

**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 17, 2012, 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

City Council Meeting of January 3, 2012

City Council Work Session of January 9, 2012

Amended Council Minutes for December 6, 2010

COMMUNICATIONS

PRIVILEGE OF THE FLOOR

RESOLUTIONS

- Resolution No. 1 - Approving the 23rd Annual Local Government Conference Workshop on March 29, 2012, as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials Training Requirement
- Resolution No. 2 - Approving City of Watertown Benefits Policy for Management and Management Confidential Employees
- Resolution No. 3 - Approving a License Agreement For Property Located at 620 Lillian Street, Watertown, New York
- Resolution No. 4 - Approving Agreement with New York State Housing Trust Fund Corporation for a 2011 Small Cities Community Development Block Grant
- Resolution No. 5 - Approving Agreement for Professional Services for Fluoride Tank Replacement with Bernier, