 1028.

STORAGE FACTOR:

A minimum of **25%** storage is required for floatable fats, oil and grease and settled solids is required for grease interceptors.

NOTE: PROVIDING ADDITIONAL INTERCEPTOR CAPACITY CAN REDUCE A GREASE INTERCEPTORS MAINTENANCE FREQUENCY THEREBY REDUCING THE LONG TERM MAINTENANCE COSTS. HOWEVER, SOLIDS ACCUMULATION AND LOW FLOWS IN A GREASE INTERCEPTOR CAN, OVER AN EXTENDED PERIOD OF TIME, PRODUCE A CORROSIVE ENVIRONMENT WHICH CAN DAMAGE THE STRUCTURAL INTEGRITY OF THE INTERCEPTOR.

3 of 5

Fixture Unit Values

Kind of fixture	Trap and Trap arm Size	Fixture Units
3 compartment sink	1-1/2", 2"	3,4
2 compartment sink	1"	2
Dishwasher	2"	4
Garbage Grinder	2"	3
Wok Stove	2"	4
Mop Sink	3"	3
Service Sink (Utility, Janitorial)	2-3"	3
Sink, General w/food waste	1 1/2"	3

4 of 5

UNIFORM PLUMBING CODE TABLE 7-3

DRAINAGE FIXTURES UNIT VALUES (DFU)

Individual Fixtures

* IF NOT IDENTIFIED BELOW, USE 702.0 (MAXIMUM TRAP LOADING) OR TABLE 7-4 (SEE NEXT PAGE)

	<u>Min. Size Trap and Trap Arm⁷</u>	<u>Public General Use</u>
Bar Sink	1-1/2"	
Bar Sink	1-1/2" ²	2.0
Bath tub or Combination Bath/Shower.....	1-1/2"	
Bidet, 1-1/4" trap.....	1-1/4"	
Clinical Sink, 3" trap.....	3"	6.0
Clothes Washer, domestic, 2" standpipe⁵	2"	3.0
Dental Unit, Cuspidor.....	1-1/4"	1.0
Dishwasher, domestic, with independent drain	1-1/2"	2.0
Drinking Fountain or Watercooler	1-1/4"	0.5
Food-waste-grinder, commercial	2"	3.0
Floor Drain, emergency		0.0
Kitchen Sink, domestic, with one 1-1/2" trap.....	1-1/2" ²	2.0
Kitchen Sink, domestic, with food-waste-grinder.....	1-1/2" ²	2.0
Kitchen Sink, domestic, with dishwasher.....	1-1/2" ²	3.0
Kitchen Sink, domestic, w/grinder and dishwasher.....	1-1/2" ²	3.0
Laundry Sink, one or two compartments.....	1-1/2"	2.0
Laundry Sink, with discharge from clothes washer	1-1/2"	2.0
Lavatory, single	1-1/4"	1.0
Lavatory in sets of two or three } Handwash Sink.	1-1/2"	2.0
Mobile Home, trap.....	3"	
Mop Basin, 3" trap	3"	3.0
Receptor, indirect waste, 1-1/2" trap^{1,3}	1-1/2"	()
Receptor, indirect waste, 2" trap^{1,4}	2"	()
Receptor, indirect waste, 3" trap¹	3"	()
Service Sink, 2" trap	2"	3.0
Service Sink, 3" trap } i.e. Utility, Janitorial.	3"	3.0
Shower Stall, 2" trap.....	2"	2.0
Showers, group, per head (continuous use).....	2"	5.0
Sink, commercial, 1-1/2" trap, with food waste	1-1/2" ²	3.0
Sink, service, flushing rim.....	3"	6.0
Sink, general, 1-1/2" trap	1-1/2"	2.0
Sink, general, 2" trap	2"	3.0
Sink, general, 3" trap	3"	5.0
Urinal, 1.0 GPF.....		2.0
Urinal, greater than 1.0 GPF.....		3.0
Urinal, 1-1/2" trap.....	1-1/2" ²	2.0
Wash fountain, 1-1/2" trap.....	1-1/2"	2.0
Wash fountain, 2" trap.....	2"	3.0
Wash Sink, each set of faucets.....		2.0
Water Closet, 1.6 GPF Gravity Tank ⁶	3"	4.0
Water Closet, 1.6 GPF Flushometer Tank ⁶	3"	5.0
Water Closet, 1.6 GPF Flushometer Valve ⁶	3"	4.0
Water Closet, 3.5 GPF Gravity Tank ⁶	3"	6.0
Water Closet, 3.5 GPF Flushometer Valve ⁶	3"	6.0
Whirlpool Bath or Combination Bath/Shower.....	2"	

¹ Indirect waste receptors shall be sized based on the total drainage capacity of the fixtures that drain therein to, in accordance with Section 702.0 (Maximum Trap Loading) or Table 7-4 (see next page).

² Provide a 2" (51 mm) minimum branch drain beyond the trap arm.

³ For refrigerators, coffee urns, water stations and similar low demands.

⁴ For commercial sinks, dishwashers and similar moderate or heavy demands.

⁵ Buildings having a clothes washing area with clothes washers in a battery of three (3) or more clothes washers shall be rated at six (6) fixture units each for purposes of sizing common horizontal and vertical drainage piping.

⁶ Water closets shall be computed as six (6) fixture units when determining septic tank sizes based on Appendix K of this code.

⁷ Trap sizes shall not be increased to the point where the fixture discharge may be inadequate to maintain their self-scouring properties.

5 of 5

JANUARY 5, 2010 PLANNING BOARD MEETING MINUTES:

SITE PLAN APPROVAL – 1233 ARSENAL STREET, PARCEL NOS. 09-19-103.002 AND 09-19-106.000

The Planning Board considered a request for Site Plan Approval submitted by Ken Bracker on behalf of the Kessler Family, LLC, for the construction of a 4,095 sq. ft. Friendly's Restaurant located at 1233 Arsenal Street, Parcel Nos. 09-19-103.002 and 09-19-106.000.

Ken Bracker was present to explain the site plan. Dave VanBlarcom from Kessler Family LLC was also in attendance. Mr. Bracker took the Board through the site plan briefly and explained that they have an option to buy the parcel in the rear portion of the lot from the City of Watertown. He said that they will locate the new restaurant in a similar footprint as the existing building as they are restricted by DOT easements on the property and also by storm and sewer connections to the City. The proposed 4,095 sq. ft. restaurant will be more conducive for the number of patrons expected at the restaurant, and they need an expansion in order to update this location in accordance with other Friendly's Restaurants across the country. The current location has too small of a kitchen, no handicap restrooms, and not enough seating. They plan to make the new restaurant have a family feel. They plan to tie into the water main for fire protection service and tie into the existing sanitary sewer and existing state storm sewer connection. The additional parcel in the rear will allow for additional parking to meet the demands of patrons. According to their research, this will give them just enough parking and brings them in line with other Friendly's Restaurants around the country.

Mr. Bracker noted that all the comments from the memo had been addressed (Nos. 1 through 9). He said the storm sewer pipe change was okay, the backflow was okay, landscaping was okay, and he had added more trees, as well as diversified the species. He said that they had adjusted grades and changed the height of the dumpster enclosure. They brought a signed and stamped survey, and they submitted plans to the DOT; they were awaiting their comments. Correspondence has also been delivered to the City Engineering Department.

Mr. Wayte inquired about plantings along the front of the Haney Street property and whether they planned to keep the front portion of that property maintained. He also inquired if they had plans to construct an access to Haney Street. Mr. Bracker responded that they did not plan to use the rest of that property at this time because the topography and the existing drainage ditch would be an impediment to doing so. Mr. VanBlarcom stated that they were agreeable to putting plantings in that area along the neighboring property on Haney Street, and planned to keep that maintained.

Mrs. Freda asked about the condition of the parcel on Haney Street at this time, and Mr. Wayte responded that it is grassy in the front for the first 50 feet plus. Mr. Valianos said that there has been no maintenance that he has seen in this area and that he felt they did not need to add any plantings in that area as it is not currently kept up by the City, and he would not expect the new property owners to keep it maintained. He felt that they do not need to change anything on their plans for that area. Mr. Wayte said he was just relaying the message from the City Council meeting where the neighbor had inquired about the property being kept up.

Mrs. Freda inquired whether or not they would be submitting their revised plans today, and Mr. Bracker responded that yes, and he continued to describe some changes to the plans. He also explained their schedule, indicating that they plan to start as soon as possible and expected to complete the project from demolition to finish in three months. Mr. Bracker stated that the owners are hoping to capture the summer season for business. Mrs. Gervera asked about the number of light poles in the rear of the lot, and Mr. Bracker responded that there is one, as can be seen by the photometric plan, which was done by a light consultant for them.

Mr. Valianos stated that he had no concerns and that most of the items have been addressed. He added that the City will need one clean set of plans with all the comments addressed.

Mr. Valianos moved to recommend site plan approval contingent upon the following:

1. Consideration should be given to adding trees and/or landscaping in the grass area located to the south and east of the dumpster enclosure.
2. The applicant should diversify their tree species selection by including several different species of large deciduous trees instead of one small maturing species.
3. Specify SDR-35 for the proposed sanitary lateral in lieu of SDR-21, or provide in writing, specific reasoning for exception.
4. Add a backflow preventer to the sanitary lateral. The Engineering Department can provide a detail if requested.
5. Adjust spot grade elevations to reduce the slope of the handicap parking spaces to a maximum of 2.00% (1/4" per foot) for ADA compliance.
6. Adjust spot grade elevations to reduce the slope of the handicap ramp (leading to main entrance) to a maximum of 8.33% (1" per foot) for ADA compliance.
7. Dumpster fence enclosure cannot exceed 6' height.
8. Provide a stamped and signed original Boundary and Topographic Survey map.
9. Provide a copy of all correspondence and submittals with NYS DOT for work in the right-of-way.
10. Maintain the eastern portion of 120 Haney Street.
11. Prior to obtaining a building permit, the owner should close with the City and combine the lots into one parcel.

The motion was seconded by Mrs. Freda, all were in favor.



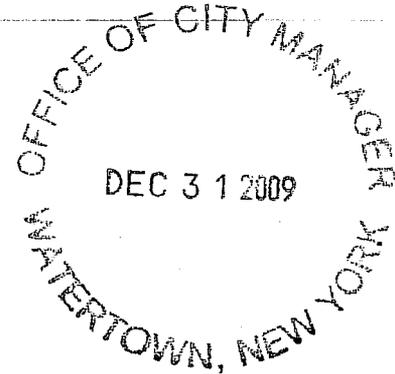
Department of Planning
175 Arsenal Street
Watertown, NY 13601

Donald R. Canfield
Director of Planning

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

December 30, 2009

Jacqueline Longton, Planner
City of Watertown
245 Washington St. Room 304
Watertown NY 13601



Re: Friendly's Restaurant, Site Plan Review, JCDP File # C 11 - 09

Dear Jacqueline:

On December 29, 2009, 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 determined that a NYSDOT Highway Work Permit is required for work in the DOT right of way and the connection to the DOT drainage easement.

The County Planning Board also has a local advisory comment. They identified three parking spaces located in front of the dumpster enclosure. The local board should consider eliminating these spaces.

Please note that the advisory comments are not a condition of the County Planning Board's action. They are 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
Michael J. Bourcy
Senior Planner

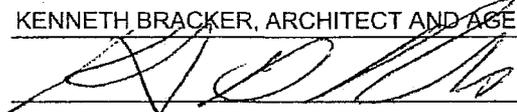
MJB

c: Craig Ortlieb, NYSDOT

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

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

1. APPLICANT/SPONSOR KESSLER FAMILY LLC	2. PROJECT NAME FRIENDLY'S RESTAURANT
3. PROJECT LOCATION: Municipality CITY OF WATERTWON County JEFFERSON COUNTY DEC 16 2009	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 1233 ARSENAL STREET	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: DEMOLITION OF AN OLD FRIENDLY'D RESTAURANT, CONSTRUCTION OF A NEW FRIENDLY'S RESTAURANT, MODIFICATIONS TO EXISTING PARKING LOT AND NEW PARKING ON A PARCEL THAT THE KESSLER FAMILY LLC HAS AN OPTION TO BUY. THIS PARCEL IS PRESENTLY OWNED BY THE CITY OF WATERTOWN. PURCHASE OF THIS ADDITIONAL LAND (.605 ACRES) WILL BE MADE AFTER ALL GOVERNMENT APPORVALS HAVE BEEN OBTAINED	
7. AMOUNT OF LAND AFFECTED: Initially .64 acres Ultimately .64 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 type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe: COMMERCIAL ALONG ARSENAL, RESDIENTAL AND VACANT LAND ALONG HANEY	
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 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: KENNETH BRACKER, ARCHITECT AND AGENT FOR OWNER	Date: 12/14/2009
Signature: 	

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

OVER

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.
 Yes No

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.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

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:

C2. Aesthetic agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

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:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?
 Yes No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If yes, explain briefly

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

Ord No. 1

January 13, 2010

To: The Honorable Mayor and City Council

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

Subject: Approving the Zone Change Request Submitted by Vernon Johnson to Change the Approved Zoning Classification of 1175 Water Street and 1185 Water Street, Parcels Number 04-27-501.006 and 04-27-501.005 from Light Industry to Neighborhood Business.

A request has been submitted by Vernon Johnson to change the zoning classification of 1175 Water Street. The Planning Board reviewed the request at its January 5, 2010 meeting and adopted a motion recommending that the City Council approve the zone change request and change the zoning of the adjacent parcel located at 1185 Water Street, which is also owned by Mr. Johnson.

The County Planning Board reviewed the request on December 29, 2009 and adopted a motion that the project does not have any significant county-wide or inter-municipal issues and is of local concern only.

Attached is a report on the zone change request prepared for the Planning Board and an excerpt from its minutes.

The Council must hold a public hearing on the attached ordinance before it may vote on it. It is recommended that a public hearing be scheduled for 7:30 pm on Monday, February 1, 2010. A SEQRA resolution will be presented for City Council at that meeting.

ORDINANCE

Page 1 of 1

Approving the Zone Change Request Submitted by Vernon Johnson, to Change the Approved Zoning Classification of 1175 Water Street and 1185 Water Street, Parcels Number 04-27-501.006 and 4-27-501.005, from Light Industry to Neighborhood Business.

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 Vernon Johnson, has 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 Number 04-27-501.006 located at 1175 Water Street, from Light Industry to Neighborhood Business, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its meeting held on January 5, 2010, and adopted a motion recommending that the City Council approve the request in addition to changing the approved zoning classification for parcel number 04-27-501.005 located at 1185 Water Street, and

WHEREAS the County Planning Board reviewed the request on December 29, 2009 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 February 1, 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,

NOW THEREFORE BE IT ORDAINED that the zoning classification shall be changed for Parcel Numbers: 04-27-501.006 and 04-27-501.005 located at 1175 Water Street and 1185 Water Street, from Light Industry to Neighborhood Business, and

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

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

Seconded by



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 – 1175 Water Street, Parcel Number 04-27-501.006.

DATE: December 28, 2009

Request: To change the approved zoning classification of 1175 Water Street, Parcel Number 04-27-501.006 from Light Industry to Neighborhood Business.

Applicant: Vernon Johnson

Property Owner: Vernon Johnson

SEQRA: Unlisted Action.

County Planning Board review required: Yes

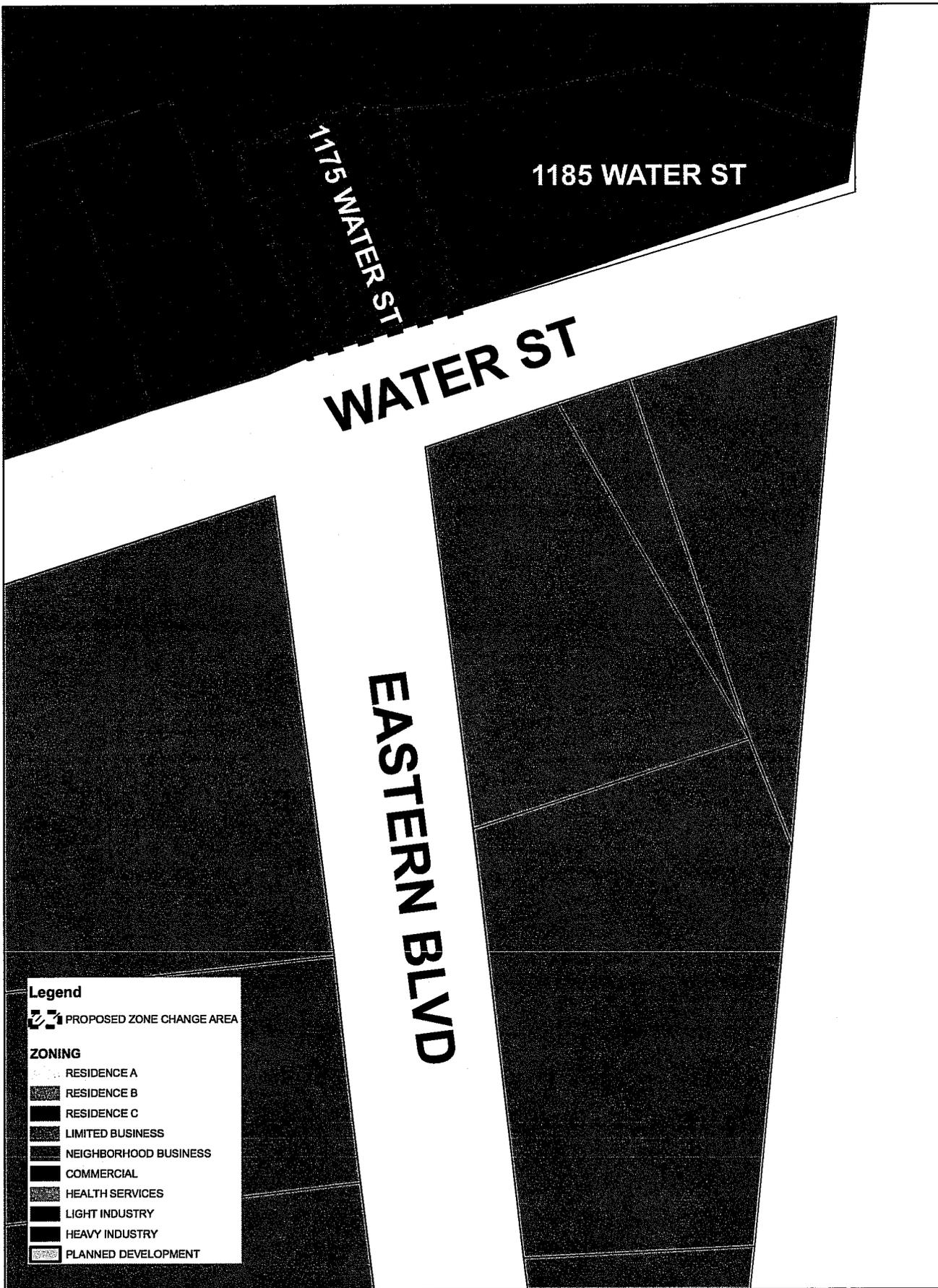
Comments: The proposed zone change is being requested per the attached documents. The applicant is proposing to change the zoning classification of 1175 Water Street, parcel number 04-27-501.006 from Light Industry to Neighborhood Business. The applicant would like to construct a residence on this parcel, however in a Light Industry zoning district residential use is not permitted, but it is allowed in a Neighborhood Business zoning district. The current land use in this area is a mixture of residential and business. The zoning around this area however, is either Light Industry or Neighborhood Business.

The applicant also owns the property located at 1185 Water Street, which is adjacent to 1175 Water Street and has rehabbed a building on 1185 Water Street with the intent to open up a takeout hotdog restaurant. The applicant's plan is to live next door at 1175 Water Street and run the takeout restaurant at 1185 Water Street. The proposal extends the Neighborhood Business district across Water Street, however that means only one parcel on the north side of the street will be zoned Neighborhood Business. Staff is recommending that 1185 Water Street also be included in the zone change.

Part I of the Short Environmental Assessment Form has been completed and submitted as part of the application. The Land Use Plan shows this area as having a commercial use, which is consistent with the Neighborhood Business zoning.

cc: Planning Board Members
City Council Members
Robert J. Slye, City Attorney
Justin Wood, Engineer
Vernon Johnson, 160 Bowers Avenue, Watertown, NY 13601

PROPOSED ZONE CHANGE
1175 WATER STREET
LIGHT INDUSTRY TO NEIGHBORHOOD BUSINESS

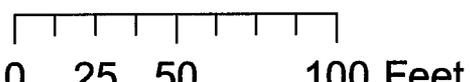


Legend

PROPOSED ZONE CHANGE AREA

ZONING

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



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.



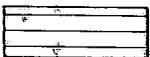
LOW DENSITY RESIDENTIAL: PREDOMINANT USE FOR ONE-FAMILY DWELLINGS.



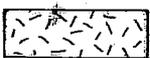
MEDIUM DENSITY RESIDENTIAL: SUBSTANTIAL USE FOR ONE- AND TWO-FAMILY DWELLINGS.



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.



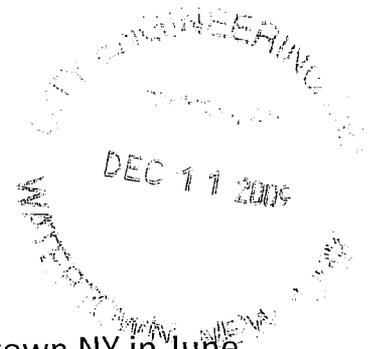
DRAINAGE MANAGEMENT AREAS: PORTIONS OF VACANT AREAS MAY HAVE SOME DEVELOPMENT LIMITATIONS TO MAINTAIN DRAINAGE CAPACITY.



MAJOR HIGHWAY SYSTEM IMPROVEMENT.

To: The Change Of Zoning City Council

From: Vernon Johnson - 160 Bowers Avenue – (778-8294)



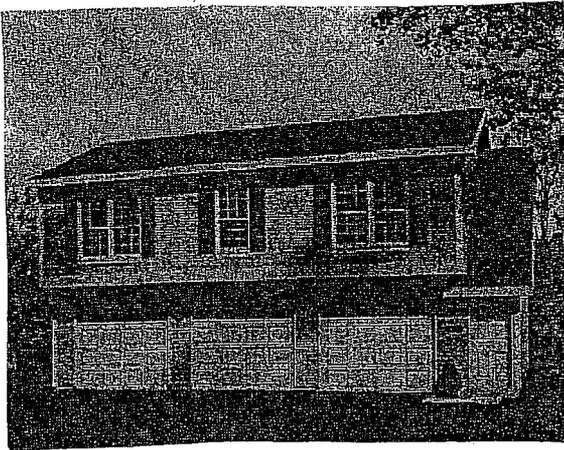
My name is Vernon Johnson, my wife and I moved here to Watertown NY in June of 2005. My wife is SFC Ruby Johnson of the US Army, stationed here at Fort Drum NY. My wife is presently deployed in Iraq for her third tour. Since moving here to Watertown I have bought, renovated, and sold three houses. I have used the services of numerous contractors, real estate agents, attorneys, and an accountant. I have completed the NY Real Estate course and exam, and I am expecting my license in the mail any day now. I am presently employed at Fort Drum, and my wife will be retiring from the army when she gets back in May of 2010. We have two children and three grandsons. In my last project I bought the properties at 1175 and 1185 water street. I reconstructed the entire building at 1185 water street with the intent of opening a takeout hot dog restaurant in the near future. I am applying for a Change Of Zoning for 1175 water street from Light Industrial to Neighborhood Business. I would like to build a three car garage with an apartment on top, and bathrooms behind the garage. Even though the property is zoned Light Industrial, there are more houses than businesses on water street. There is a house next to the property, and across the street from the property where I would like the zoning change. It is also zoned neighborhood business in the same area where I would like the zoning change. Since I have bought 1175 and 1185 water street I have improved the appearance of the properties and the neighborhood. I have also been complimented by neighbors and business owners on the improvements of the two properties. I am still at the beginning stage of other improvements that I am planning on the properties, including landscaping, and a new blacktop parking lot. My wife and I would really like to reside in the apartment over the garage so that we would be close to our restaurant. The community, the home owners, and the business owners in the community will benefit from the outdoor eating experience of a variety of various types of hot dogs from all over the United States. My wife and I never thought that we would retire here in Watertown, but we grew to love this town and we

see so much potential in this town that we would like to invest the rest of our future here. If you grant us this Change Of Zoning, I promise you that only good things will come of it for my wife and I, and the community. Thank you;

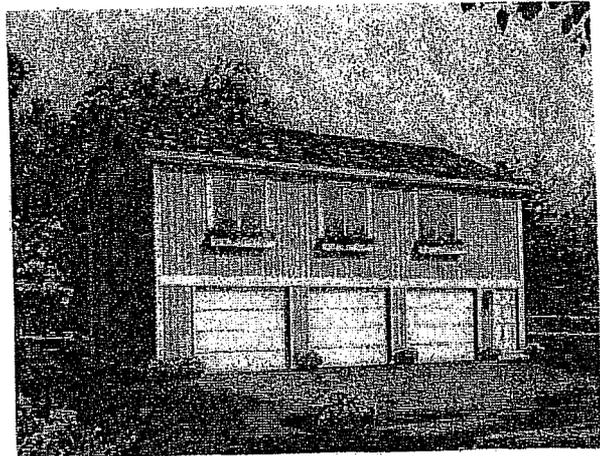
A handwritten signature in cursive script, appearing to read "Vernon Johnson". The signature is written in black ink and is positioned to the right of the main text block.

(Front View)

Except stairs will be on the Left side of the building.



OR



Details

square Ft: 1,240

width : 40

Depth : 31

Beds : 2

Bath : 1

Foundation: slab

Exterior Wall: 2 x 6

Roof Framing : Truss

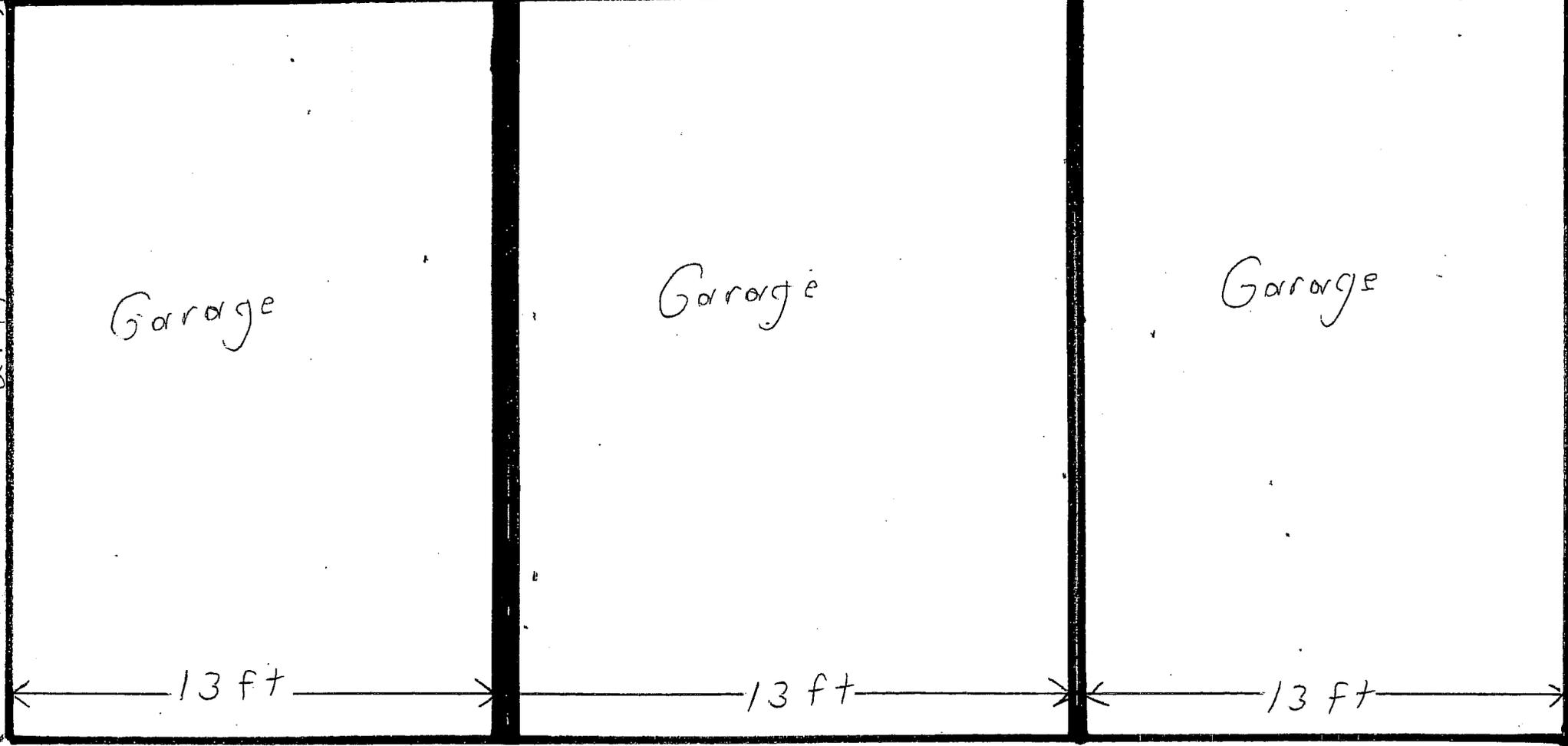
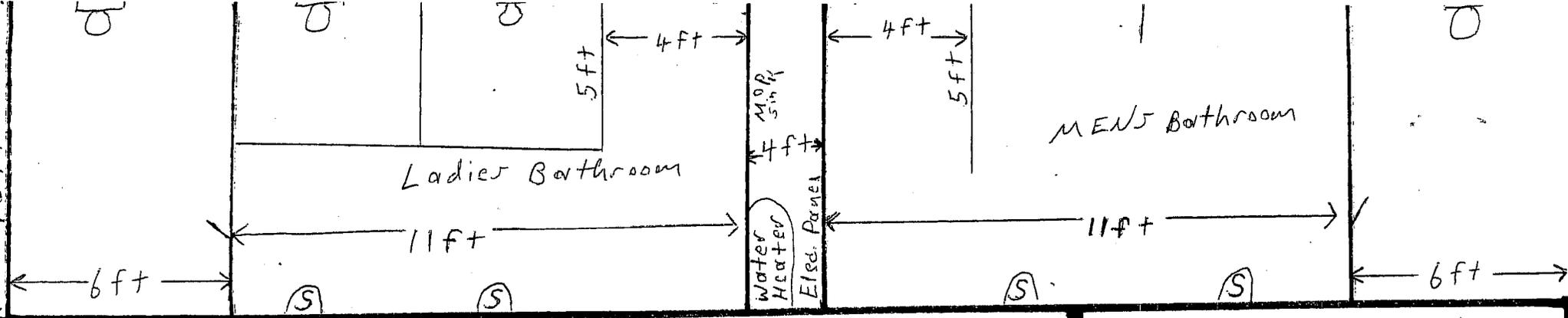
Ceiling Height: 1st Floor 9ft
2nd Floor 9ft

Six stall - Mens and Ladies Bathroom

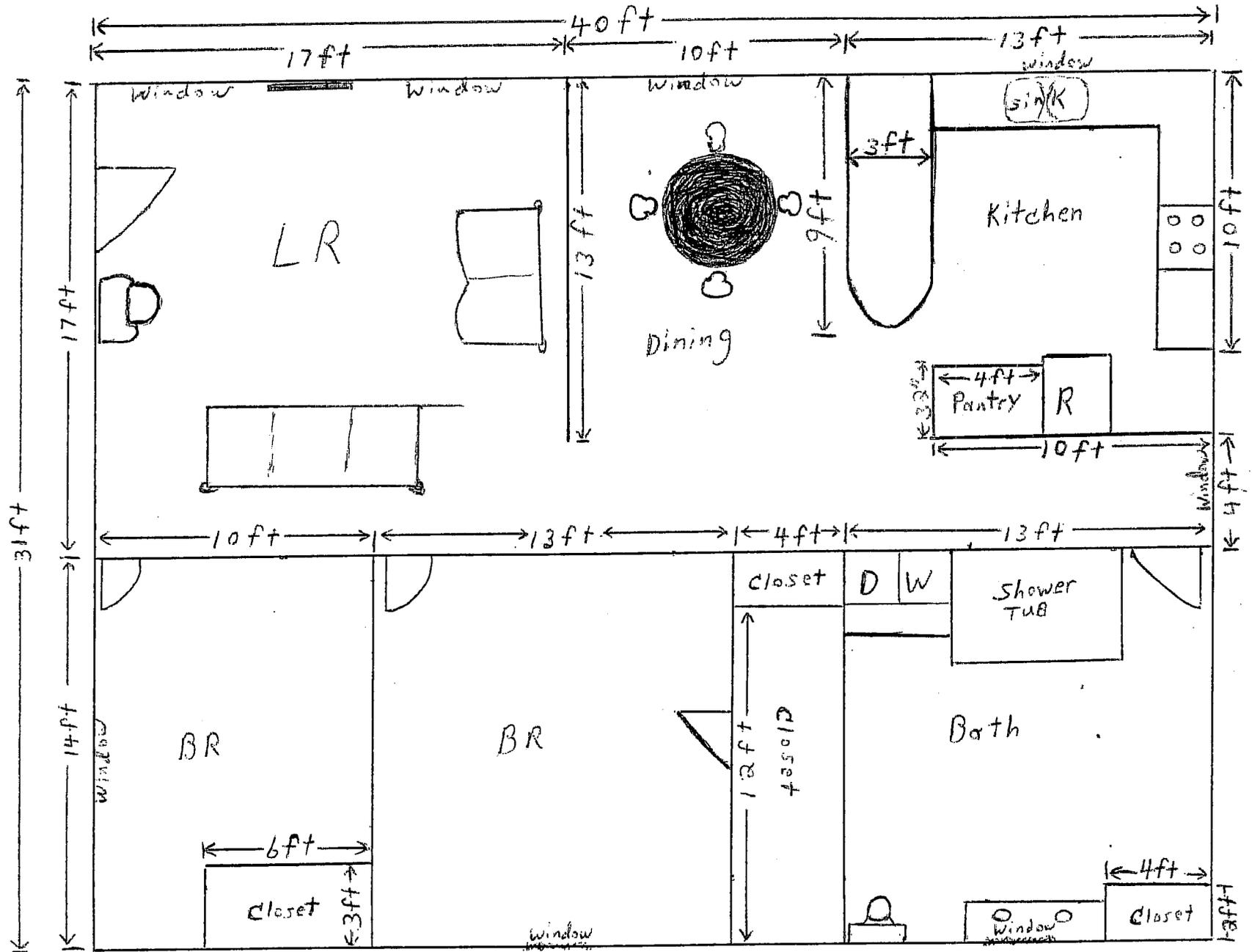
Three stalls each - Two sinks each

To be used through the months of May to Sept.

utility room between Mens and Ladies Bathroom



S - sink
 D - Door
 U - urinal
 T - Toilet



9 ft ceiling



Image Mate Online

Eng

Planning -

Jackie Longton

Justin Wood

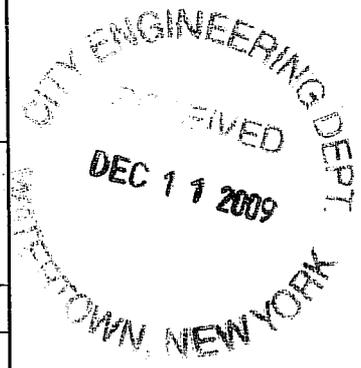
Navigation	GIS Map	Tax Maps	ORPS Links	Assessment Info	Help	Log In
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Residential
Property Info
Owner/Sales
Inventory
Improvements
Tax Info
Report
Comparables

Municipality of City of Watertown			
SWIS:	221800	Tax ID:	4-27-501.006
Account #:	22117950		
Tax Map ID / Property Data			
Status:	Active	Roll Section:	Taxable
Address:	1175 Water St		
Property Class:	340 - Vacant indus	Site Property Class:	340 - Vacant indus
Site:	Res 1	In Ag. District:	No
Zoning Code:	LI - Light Industry	Bldg. Style:	0
Neighborhood:	00708 -	School District:	Watertown
Legal Property Description:	70x98 427501.006		
Land Assessment:	2009 - \$5,700 2008 - \$5,700	Total Assessment:	2009 - \$5,700 2008 - \$5,700
Total Acreage/Size:	70 x 98	Full Market Value:	2009 - \$6,162 2008 - \$5,876
Deed Book:	2008	Deed Page:	12988
Grid East:	1007212	Grid North:	1451571

Photographs
No Photo Availa

Maps
Show Tax Map (F
Pin Property on G
Windows Live L
Google Maps
Yahoo! Maps
Map Disclaimer





JoAnn M. Wilder, Clerk
175 Arsenal Street
Watertown, NY 13601
(315) 785-3081

Jefferson County Clerk Recording Cover Sheet

Received From :
WELDON & TRIMPER LAW FIRM
OFFICE MAILBOX
119-125 SHERMAN ST
WATERTOWN, NY 13601

Return To :
WELDON & TRIMPER LAW FIRM
OFFICE MAILBOX
119-125 SHERMAN ST
WATERTOWN, NY 13601

First GRANTOR

DERRIGO, JOANNE F AS IND&SURV BY ATTY

First GRANTEE

JOHNSON, VERNON A

File Number : 2008-00012988

Index Type : Land Records

Type of Transaction : Deed - (Other Property)

Recording Fee : \$212.00

Recording Pages : 4

The Property affected by this instrument is situated in Watertown-City Of, in the County of Jefferson, New York

Real Estate Transfer Tax

RETT # : 19

Deed Amount : \$20,900.00

RETT Amount : \$84.00

Total Fees : \$296.00

State of New York

County of Jefferson

I hereby certify that the within and foregoing was recorded in the Clerk's office for Jefferson County, New York

On (Recorded Date) : 08/01/2008

At (Recorded Time) : 3:28:36 PM



Doc ID - 005255640004

JoAnn M. Wilder

JoAnn M. Wilder, Clerk



SCHEDULE "A"

all THAT TRACT OR PARCEL OF LAND, situate in the City of Watertown, County of Jefferson and State of New York and described as follows:

Beginning at a point in the northerly margin of Water Street, where said northerly margin of Water Street intersects the easterly boundary of the City of Watertown and running thence S. 86° - 45' W. along said northerly margin of Water Street 174.1 feet;

Thence N. 3°-15' W. 92.6 feet;

Thence S. 76°-22' E. 28.0 feet;

Thence S. 85°-15' E. 80.3 feet;

Thence S. 56°-5' E. 93.0 feet to a point in the easterly boundary of the City of Watertown;

Thence S. 20°-15' W. along said easterly boundary of the City of Watertown 19.8 feet to the northerly margin of Water Street, the place of beginning; excepting and reserving an easement on the westerly side thereof twenty-five feet in width and extending northerly from the north margin of Water Street, for the purpose of ingress and egress between Water Street and the property northerly of the parcel herewith described.

ALSO ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Watertown, County of Jefferson and State of New York, bounded and described as follows: Beginning at a point on the Northerly margin of the Water Street, 290 feet Easterly of the intersection of said Northerly margin with the Westerly line of land conveyed to William A., John J., and Fred D. Sullivan by Martin Courtney, December 17, 1918 and recorded in Jefferson County Clerk's Office in Liber 354 of Deeds at page 454, and also being 174.1 feet westerly of the intersection of said Northerly margin with the boundary of the City of Watertown, and running thence N. 3° 15' W. 92.6 feet; thence N. 76° 22' W. 20.1 feet; thence S. 88° 25' W. 51.0 feet; thence Southerly and practically at right angles to the Northerly margin of Water Street 98.0 feet; thence N. 86° 45' E. along the Northerly margin of Water Street 70.0 feet to the point of beginning.

Being the same premises conveyed by Parish Oil Company to Frank J. Derrigo, Sr. and Joanne F. Derrigo dated December 28, 1976 recorded in the Jefferson County Clerk's on December 31, 1976 in Liber 878 of Deeds at page 832.

JANUARY 5, 2010 PLANNING BOARD MEETING MINUTES:

**ZONE CHANGE APPROVAL REQUEST – 1175 WATER STREET,
PARCEL NO. 04-27-501.006**

The Planning Board then considered a Zone Change Approval Request submitted by Vernon Johnson to change the zoning from Light Industry to Neighborhood Business for the parcel located at 1175 Water Street, Parcel No. 04-27-501.006.

Vernon Johnson was present to represent the zone change. He explained that he wanted to build a three car garage with an apartment above it in order to take care of his restaurant he built next door at 1185 Water Street. He and his wife intended to live next door to the business in order to keep an eye on the property. He also intended to put bathrooms at the back for any outdoor events that they may have during the summer months. He added that he has renovated three other houses in the City of Watertown. He and his wife are both in the military, and they are planning to retire in this area.

Mrs. Freda inquired if this is just a summer business, and Mr. Vernon replied that he intends to run it year-round; however, the outdoor events will obviously be only for summer months.

Mr. Mix then explained that the zone change is for residential use at 1175 Water Street but that in order to keep the integrity of the zoning map, it was suggested that they also change 1185 Water Street to Neighborhood Business. He also said that this change would enable him to run his business and be able to live next door. Mr. Mix then asked for clarification on the property at 1175 Water Street and if Mr. Johnson was planning to build the garage and the bathrooms for the business or for personal use. Mr. Johnson responded that the three stall garage is for personal use, but the bathrooms were for part of the business. Mr. Mix explained that for one, two, and three family houses, the zoning ordinance does not require site plan waiver or site plan review. However, for anything business related, site plan waiver may be required. He asked how big the bathroom area would be, and it was determined that it would only be 380 sq. ft., which is below the site plan waiver threshold and he would be fine building it as is.

Mr. Valianos moved to recommend a zone change for 1175 Water Street and 1185 Water Street from Light Industry to Neighborhood Business. Mr. Fipps seconded the motion 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)

December 30, 2009

Jacqueline S. Longton, Planner
City of Watertown
245 Washington Street, Room 304
Watertown, New York 13601



Re: Zoning Map Amendment for Vernon Johnson, Light Industrial to Neighborhood
Business; JCDP File # C 10 - 09

Dear Ms. Longton:

On December 29, 2009 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.

Furthermore, the County Planning Board had the local advisory comment that the local board should ensure the rezoning is consistent with any current plans and vision for the City.

Please note that this advisory comment is not a condition of the County Planning Board's action. It is stated 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.

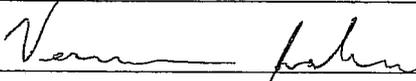
Sincerely,

Betsy Varno
Community Development Coordinator

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

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

1. APPLICANT/SPONSOR Vernon Johnson	2. PROJECT NAME Change of zoning DEC 11 2009
3. PROJECT LOCATION: Municipality City of Watertown County Jefferson	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 1175 Water St. Watertown NY 13601. Nearest cross street is Eastern Boulevard. Located between Rt. 3 and Rt. 283. Across from Yellow Cab, near S.P.C.A.	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Would like to build a three stall garage with living space on top. Also with bathrooms connected behind the garages for use with outdoor activities.	
7. AMOUNT OF LAND AFFECTED: Initially 40 ft x 31 ft acres Ultimately 45 ft x 34 ft acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, describe briefly Property is zoned light industrial. Living space does not comply with zoning.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? Various businesses and houses on water st. <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: There is a residential house across the street and to the right of my property. Area is also zoned neighborhood business.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals City of Watertown codes dept. Approval was denied because of living space.	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No It will require a change of zoning to neighborhood business.	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: Vernon Johnson	Date: Dec. 11, 09
Signature: 	

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

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.
 Yes No

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.
 Yes No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

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:

C2. Aesthetic agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

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:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?
 Yes No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If yes, explain briefly

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

Tabled

January 14, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Approving Salary Structure and Annual Increase for
Watertown Housing Authority Employees

In conformity with the requirements of the New York State Housing Law and the United States Housing Act, the City Council of the City of Watertown is being asked to approve salary increases for the employees of the Watertown Housing Authority (WHA). By correspondence dated December 18, 2009, the City was notified that the Watertown Housing Authority Board adopted a resolution establishing the cost of living increase for all employees at three percent (3%) for calendar year 2010.

A resolution approving the recommended three percent (3%) cost of living increase for all employees of the Watertown Housing Authority was presented to the City Council for approval at the January 4, 2010 meeting, at which time it was tabled.

At the request of the City Council, I discussed the Housing Authority's recommendation with Executive Director Michael Robare and after that discussion feel confident that the recommendation was given a hard look by him and the WHA Board. I further ask Mr. Robare if he could provide me with a written response, detailing what we discussed over the phone; a copy of his written response is attached for your review and consideration.

I also took a look at NYS Public Housing Law and have printed the section that includes the requirement that the local legislative body approve the salaries. A copy of that section is attached for your review.

RESOLUTION

Page 1 of 1

Approving Salary Structure, and Annual
Pay Increase for Watertown Housing
Authority Employees

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.

YEA	NAY

Total

Introduced by

Council Member Roxanne M. Burns

WHEREAS in conformity with the requirements of the New York State Public Housing Law § Section 32, Sub Division 1, compensation for Watertown Housing Authority employees can be fixed only upon the approval of the local legislative body, which is the City Council of the City of Watertown, and

WHEREAS the Watertown Housing Authority has reported that based on a comparability review of salaries for their employees with prevailing local government salaries, it is the desire of the Watertown Housing Authority Board to authorize a three percent (3%) cost of living increase for all employees effective January 1, 2010, and

WHEREAS by resolution adopted on December 15, 2009, the Watertown Housing Authority Board approved a three percent (3%) cost of living increase for all employees, effective January 1, 2010, by modification to its existing Administrative and Maintenance salary structures,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the 2010 salary structure for all employees of the Watertown Housing Authority which contains a three percent (3%) cost of living increase, effective January 1, 2010, salary structures are attached and made part of this resolution and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to forward certified copies of the resolution to the Watertown Housing Authority.

Seconded by Council Member Jeffrey M. Smith

Step System (Administration) that will become effective January 1, 2010

Watertown Housing Authority

Each year the steps will be adjusted accordingly with the cost of living adjustment (COLA) approved by the WHA Board, then by the City Council.

2010 COLA = 3.0%

Step Increase (%) =	1.035	2008	2009	2010	2011	2012	2013	2014
		COLA						
		1.035	1.025	1.030	1.000	1.000	1.000	1.000

POSITION	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
MANAGEMENT EMPLOYEES								
Asst. Ex. Director (Salary)	\$43,032	\$44,538	\$46,097	\$47,710	\$49,380	\$51,108	\$52,897	\$54,748
Asst. Ex. Director (Hourly)	\$23.64	\$24.47	\$25.33	\$26.21	\$27.13	\$28.08	\$29.06	\$30.08
Mod. Coord. (Salary)	\$39,337	\$40,714	\$42,139	\$43,614	\$45,140	\$46,720	\$48,356	\$50,048
Mod. Coord. (Hourly)	\$21.61	\$22.37	\$23.15	\$23.96	\$24.80	\$25.67	\$26.57	\$27.50
Occ. Supervisor (Salary)	\$38,019	\$39,350	\$40,727	\$42,153	\$43,628	\$45,155	\$46,736	\$48,371
Occ. Supervisor (Hourly)	\$20.89	\$21.62	\$22.38	\$23.16	\$23.97	\$24.81	\$25.68	\$26.58
Principal Acct. Clerk (Salary)	\$36,059	\$37,321	\$38,627	\$39,979	\$41,379	\$42,827	\$44,326	\$45,877
Principal Acct. Clerk (Hourly)	\$19.81	\$20.51	\$21.22	\$21.97	\$22.74	\$23.53	\$24.35	\$25.21
NON-MANAGEMENT EMPLOYEES								
Occupancy Clerks								
Clerks (Salary)	\$22,770	\$23,567	\$24,391	\$25,245	\$26,129	\$27,043	\$27,990	\$28,969
Clerks (Hourly)	\$12.51	\$12.95	\$13.40	\$13.87	\$14.36	\$14.86	\$15.38	\$15.92
Senior Clerks								
Senior Clerks (Salary)	\$25,188	\$26,069	\$26,982	\$27,926	\$28,904	\$29,915	\$30,962	\$32,046
Senior Clerks (Hourly)	\$13.84	\$14.32	\$14.83	\$15.34	\$15.88	\$16.44	\$17.01	\$17.61
Account/Clerk Typist								
Acct. Clerk Typist (Salary)	\$25,886	\$26,792	\$27,730	\$28,700	\$29,705	\$30,745	\$31,821	\$32,934
Acct. Clerk Typist (Hourly)	\$14.22	\$14.72	\$15.24	\$15.77	\$16.32	\$16.89	\$17.48	\$18.10
Senior Account Clerk								
Senior Account Clerk (Salary)	\$29,999	\$31,049	\$32,135	\$33,260	\$34,424	\$35,629	\$36,876	\$38,167
Senior Account Clerk (Hourly)	\$16.48	\$17.06	\$17.66	\$18.27	\$18.91	\$19.58	\$20.26	\$20.97
Stock Attendant								
Stock Attendant (Salary)	\$27,318	\$28,274	\$29,263	\$30,287	\$31,347	\$32,445	\$33,580	\$34,756
Stock Attendant (Hourly)	\$13.13	\$13.59	\$14.07	\$14.56	\$15.07	\$15.60	\$16.14	\$16.71
Tenant Relations Coord.								
Ten. Rel. Coord. (Salary)	\$27,480	\$28,442	\$29,438	\$30,468	\$31,534	\$32,638	\$33,780	\$34,963
Ten. Rel. Coord. (Hourly)	\$15.10	\$15.63	\$16.17	\$16.74	\$17.33	\$17.93	\$18.56	\$19.21
Modernization Aide								
Mod. Aide (Salary)	\$28,040	\$29,021	\$30,037	\$31,088	\$32,176	\$33,302	\$34,468	\$35,674
Mod. Aide (Hourly)	\$15.41	\$15.95	\$16.50	\$17.08	\$17.68	\$18.30	\$18.94	\$19.60
Inspector								
Inspector (Salary)	\$32,653	\$33,796	\$34,979	\$36,203	\$37,470	\$38,782	\$40,139	\$41,544
Inspector (Hourly)	\$17.94	\$18.57	\$19.22	\$19.89	\$20.59	\$21.31	\$22.05	\$22.83
Technical Support (IT)								
Tech. Support (Salary)	\$34,681	\$35,895	\$37,151	\$38,452	\$39,798	\$41,190	\$42,632	\$44,124
Tech. Support (Hourly)	\$19.06	\$19.72	\$20.41	\$21.13	\$21.87	\$22.63	\$23.42	\$24.24

Step System (Maintenance) that will become effective January 1, 2010

Watertown Housing Authority

Each year the steps will be adjusted accordingly with the cost of living adjustment (COLA)

approved by the WHA Board, then by the City Council.

2010 COLA = 3.0%

POSITION	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
<u>Painters/Cleaners</u>										
Painters & Cleaners (Salary)	\$23,342	\$24,159	\$25,005	\$25,880	\$26,786	\$27,723	\$28,694	\$29,698	\$30,737	\$31,813
Painters & Cleaners (Hourly)	\$11.22	\$11.62	\$12.02	\$12.44	\$12.88	\$13.33	\$13.80	\$14.28	\$14.78	\$15.29

<u>Building Maintenance Workers</u>										
Maint. Employees (Salary)	\$25,656	\$26,553	\$27,483	\$28,445	\$29,440	\$30,471	\$31,537	\$32,641	\$33,783	\$34,966
Maint. Employees (Hourly)	\$12.33	\$12.77	\$13.21	\$13.68	\$14.15	\$14.65	\$15.16	\$15.69	\$16.24	\$16.81

<u>Crew Chief</u>										
Crew Chief (Salary)	\$32,802	\$33,950	\$35,138	\$36,368	\$37,641	\$38,958	\$40,322	\$41,733	\$43,194	\$44,705
Crew Chief (Hourly)	\$15.77	\$16.32	\$16.89	\$17.48	\$18.10	\$18.73	\$19.39	\$20.06	\$20.77	\$21.49

**WATERTOWN HOUSING AUTHORITY
ADMINISTRATIVE OFFICE
142 Mechanic Street
Watertown, New York 13601
TEL (315) 782-1251
FAX (315) 782-9394**

January 12, 2010

Mary Corriveau
City Manager
Watertown Municipal Building
245 Washington Street
Watertown, New York 13601

Re: Annual Salary Comparability Approval by City Council

Dear Ms. Corriveau:

As per our phone conversation, I am writing this letter hopefully to provide some insight as to how our Board of Commissioners derived the 3% cost of living adjustment that the Watertown Housing Authority (WHA) is seeking City Council approval effective January 1, 2010.

First let me state that we have an annual budget session where our Board thoroughly goes over our budget line by line. If the City Council would like to attend our meeting, although not required by law, they are more than welcome. Minimally, I will try and provide an update for you each year so that the Council will have a better understanding and can make a more informed decision.

There are a number of factors that went into the decision making process for the 3% increase, which include but are not limited to 1) historical increases over the last five years, 2) overall impact on the operating budget, 3) terminations, retirements, and leave of absences for medical hardship and not replacing those positions, 4) employee morale and motivational impact for company's successes in 2009. While the WHA understands that everyone is going through some economic hardships, the WHA is in a strong financial position where it can afford to offer a slight difference in Cost of Living Adjustment (COLA) and still will be paying less in salaries than it did the previous year. I can assure the Council that our positions and the step system that has been previously approved by the Council are fair wages even with the 3% increase and would be comparable to similar positions of our housing industry.

If you need more information, please don't hesitate to contact me at the number above. I also plan on attending the Council meeting on January 19, 2010 at 7:00 p.m. to answer any additional questions by the Council.

Sincerely,

Michael Robare
Executive Director

Art. 3

Particular municipal boards or officers; housing authorities, see C.J.S. Municipal Corporations § 699.

WESTLAW Research

Municipal corporations cases: 268k[add key number].

Notes of Decisions

1. **Sewers and highways** highways in vicinity of such project and provide drainage therefor. 4 Op.State Compt. 107, 1948.
Town may not construct sewer for housing project but may improve town

§ 32. Officers and employees; compensation and expenses

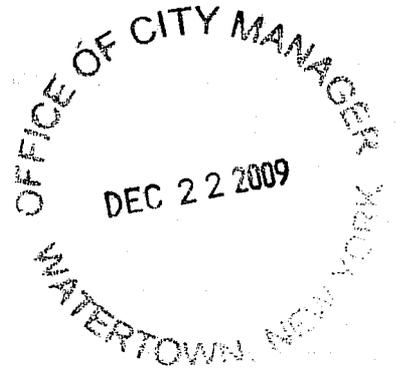
1. When the office of the first chairman of the authority becomes vacant, the authority shall select a chairman from among its members. An authority shall select from among its members a vice-chairman, and it may employ, subject to the provisions of the civil service law applicable to the municipality in which it is established, a general manager, a secretary, technical experts and such other officers, agents and employees as it may require, and determine their qualifications, duties and, subject to the approval of the local legislative body, fix their compensation. An authority may call upon the corporation counsel or chief law officer of the municipality for such legal services as it may require and it shall reimburse the municipality for the cost of such services, or it may employ its own counsel and legal staff. This section shall not be construed to prevent an authority from engaging by contract in the execution of a project architectural, engineering or other professional or consultant services.

2. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

3. A member of an authority may be compensated on a per diem basis at a rate to be fixed by the authority not to exceed in the aggregate two thousand dollars for a member and two thousand five hundred dollars for a chairman per annum and in addition shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his duties.

4. Every officer, agent or employee of an authority who shall sign the receipt upon the payroll of an authority as having received the amount therein mentioned in full payment for services rendered by him for the entire time specified in such payroll or, in the event no payroll receipt is required by an authority, shall endorse a check in the amount shown upon such payroll and receive payment thereof, shall be deemed to have made an accord and satisfaction of all claims against the authority for wages, salary or other compensation due to such person from the authority for the period covered

WATERTOWN HOUSING AUTHORITY
Administrative Office
Midtown Towers, 142 Mechanic Street
Watertown, NY 13601



Resolution #2009-45

The following Resolution was moved by Mark Lavarney, seconded by Nickolas Darling and unanimously carried:

BE IT RESOLVED that the Board of Commissioners of the Watertown Housing Authority hereby approve a 3% Cost of Living increase for all Watertown Housing Authority employees effective January 1st, 2010.

I hereby certify that the foregoing is a true copy and the whole of said Resolution adopted by the Watertown Housing Authority of December 15th, 2009, and that said meeting was regularly called and duly constituted.

Witness my hand and seal of the Watertown Housing Authority this 15th day of December, 2009.

S
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A handwritten signature in black ink, appearing to read "Michael Robare".

Michael Robare, Executive Director

January 13, 2010

To: The Honorable Mayor and City Council
From: Kenneth A. Mix, Planning and Community Development Coordinator
Subject: 2010 CDBG Small Cities Application Public Hearings

We anticipate that this year's Community Development Block Grant Small Cities Program Applications will be due some time in April. Two public hearings are required before an application can be submitted. It is recommended that the public hearings be scheduled for Monday, February 1, 2010, at 7:30 p.m. and Monday, March 1, 2010, at 7:30 p.m.

January 14, 2010

To: The Honorable Mayor and City Council
From: Mary M. Corriveau, City Manager
Subject: Breen Avenue Traffic Counts

At the January 11, 2010 work session we discussed upcoming capital projects. During that discussion Staff was asked about traffic counts on Breen Avenue. City Engineer Kurt Hauk has provided me with the following information regarding the average daily traffic counts on Breen Ave

<u>Street</u>	<u>Intersection</u>	<u>Direction of Travel</u>	<u>Count</u>
Breen	Arsenal		681
Breen	Coffeen		1,031
Breen	Emmett	North	1,131
Breen	Emmett	South	701

As a comparison, here are the average daily traffic counts on some other streets within the City:

<u>Street</u>	<u>Intersection</u>	<u>Direction of Travel</u>	<u>Count</u>
Central	State		1,781
Colorado	Huntington		456
N. Rutland	State		2,328
Chestnut	Washington		763
Emmett	Bellew		570
Hoard	Mill		1,633

Here are some average daily traffic counts from some of our arterials and collectors:

<u>Street</u>	<u>Intersection</u>	<u>Direction of Travel</u>	<u>Count</u>
Court	Main St W.		19,010
Clinton	Sherman		4,832
Washington	Thompson		27,149

January 13, 2010

To: The Honorable Mayor and City Council
From: Mary M. Corriveau, City Manager
Subject: Sales Tax Revenue Quarterly Update – December 2009

Today we received the quarter end updated sales tax revenue numbers from Jefferson County. In comparison to December 2008, the December 2009 sales tax numbers are up \$192,533 or 13.62%, actual to actual. In comparison to our budget projection for the month of December, the sale tax numbers are up \$164,368 or 11.40%. These monthly numbers are hard to compare year to year, as there can be wide swings from month to month.

Looking at the quarterly numbers, year to date, actual to actual we are up \$120,623 compared to this same time last year, which represents a 3.3% increase. The quarterly, year to date, budget to actual amounts are up \$48,430, which represents a 1.3% increase.

Year to date actual to actual numbers are up \$18,210 or 0.24%. Year to date budget to actual numbers are short of projections by \$135,168 or (1.72%).

Attached is a spreadsheet that shows the detail collections for this year and last year, along with the budgeted numbers.

	<u>Actual 2008-09</u>	<u>Actual 2009-10</u>	<u>Variance</u>	<u>% Inc/(Dec)to Prior Year</u>
July	\$ 1,276,583	\$ 1,054,235	\$ (222,348)	-17.42%
August	\$ 1,268,437	\$ 1,111,868	\$ (156,570)	-12.34%
September	\$ 1,529,231	\$ 1,805,736	\$ 276,505	18.08%
October	\$ 1,103,267	\$ 1,081,394	\$ (21,873)	-1.98%
November	\$ 1,106,240	\$ 1,056,203	\$ (50,037)	-4.52%
December	\$ 1,413,485	\$ 1,606,018	\$ 192,533	13.62%
January	\$ 1,073,261	\$ -		0.00%
February	\$ 843,971	\$ -		0.00%
March	\$ 1,458,063	\$ -		0.00%
April	\$ 954,271	\$ -		0.00%
May	\$ 960,159	\$ -		0.00%
June	<u>\$ 1,479,763</u>	<u>\$ -</u>		<u>0.00%</u>
YTD	<u>\$ 14,466,732</u>	<u>\$ 7,715,453</u>	<u>\$ 18,210</u>	<u>0.24%</u>

	<u>Original Budget 2009-10</u>	<u>Actual 2009-10</u>	<u>Variance</u>	<u>% Inc/(Dec) to Budget</u>
July	\$ 1,302,021	\$ 1,054,235	\$ (247,785)	-19.03%
August	\$ 1,293,713	\$ 1,111,868	\$ (181,845)	-14.06%
September	\$ 1,559,703	\$ 1,805,736	\$ 246,033	15.77%
October	\$ 1,125,251	\$ 1,081,394	\$ (43,858)	-3.90%
November	\$ 1,128,283	\$ 1,056,203	\$ (72,080)	-6.39%
December	\$ 1,441,650	\$ 1,606,018	\$ 164,368	11.40%
January	\$ 1,094,647	\$ -		0.00%
February	\$ 860,788	\$ -		0.00%
March	\$ 1,487,117	\$ -		0.00%
April	\$ 973,286	\$ -		0.00%
May	\$ 979,291	\$ -		0.00%
June	<u>\$ 1,509,250</u>	<u>\$ -</u>		<u>0.00%</u>
YTD	<u>\$ 14,755,000</u>	<u>\$ 7,715,453</u>	<u>\$ (135,168)</u>	<u>-1.72%</u>

January 14, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: City Wastewater Treatment Plant, Treatment
of Flowback Water

At the request of the City Council, Chief Wastewater Treatment Plant Operator Michael J. Sligar will be attending the City Council meeting on January 19, 2010 to answer any questions the Council may have regarding the City's treatment of the 35,000 gallons of "flowback" wastewater generated at the Ross #1 vertical well drilled in Otsego County, NY. I have attached a copy of Mr. Sligar's December 30, 2009 memorandum regarding this matter.

INTER-OFFICE MEMORANDUM

TO: Mary Corriveau, City Manager

DATE: December 30, 2009

THRU: Kurt Hauk, City Engineer

FROM: Michael J. Sligar, Chief Operator

SUBJECT: Treating Flowback Wastewater from the Ross #1 Gas Well

By letter dated December 29, 2009 the NYS Department of Environmental Conservation has approved the City's Wastewater Treatment Plant (the STP) for the treatment and disposal of 35,000 ± gallons of "flowback" wastewater generated at the Ross #1 vertical well drilled in Otsego County, NY. Such wells employing the hydro-fracturing process are to enable the recovery of large quantities of natural gas stored within the various shale deposits in the Northeastern United States. While the "Marcellus Shale" has received the most notoriety, this particular site in Otsego County is developed in the "Utica Shale" group. Natural gas well development is controversial and the siting of the wells is as polarizing as is landfill or wind farm development. The considerable economic advantage to New York State strongly favors their development while legitimate environmental concerns as well as the "not in my back yard" syndrome are the opposing forces.

The City's STP as a rule accepts wastewater for treatment and disposal via truck hauled tankers from users located outside the City and recovers fees for such service. The guiding principle is: if we can satisfactorily treat and dispose of the wastewater consistent with regulatory requirements, then it is accepted, and if we cannot – we don't. The developer of the Ross #1 well site approached the City for potential disposal of its flowback wastewater in 2008 and the City participated with the developer in seeking requisite regulatory approvals to proceed.

The NYSDEC controls the development process and is significantly pressured by special interests on both sides of the development argument. The approval process is extensive. Well water was extracted from the ground and stored at the Otsego site. The water was tested for a host of

elements identified by the regulatory agencies and special interest groups. Wet and dry chemistry, nuclear chemistry and toxicity testing was employed. The process took well over a year to complete. It has been evaluated in detail and determined that the City's facility is capable of effectively and safely treating and disposing of the wastewater while satisfying all regulatory requirements and concerns.

The 35,000 ± gallons shall be delivered via 6,000 gallon tankers with the first two to be received January 5, 2010. A 35 day specifically designed "short term high intensity monitoring program" to be conducted at the City's STP has been made a requirement and the unique costs of same shall be paid by the developer of the wells. The monitoring program is a quality assurance measure conservatively and prudently ordered by the NYSDEC to confirm that the wastewater disposal resulted in no adverse impacts upon the STP or the Black River (the STP's receiving stream).

To our knowledge, there is no other STP in New York State currently approved to accept and treat this particular category of wastewater.

January 14, 2010

To: The Honorable Mayor and City Council
From: Mary M. Corriveau, City Manager
Subject: Best Cities for Military Families

Watertown has been named one of the best cities for military families in 2010 according to Dr. Danielle Babb, on Military.com!

2010's Best Cities for Military Families

Danielle Babb

There are a lot of “hot spots” in the housing market, but filtering them for military families can prove challenging. Military families move often, so house hunting after receiving permanent change of station orders can seem daunting. But, I’ve taken some of the guess work out of finding a good home for you. So here are my picks for the best cities for military families in 2010. It’s difficult to predict what will happen in the fluctuating housing market, but after careful market evaluation, these four picks may help those of you on the move.

1.) U.S. Marine Corp base Camp Pendleton, Calif. Camp Pendleton is close to Oceanside and San Clemente, with a base population of about 8,000. Other surrounding cities include San Juan Capistrano and Carlsbad. Of these, I prefer Oceanside. Oceanside is in San Diego County with a population of about 170,000 people. Almost all homes in the area are single family homes. The average listing price in December 2008 was about \$476,000. In 2009 it was about \$270,000. Yet, the market stabilized in its month-over-month decrease in price, and the high number of foreclosures in the area lets buyers get in for great prices. If you’re interested in this area be sure to bid low. You may want two or three potential homes on your list, and narrow it down to the house that offers the best deal.



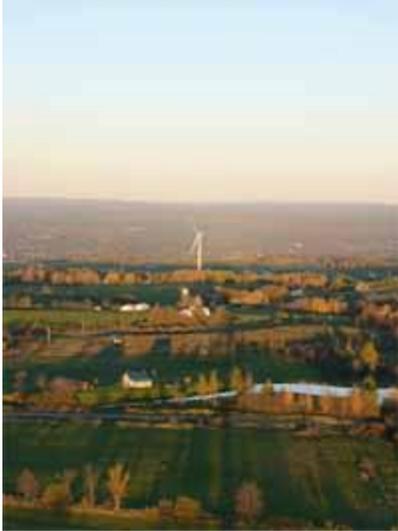
What’s more, jobs are relatively strong in close-by Orange County, which should help sustain the housing market.



2.) U.S. Army base Fort Knox in Radcliff, Ky. About 11,000 people live on Fort Knox, which leads to strong demand for housing. And, the base is nearby Elizabethtown and Vine Grove. The average price for a home is about \$136,000 and is steadily increasing — this is 1.2 percent gain in price in the past year — making it a relatively safe investment.

3.) U.S. Air Force base Ellsworth AFB in Rapid City, S.D. Close to Box Elder S.D., it has a moderate median household income of about \$35,000, and the average home price is about \$136,000. This is down from about \$268,000 in 2004, and it’s increased throughout 2009 providing a glimpse of stability. The crime rate is relatively low and the community boasts close to 70,000 people. It has great dining and shopping for those looking for entertainment and is partly driven by tourism. There is also a vast cultural experience available with community theatres, playhouses, arts centers, and museums. Additionally, you’ll find national parks and a high quality of life in Rapid City.





4.) U.S. Army base Fort Drum near Watertown, N.Y. This is an ideal area for military families on the move, with a base population of 13,000 plus. Nearby towns include Evans Mills and Carthage. The current listing price is about \$126,000. And, there isn't a large turnover of homes which lends itself well to stability. The city also has its own mission and vision: To create a secure and safe environment and promote the welfare of its citizens; to be a vibrant and attractive growing community. With a population of about 25,700 people, this Northern New York community is about 70 miles north of Syracuse and 30 miles south of Canada. It has a 200-year-old legacy going back to the New England pioneer days. Those who enjoy the outdoors will love the camping, hiking, rafting and boating local lakes provide.

Regardless of where you want to live, be sure to look for job growth (or at least stability in a recession), people moving in and not out, and price stabilization for at least six months.

Dr. Danielle Babb (Dr. Dani) is an enthusiastic professor, speaker, consultant and author helping people achieve their passions and dreams through their work. Coming from very modest roots, she strongly believes in education as the foundation to every goal and dream we have becoming the life we live each day.

Dr. Dani is a faculty member for online and on-ground universities teaching economics, technology, statistics, business, management, and real estate. She is the author of: "Commissions at Risk," "Finding Foreclosures," "Real Estate v2.0," "Make Money Teaching Online" and, coming soon, "The Accidental Landlord."

She teaches courses at all levels in education from associates to doctoral work. Dr. Dani is the go-to expert for many news channels and networks on cable and local television. She analyzes the real estate and economic climates, the impact of politics on the wallets of individuals, and how to earn money from home. She is regularly seen on Fox Business Network, Fox News, MSNBC, CNN, CNN Headline News, CBS, NBC and has appeared on the "Today Show."

January 12, 2010

To: The Honorable Mayor and City Council
From: Mary M. Corriveau, City Manager
Subject: City Manager's and City Clerk's Annual Review

Title III, Sections 19 through 26 of the City Charter details the Powers and Duties of the City Council, which includes the requirement to review the City Manager's and City Clerk's contract and performance by March 1st of each year.

At the request of Mayor Jeffrey E. Graham, I have attached the documents used to annually review the City Manager's and City Clerk's performance. Mayor Graham asks that they be completed and returned to him no later than February 15, 2010. Mayor Graham will then consolidate the reviews and enter them into the record as part of the March 1, 2010 City Council meeting.

As part of the review process, I have prepared a summary of organizational initiatives, challenges and achievements. You will see that the City team accomplished great things this past year. City Clerk Donna M. Dutton has also prepared a report of her department's accomplishments over the past year.

Also attached for City Council review are the Employment Agreements for the City Manager and the City Clerk. Both of these Agreements expire on April 30, 2010.

January 12, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Annual Summary of Organizational Initiatives,
Challenges and Achievements

Once again this year, I have had plenty of exciting challenges and great opportunities. I am proud to say that our team has responded in style and with professionalism. At all levels within the organization, you will find great leaders who have helped achieve the summary of outcomes highlighted in this document. This is by no means work done by Mary Corriveau; rather it was accomplished by a group of hard working individuals committed to providing valued service. It truly is an honor to work with such a great team.

Fiscal Initiatives:

Fiscal Year 2009-10 Budget:

Minimal Real Property Tax Levy and Tax Rate increase achieved, 3.18% and 2.27% respectively.

Integrated smaller capital project items into operating budget and kept our focus on reducing the City's dependence on long term debt by appropriating operating funds for small capital purchases, while balancing the City's ability to pay.

Sewer Fund appropriations held level for fiscal year, with Water Fund appropriations decreased by (5.6%)

Grants awarded: Empire State Development Corporation Restore NY – 2,300,000 for Woolworth Building rehabilitation; American Recovery and Reinvestment Act, NYSDOT, \$500,000, Paving Program Arsenal Street and Washington Street; Black River Advisory Council (BRAC) Grant - \$6,000 grant for the purchase and installation of new benches, trash cans and picnic tables along the Fairgrounds Riverfront Trail, at Hole Brothers Whitewater Park and at the Abe Cooper Site; Northern New York Community Foundation - \$5,000 for tree planting in six playgrounds; 2009 Community Development Block Grant Program - \$400,000 for upper floor housing in downtown and rental rehabilitation; 2009 and 2010 North Country HOME Consortium \$115,000 each year for owner-occupied housing rehabilitation; Fire Department Grants, \$194,000, Turnout gear, SCBA and training library, \$68,000 for SCBA compressor/cascade system and safety harnesses ; Jefferson County Office of Aging \$10,000 for Citibus senior transport program; NYS Department of Environmental Conservation through the Urban and

Community Forestry Grant Program, \$12,000 grant for the planting of 40 trees.

Review of City's Departmental fee structure completed and forwarded to City Council for review, discussion and adoption.

Put spending freeze in place on July 1, 2009, in anticipation of revenue shortfalls due to economic situation. Have held mid-year budgetary review sessions with Management Staff to address fiscal challenges facing the City. Ready to present plan to City Council for approval once the Governor's FY 2010-11 Budget is presented on January 19, 2010 and January sales tax numbers received.

Completed Audit of City's Capital Planning Process conducted by auditors from the State Comptroller's Office.

Participated in and completion of Audit of City's American Recovery and Reinvestment Act funding conducted by auditors from the State Comptroller's Office.

Personnel Matters:

Personnel Actions: 10 Appointments; 7 Resignations; 15 Retirements; 13 Promotions, 1 Provisional Appointment, 1 Temporary Appointment

Concluded negotiations with Civil Service Employees Association, contract expired on June 30, 2008 (March 2009).

Concluded negotiations with Police and Fire Unions, contracts expired on June 30, 2009 (September 2009) (December 2009).

Completed 2009 Police Academy.

Actively worked with Fox Lawson on completing Employee Classification and Compensation Study. Anticipate final report presentation during March/April 2010.

Participated in Summer Youth Employment and Training Program.

Economic Development Initiatives:

Continued work on Shared Municipal Services Grant received by the City and the Town of Watertown to address system wide issues with Disinfection Byproducts.

Continue to work with NYS DEC on investigation of environmental contamination at Sewall's Island.

Empire Zone Administration, assistance provided by City Comptroller, City Planning and City Clerk.

Working with Advantage Watertown on Woolworth Building redevelopment and Housing Strategy Paper.

Working with Advantage Watertown and the River Committee, supported the annual Black River Cleanup.

Worked with Neighbors of Watertown and the Watertown Local Development Corp. to implement plans for the façade, downtown upper floor apartments program and building renovation program.

City serves as liaison between developers of the Franklin Building and Riverview Plaza Redevelopment for the RestoreNY grants.

Capital Projects:

Annual Street Paving Program - Placed a total of 7,955 tons of asphalt and poured 285 cubic yards of concrete and 2,625 linear feet of concrete pin-on curbs.

Completed Downtown Streetscape project.

Completed final piece of reconstruction of Ten Eyck St.

Worked with Engineers designing Bicentennial Park and Marble Street Park to bring these projects to bid.

Installed stormwater collection system along Emmett Street to address the surface water issues occurring at the intersection of Palmer Street and Emmett Street intersection.

Completed Black River Parks Project and Hole Brothers.

Completed sewer main installation on Butterfield-Barben and Chestnut Streets.

Opened a new youth baseball field behind the Alteri Pool parking lot to help meet the demand for the areas youth teams (ages 6 to 10).

Completed 2008-09 Sidewalk Special Assessment Program. Prepared to move forward with new program this Spring.

Supported Rotary and Tree Watertown initiatives, named Tree City USA.

Designed, bid and rebuilt North Side Trunk Sewer.

Initiated emergency repair of Mill Street storm sewer mains.

Designed Breen Avenue and Greensview sewer main replacement.

Coordinated with Lu Engineers on the design of J.B. Wise Parking Lot.

Installed the new backup generator at City Hall as part of City's emergency response plan.

Installed Summit Wood traffic signal and Washington St sidewalks; also installed Algonquin Avenue sewer main and laterals.

Replaced Arcade Street water main with City personnel.

Designed and completed Phase I of Commerce Park Drive water main installation.

Worked with Watertown Noon Rotary Club to construct a new pavilion in Thompson Park.

Alternative Energy:

In conjunction with Upstate Testing and Controls completed site work and the trolley and rake was installed at Hydro Electric Plant. This project will increase production of electricity at the City's Hydroelectric Plant

Submitted a grant application for solar panels to be installed at the Fairgrounds Arena, with assistance from Fourth Coast, Inc.

Working with Fourth Coast, Inc. on an application to NYSERDA, funded with monies from the American Recovery and Reinvestment Act, to assist the City in reducing its energy demands, implementing an efficient transportation system project, and managing its energy consumption.

Information Technology:

Thin Client Deployment has moved forward with more than 30 thin client computing devices deployed in various offices throughout the City. These devices deliver centralized applications from the City Citrix system and allow for centralization of applications and data management.

Working with regional representative from New York State Archive and Records office on a grant application for 2010-2011 for a disaster management project to develop, test and implement systems to protect local governmental archival and electronic records. This is an identified priority for funding in 2010-11 and something that will benefit the City long term.

Preparing a grant application for submission to the New York State Archives Local Governmental Records Management Improvement Fund (LGRMIF) to fund

in-house implementation, support and development of an open-source document and records management system. This will provide funding for training staff to implement and support these tools.

Comptroller's office, Police Department and IT implemented a new Parking Ticket system which includes handheld units for issuing of tickets in the field.

Worked with the Comptroller's office to implement KVS Automatic Debit for Utility Billing (ACH)

The City of Watertown Police Department, the Jefferson County District Attorney's Office and the Drug Task Force are now participating in a data sharing project using the City's Police Data system as a common source of information.

Integrated the Police data system and the New York State TraCS system. TraCS produces a traffic ticket and accident report, including associated documents such as supporting depositions, in the police vehicle using a computing device and printer.

Developed an automatically updated web page delivering data from the weather station on top of the Newell Street DPW facility as an addition to the City website.

Developed a hydrant map for use by the Fire Department. Framed map is carried in every FD vehicle to aid in event analysis. One side contains a city-wide map while the other side has detail maps of 16 apartment complexes. Expanded apartment views are available in a binder and will be included in the pre-plan for each area.

Administrative Initiatives:

Preparation of legislation for City Council consideration:

206 Resolutions, 26 Ordinances and 9 Local Laws

Provided orientation sessions and tours to Council Member Teresa Macaluso.

Negotiated long term agreements with the following:

Hounsfield, Sackets Harbor and Town of Watertown, Emergency water interconnect; YMCA, Lease of property at Fairgrounds, Home Rule Legislation; Development Authority of the North Country, 20 year sewer and leachate Agreement; Town of Watertown, Water Service Contract District # 6; Westelcom, Franchise Agreement to use City's underground conduit system.

Resolved two administrative orders issued by the Environmental Protection Agency in connection with the City's industrial pretreatment program.

Worked with NYS DEC on City Combined Sewer Overflow Long Term Control Plan.

Continue work with NYSDOS to redo our consistency review law and planned changes to the zoning ordinances associated with the Local Waterfront Revitalization Program (LWRP).

Supported visits from Vice President Joseph Biden and Congressman Bill Owen.

Arrest of fugitive from Justice Ramon Robles, Puerto Rico, charged with the December 2008 murder of Annette Vazquez.

Solved homicide at 715 State Street, 2 subjects were arrested for Murder in the 2nd degree and Robbery in the 1st degree. An additional 3rd subject was arrested on December 16th for Criminal Possession of a Weapon in the 2nd degree.

Fire Department training for all operational platoons on the AHURA First Defender device which we received as part of the CEDAP grant.

The Insurance Services Organization issued the City our ISO 2 rating. An audit of the Fire and Water Departments, along with County Dispatch play into the City's rating. The ISO is here at 10 year intervals to evaluate and rate the City's fire protection and water system.

Issued Annual Water Quality Report.

Participate in quarterly meetings with representatives from POMCO and ProAct.

Summer golf program saw increase in registered participants from 59 youth last season to 188 this year.

Summer tennis program saw the number of registered participants rise from 28 individuals last year to 103 this season.

Staff worked with the Governor Roswell P. Flower Monument Centennial Committee to bring Conservation Solutions, Inc. (CSI) to the City to provide a thorough cleaning and waxing to the Flower Monument.

Conservation Solutions, Inc. (CSI) also completed a conservation assessment of the Soldiers and Sailors Monument on Public Square.

Facility Maintenance Plans for the Fleet Maintenance Facility (557 Newell Street) and the CitiBus Facility (544 Newell Street) were developed and submitted to the New York State Department of Transportation (NYSDOT).

Significant Training Opportunities:

NYS Public Employer Labor Relations Association – Annual Training on Employer issues in the Public Sector

Economic Stimulus Funds: How Local Governments Can Get Their Fair Share

Professional Organizations:

International City/County Managers Association (ICMA)

New York State Municipal Managers Association (NYSMMA)

New York State Public Employer Labor Relations Association (NYSPELRA)

Work Related Boards:

Watertown Local Development Corporation - Board of Directors

Jefferson County Job Development Corporation - Board of Directors

Advantage Watertown - Staff

Community Related Boards:

Fort Drum Regional Liaison Organization – Secretary, Board of Directors

NNY - Ft. Drum Chapter AUSA – Board of Directors, (Past President)

Operation Yellow Ribbon Committee – Co-Chair

Jefferson Community College Foundation – Board of Directors (Past President)

Mayor’s Ball Committee – Member

Community Opportunities:

Facilitator, Jefferson Leadership Institute, Local Government Day

#1
Organizational Management
Program Development and Follow-Through

- ___ 1. Plans and organizes service delivery systems to assure efficient and effective services.
- ___ 2. Follows through on work assigned by the City Council so that it is completed efficiently and thoroughly.
- ___ 3. Researches City Council's program suggestions and reporting the results of the analyses.
- ___ 4. Maintains knowledge of current and innovative trends, technologies and systems and uses same for City operations and programs.
- ___ 5. Anticipates and recognizes future needs and problems and plans accordingly.
- ___ 6. Plans and organizes for maximum utilization and maintenance of City owned facilities and equipment.
- ___ 7. Effectively assigns work to others and builds their skills.

Comments:

Note: Please score each sentence on a scale of 1-5.

(1) Unacceptable (2) Poor (3) Acceptable (4) Good (5) Excellent.

Also: Use D.N. if you don't know or don't feel qualified to rate that category

#2
Employee & Unionized Labor
Relations

___ 1. Maintains positive employee-employer relations and guides staff so they work towards common objectives, i.e. promotes teamwork among staff.

___ 2. Effectively appoints and develops qualified personnel and oversees/evaluates job performance.

___ 3. Addresses personnel problems and takes appropriate action when warranted.

___ 4. Union contracts are properly negotiated, with the interests of the City protected while labor relations are not excessively strained.

___ 5. Minimal union grievances, unfair labor charges, and negative publicity are maintained.

Comments:

#3

Relationship with Mayor and Council

- ___ 1. Maintains effective communications, both verbal and written, to keep Council Members informed in a timely manner and about important issues and problems.
- ___ 2. Provides information to all Council Members on an equal basis.
- ___ 3. Maintains personal availability to Council Members.
- ___ 4. Maintains reporting systems to Council Members of the administration's staff current and planned activities.
- ___ 5. Effectively communicates with Council Members about their concerns and delegates or follows through to see that City Departments implement appropriate actions.

Comments:

#4

Budgetary & Fiscal Management

- ___ 1. Plans, organizes, prepares and presents the annual budget with adequate documentation and support information to enable Council Members to make informed fiscal policy decisions.
- ___ 2. Controls costs wherever possible.
- ___ 3. Provides financial reports to Council Members with sufficient information on the City financial status.
- ___ 4. Administers the adopted budget within approved revenues and expenditures.

Comments:

#5
Public Relations

- ___ 1. Relates and communicates well with the public and the media; maintains to the public a City image that represents professionalism and service.
- ___ 2. Effectively handles citizen's complaints and disputes.
- ___ 3. Maintains visibility, identity and availability in the community and is active in community events and organizations.
- ___ 4. Effectively represents the City Council's positions and policies.
- ___ 5. Ensures that City employees demonstrate a perception and attitude of helpfulness, courtesy and sensitivity.
- ___ 6. Has the respect of Council, department heads and employees.

Comments:

#6
Intergovernmental Relations

- ___ 1. Positively represents the City and its interests with other governmental jurisdictions or agencies.
- ___ 2. Maintains effective relations and communications with other government agencies, including elected officials (i.e. Town Supervisors, State and Federal Representatives).
- ___ 3. Keeps Council Members advised of new and pending legislation and developments.

Comments:

#7

Personal Characteristics

___ 1. OBJECTIVITY: Is the Manager open to City Council's new ideas and suggestions for change with rational, impersonal viewpoint based on facts and qualified opinions?

___ 2. DECISIVENESS: Is the Manager able to reach timely decisions and initiate action?

___ 3. ATTITUDE: Is the Manager enthusiastic, cooperative, interested and flexible when it comes to performing duties?

___ 4. FIRMNESS: Does the Manager have courage of convictions, in spite of political or public pressure to the contrary, but without being stubborn?

___ 5. INTEGRITY: Does the Manager set a leading example for all employees that high ethical standards are the norm?

___ 6. RESOURCEFULNESS: Does the Manager show initiative, creativity and "out-of-the-box" thinking when dealing with tough issues or problems?

___ 7. Does the Manager seek to develop alternative revenue sources to meet departmental needs?

___ 8. Has good understanding of all phases of departmental responsibilities.

___ 9. Shows willingness to work beyond normal work day to meet responsibilities.

#8
Overall Evaluation Rating

Circle the appropriate Overall Evaluation Rating:

	Outstanding	Results achieved far exceed the requirements of the job.
	Commendable	Results achieved consistently exceed the requirements of the job in all key areas
	Satisfactory	Results achieved consistently meet the requirements of the job.
	Needs Improvement	Results demonstrate a need for growth in one or more requirements of the job.
	Unsatisfactory	Results do not meet the requirements of the job.

#9
Performance Appraisal Action Plan

Employee's strengths: _____

Areas in need of improvements: _____

#10
Signatures and Comments

Evaluator Name/Title: _____

Evaluator Signature: _____ Date: _____

I have been given the opportunity to examine the contents of this appraisal. I certify that my job performance was reviewed and discussed with me.

Employee Signature: _____ Date: _____

Employee

Comments: _____

EMPLOYMENT AGREEMENT

THIS AGREEMENT, is made and entered into this day of April, 2008, by and between the City of Watertown, a municipal corporation hereinafter called "Employer or City Council", and Mary M. Corriveau, hereinafter called "Employee or City Manager."

WITNESSETH

WHEREAS, Employer desires to continue to employ the services of Mary M. Corriveau as City Manager of the City of Watertown, as provided for in the Charter of the City of Watertown and in the Optional City Government Law as contained at Chapter 444 of the Laws of 1914; and

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment and to set working conditions of said Employee; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of Employee, and to provide inducement for her to remain in such employment, (2) to make possible full work productivity and independence by assuring Employee's morale and peace of mind with respect to future security, and (3) to provide a just means for terminating Employee's services at such time that the City Council may desire; and

WHEREAS, Employee desires to continue employment as City Manager of the City of Watertown;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Powers and Duties of the City Manager.

The City Council hereby agrees to employ Mary M. Corriveau as City Manager of the City of Watertown to perform the functions and duties specified in the Watertown City Charter and in the Chapter 444 of the Laws of New York of 1914, and to perform other legally permissible and proper duties and functions as the City Council shall from time to time assign, subject to this Agreement.

Section 2. Term.

- A. The City Manager serves at the pleasure of the City Council and nothing herein shall be taken to prevent, limit or otherwise interfere with the right of the City Council to terminate the services of the City Manager at any time, subject only to the provisions of Section 3 of this Agreement.

- B. The term of this Agreement shall be May 1, 2008 through April 30, 2010.
- C. In the event Employee voluntarily resigns as City Manager before expiration of the term of this Agreement, then Employee shall give the City Council thirty (30) calendar days advance notice unless the parties agree otherwise.

Section 3. Early Termination and Severance Pay.

- A. In the event employment of the City Manager is terminated, other than for just cause, and prior to the expiration of the term of this Agreement (as defined in Paragraph 3 (D)), the City Council agrees to pay Employee six (6) months (1/2 year) salary, on a biweekly basis, and continue to pay Employee's health insurance premiums for a period of six (6) months (1/2 year) from termination. In the event Employee commences comparable employment in her field prior to six months from the effective date of termination, the City Council's obligation to pay for health insurance premiums and salary shall then cease. Employee shall make good faith efforts in seeking such comparable employment. Employee shall also be compensated for all earned vacation calculated at the rate of pay in effect upon termination.
- B. For purposes of this Section 3, a failure of the City Council to renew the City Manager's Contract shall not be deemed a termination entitling the City Manager to severance pay if the City Council shall notify the City Manager, in writing, by February 1st of the year requiring renewal, that the Contract shall not be renewed. If the City Council does not inform the City Manager by February 1st of the year requiring renewal that the Contract will not be renewed, then any subsequent failure to renew shall entitle the City Manager the Severance Pay called for in Section 3(A).
- C. In the event the Employee is terminated, for other than just cause, and after six (6) months she is unable to sell her City residence at fair market value as determined herein, the City Council will reimburse the Employee the difference between the good faith, arms length sales price obtained and the residence's fair market value. Fair market value is to be determined by using the average of three appraisals, (based upon comparable sales) by licensed local real estate brokers. Each of the Employer and Employee shall select, and pay for, one appraisal each. The third appraiser is to be elected by the two previously selected appraisers, and will be paid for by the Employer.

- D. In the event City Council at any time reduces the salary, compensation or other benefits of the City Manager in an amount greater than that applicable as an across-the board reduction for all employees of the City, or the City Manager resigns following a suggestion, either formal or informal, by the City Council that she resign, then in that event the City Manager may at her option, be deemed terminated, and entitled to the benefits as provided in Section 3 (A). However, prior to a “deemed” termination, the City Manager must give the City Council notice of her intention to treat a particular action as a termination and provide the City Council ten (10) days to “cure” any claimed termination.
- E. In the event the City Manager is terminated for “just cause,” then the Employer’s only obligation to the City Manager is to pay all compensation and benefits accrued but unpaid at the date of termination. “Just cause” is defined as the commission of a crime or other actions involving dishonesty or moral turpitude.
- F. Contemporaneously with the delivery of all of the severance pay set forth above, the City Manager agrees to execute and deliver to Employer a release, releasing Employer from all claims that City Manager may have against Employer.
- G. The terms of this Agreement shall remain in full force and effect unless and until it expires of its own terms, or is sooner terminated.

Section 4. Salary.

Employer agrees to pay Mary M. Corriveau for her services as City Manager an annual gross salary of \$97,850 beginning May 1, 2008 and \$100,786 beginning May 1, 2009, payable in installments at the same time as other employees of the City of Watertown are paid.

Section 5. Retirement Benefits.

- A. The City Manager shall be covered and governed by the same retirement system as all other non-public safety employees (New York State Employee Retirement System).
- B. In the event the City Manager shall retire while in the employ of the City, Employer will pay seventy-five percent (75%) of the premium for health insurance policy and the Employee shall pay the remaining.
- C. The City Manager shall have the option of converting up to three (3) sick days and three (3) vacation days, per fiscal year, into dollars to be contributed to the employee’s Section 457 deferred compensation plan.

Section 6. Health Insurance.

- A. The City Manager shall be covered by the same health plan as all other management employees, except that the City Manager shall pay 25% of the premium for health insurance coverage.

Section 7. Other Benefits.

- A. Employee may, at her option, carry over not more than ten (10) days vacation leave in any one given year. Such carryover of vacation leave shall not be cumulative from year to year. Employee shall continue to earn thirty (30) days vacation per year. Employee's accrual of sick leave shall be at the rate per the existing City policy.

Section 8. Professional Development.

Employer agrees to budget for and to pay the professional dues, subscriptions, travel and subsistence expenses of the City Manager for professional participation and travel, meetings and occasions adequate to continue her professional development. Said participation on City time shall include the International City Management Association (ICMA) annual conference and dues, the New York State Municipal Management Association annual conference and dues, the NYSPELRA annual conference, and the New York State Conference of Mayors annual conference.

Section 9. Performance Evaluation.

The City Council shall review and evaluate the performance of the City Manager as required by the City's Charter. Employer agrees to review base salary and/or other benefits of the City Manager at the time of her review, in such amounts and to such extent as the City Council may determine that it is desirable to do so, in light of performance by City Manager.

Section 10. Indemnification.

Employer shall defend and indemnify Employee, in accordance with Section 18 of the N. Y. Public Officers Law, in any action or special proceeding arising from Employee's performance of duties as City Manager, unless those actions were illegal or otherwise outside the scope of her duties or authority.

Section 11. Notices.

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- (1) EMPLOYER: Mayor of the City of Watertown
Suite 302, Municipal Building
245 Washington Street
Watertown, New York 13601

- (2) EMPLOYEE: Mary M. Corriveau
1350 Loomus Drive
Watertown, New York 13601

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 12. General Provisions.

- A. The text herein shall constitute the entire Agreement between the parties.

- B. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, of portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

- C. There shall be no changes in this Agreement unless agreed to in writing and approved by majority vote on the Council and by Employee.

- D. This Agreement is subject to all provisions of the City Charter of Watertown, New York.

IN WITNESS WHEREOF, the City of Watertown has caused this Agreement to be signed and executed in its behalf by its Mayor and duly attested by its City Clerk, and the Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.

Mayor of the City of Watertown

ATTEST:

City Clerk
(Seal)

APPROVED AS TO FORM:

City Attorney

Mary M. Corriveau, City Manager



Memo

To: The Honorable Mayor and City Council
From: Donna M. Dutton, City Clerk
Date: 01/07/2010
Re: Performance Appraisal

Attached is the performance appraisal form for your consideration.

Over the past year, we have made an effort to cut expenditures, look for new revenue streams and to maintain the level of customer service that our citizens have become accustomed to. We collected over \$113,000 in general fund revenues this year by performing 570 wedding ceremonies, issuing 1072 marriage licenses, approximately 15,000 certified copies, 1496 dog licenses and processing over 350 passport applications.

Council authorized an increase in our fees for marriage ceremonies in July. The \$10 increase allows us to collect more funding, but does not out price us from the funding source.

Last year, I outlined the various ways that we were saving money by reusing manila envelopes and the backs of copy paper. We still continue those practices and in addition, have begun the practice of certifying resolutions and ordinances on the back of the document, instead of adding yet another sheet of paper to it. The idea was originally suggested by Council Member Butler during a meeting, and we adapted it for our use.

We had another field audit visit this year from the New York State Department of Health and again, their representatives were impressed with the system we use for vital records and the number of documents that are put through our system compared to the number of employees in our office.

Having been asked several times by NYS to assist other clerks in the state, we decided that we would develop a manual for use in our office that would assist us when various scenarios occur and staff needs quick, accurate answers. There are sections that pertain to not only what our jobs entail for Council, but also our duties for

the many state agencies that we work for. In addition, we are now using a streamlined, user-friendly form which was designed in our office for requesting birth documents.

Representatives for the U.S. Passport Center in New Hampshire visited our office recently and gave us excellent marks on our passport acceptance procedures. They informed us that we were one of the offices that they never have any issues with. Our passport applications increased this year, thus increasing our revenues.

We continue to enter birth documents from the early to late 1900's into the BAS clerk system. With thousands of births occurring each year and with records going back to 1883, it is a time consuming task which is almost completed. We currently have 117,404 birth certificates in the BAS system.

We have prepared 1,168 pages of minutes from City Council meetings this past year.

With the assistance of volunteers in the Historian's Room, we continue our indexing project in that office. I have completed research for articles that will be offered for use to the Jefferson County Historical Society and the Four River Valley Historical Society publications.

I am pleased with what our office has accomplished this year. We are a small office. However, the amount of work that is put through here is comparable to cities of a much larger size. And while we don't deal in million dollar projects, we do deal in assisting our citizens and others who have ties to our community. Our goal has been and always will be to offer the best customer service that we are capable of offering.

Concerning my involvement in the community, I continue to serve on the Jefferson Breakfast Kiwanis Club board of directors as well as on the Relay for Life Board of Directors as Survivor Chair. I am a member of the Jefferson County Historical Society's Publication Committee and Program Committee. I also have taken on the task of preparing the JCHS bulletins for the printer twice a year.

I am active in the American Cancer Society and still work with cancer patients through the Reach to Recovery Program as well as serving on the advocacy team which meets with our state and federal elected officials.

PERFORMANCE APPRAISAL

1. **PLANNING:** The ability to plan and set realistic goals, objectives and priorities; anticipate possible problems; commit activities to realistic but challenging schedule; and the ability to anticipate problems and future conditions.

Outstanding Above Standard Standard Needs Improvement Unacceptable

Comments:

2. **BUDGET MANAGEMENT:** Maintaining the efficiency and effectiveness of operations as expressed in terms of cost effectiveness; preparing budgets that are complete and properly documented on a timely basis; keeping expenditures within budgeted amounts; and taking appropriate corrective actions when unexpected budget problems develop.

Outstanding Above Standard Standard Needs Improvement Unacceptable

Comments:

3. **ORGANIZING:** Maximizing the productivity of available human and physical resources through thoughtful articulation of process, schedules, internal relationships, operational methods and assignment of responsibility; and effective management of time, including the ability to schedule, conduct and conclude meetings effectively.

Outstanding Above Standard Standard Needs Improvement Unacceptable

Comments:

4. **DIRECTING/LEADERSHIP:** Ability to set an example for others to follow; motivate and inspire subordinates to greater levels of achievement; set realistic and challenging goals for self and others; command the respect and support of subordinates; and continued development of own activities in order to keep abreast of the field.

Outstanding Above Standard Standard Needs Improvement Unacceptable

Comments:

5. **CONTROLLING:** Establish methods for effectively measuring and evaluating activities taking place; making the necessary corrections when deficiencies are identified; and demonstrating operational understanding of personnel policies; labor agreements; and progressive discipline.

Outstanding Above Standard Standard Needs Improvement Unacceptable

Comments:

6. **MANAGING CHANGE:** Effectiveness in introducing and implementing new methods, procedures and organizational relationship; the ability to identify worthwhile new ideas and generate a favorable organizational climate for implementation; and ability to accept responsibilities.

Outstanding Above Standard Standard Needs Improvement Unacceptable

Comments:

7. **EMPLOYEE DEVELOPMENT:** Provides accurate feedback to subordinates regarding strengths and developmental needs; and provides growth and development opportunities to same through a combination of work assignments; in-service training and outside developmental programs and experiences.

Outstanding Above Standard Standard Needs Improvement Unacceptable

Comments:

8. **JUDGEMENT/PROBLEM SOLVING:** Ability to identify problem conditions, secure required data, and reach logical and effective conclusions on a timely basis; understanding of organizational restraints in taking corrective action; ability to accommodate new information in the problem solving process.

Outstanding Above Standard Standard Needs Improvement Unacceptable

Comments:

9. **INTERPERSONAL SKILLS:** Ability to establish and maintain effective working relationships with subordinates, superiors, collaterals, and the public; ability to give and accept criticism; and ability to influence rather than instruct subordinates.

Outstanding Above Standard Standard Needs Improvement Unacceptable

Comments:

10. **COMMUNICATION:** Ability to select, organize and present information effectively, either verbally or in writing; ability to make and support a point or conclusion; ability to actively listen to others; and ability to express self in terms appropriate for the intended recipient.

Outstanding Above Standard Standard Needs Improvement Unacceptable

Comments:

COMMENT SHEET

(Use additional pages if necessary)

General comments:

Employee wishing to comment on their appraisal may do so in the space provided. This sheet must be signed with or without comments to the rater within five working days of receiving it.

Employee comments:

NO COMMENTS

Signature of Employee

Date

Signature of Mayor

Date

EMPLOYMENT AGREEMENT

THIS AGREEMENT, is made and entered into this day of April, 2008, by and between the City of Watertown, a municipal corporation hereinafter called "Employer or City Council", and Donna M. Dutton, hereinafter called "Employee or City Clerk."

WITNESSETH

WHEREAS, Employer desires to continue to employ the services of Donna M. Dutton as City Clerk of the City of Watertown, as provided for in the Charter of the City of Watertown

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment and to set working conditions of said Employee; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of Employee, and to provide inducement for her to remain in such employment, (2) to make possible full work productivity and independence by assuring Employee's morale and peace of mind with respect to future security, and (3) to provide a just means for terminating Employee's service at such time that the City Council may desire; and

WHEREAS, Employee desires to continue employment as City Clerk of the City of Watertown;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Power and Duties of the City Clerk

The City Council hereby agrees to employ Donna M. Dutton as City Clerk of the City of Watertown to perform the functions and duties specified in the Watertown City Charter and to perform other legally permissible and proper duties and functions as the City Council shall from time to time assign, subject to this Agreement.

Section 2. Term

- A. The City Clerk serves at the pleasure of the City Council and nothing herein shall be taken to prevent, limit or otherwise interfere with the right of the City Council to terminate the service of the City Clerk at any time, subject only to the provisions of Section 3 of this Agreement.
- B. The term of this Agreement shall be May 1, 2008 through April 30, 2010.

- C. In the event Employee voluntarily resigns as City Clerk before expiration of the term of this Agreement, then Employee shall give the City Council thirty (30) calendar days advance notice unless the parties agree otherwise.

Section 3. Early Termination and Severance Pay

- A. In the event employment of the City Clerk is terminated, other than for just cause, and prior to the expiration of the term of this Agreement (as defined in Paragraph 3(D), the City Council agrees to pay Employee six (6) months' salary, on a biweekly basis as a severance. The City will, during that time, and thereafter continue to provide medical insurance for the City Clerk according to the Benefits Policy for Management and Management Confidential Employees who were hired prior to July 1, 1983. Employee shall also be compensated upon termination in a lump sum for all earned vacation calculated at the rate of pay in effect upon termination, less appropriate withholdings.
- B. For purposes of this Section 3, a failure of the City Council to renew the City Clerk's Contract shall not be deemed a termination entitling the City Clerk to severance pay if the City Council shall notify the City Clerk, in writing, by February 1st of the year requiring renewal, that the Contract shall not be renewed. If the City Council does not inform the City Clerk by February 1st of the year requiring renewal that the Contract will not be renewed, then any subsequent failure to renew shall entitle the City Clerk the Severance Pay called for in Section 3(A).
- C. In the event City Council at any time reduces the salary, compensation or other benefits of the City Clerk in an amount greater than the applicable as across-the board reduction for all employees at the City, or the City Clerk resigns following a suggestion, either formal or informal, by the City Council that she resign, then in that event the City Clerk may at her option, be deemed terminated, and entitled to the benefits as provided in Section 3(A). However, prior to a "deemed" termination, the City Clerk must give the City Council notice of her intention to treat a particular action as a termination and provide the City Council ten (10) days to "cure" any claimed termination.
- D. In the event the City Clerk is terminated for "just cause" then the Employer's only obligation to the City Clerk is to pay all compensation and benefits accrued but unpaid at the date of termination. "Just cause" is defined as the commission of a crime or other actions involving dishonesty or moral turpitude.
- E. Contemporaneously with the delivery of all of the severance pay set forth above, the City Clerk agrees to execute and deliver to Employer a release, releasing Employer from all claims that City Clerk may have against Employer.
- F. The terms of this Agreement shall remain in full force and effect unless and until it expires of its own terms, or is sooner terminated.

Section 4. Salary.

During the first year of employment pursuant to this Agreement, Employer agrees to pay Donna M. Dutton for her services as City Clerk an annual gross salary of \$60,500, payable in installments at the same time as other employees of the City of Watertown are paid. In the second year of employment under this Agreement, the annual gross salary shall be \$62,500.

Section 5. Retirement Benefits

- A. The City Clerk shall be covered by the same retirement system as all other non-public safety employees (New York State Employee Retirement System)
- B. In the event the City Clerk shall retire while in the employ of the City, Employer will provide medical insurance for the City Clerk according to the Benefits Policy for Management and Management Confidential Employees who were hired prior to July 1, 1983.
- C. The City Clerk shall have the option of converting up to three (3) sick days and three (3) vacation days, per fiscal year, into dollars to be contributed to the employee's Section 457 deferred compensation plan.

Section 6. Health Insurance

- A. The Clerk shall be covered by the same health plan as all other management employees.

Section 7. Other Benefits

- A. Employee may, at her option, carry over not more than ten (10) days vacation leave in any one given year. Such carryover of vacation leave shall not be cumulative from year to year. Employee shall continue to earn thirty (30) days vacation per year. Employee's accrual of sick leave shall be at the rate per the existing City policy.

Section 8. Professional Development

Employer agrees to budget for and to pay for professional dues, subscriptions, travel and subsistence expenses of the City Clerk for professional participation and travel, meetings and occasions adequate to continue her professional development. Said participation on City time shall include the International Institute of Municipal Clerks dues, New York State Association of City and Village Clerks conference and dues and the New York State Association of Municipal Historians dues.

Section 9. Performance Evaluation

The City Council shall review and evaluate the performance of the City Clerk as required by the City's Charter. Employer agrees to review base salary and/or other benefits of the City Clerk at

the time of her review, in such amounts and to such extent as the City Council may determine that it is desirable to do so, in light of performance by City Clerk.

Section 10. Indemnification

Employer shall defend and indemnify Employee, in accordance with Section 18 of the N.Y. Public Officers Law, in any action or special proceedings arising from Employee's performance of duties as City Clerk, unless those actions were illegal or otherwise outside the scope of her duties or authority.

Section 11. Notices

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

(1) EMPLOYER: Mayor of the City of Watertown
Suite 302, Municipal Building
245 Washington Street
Watertown, New York 13601

(2) EMPLOYEE: Donna M. Dutton
1137 State Street
Watertown, New York 13601

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 12. General Provisions

- A. The text herein shall constitute the entire Agreement between the parties.
- B. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

- C. There shall be no changes in this Agreement, unless agreed to in writing and approved by majority vote on the Council and by Employee.
- D. This Agreement is subject to all provisions of the City Charter of Watertown, New York

IN WITNESS WHEREOF, the City of Watertown has caused this Agreement to be signed and executed on its behalf by its Mayor and the Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.

Mayor of the City of Watertown

Donna M. Dutton, City Clerk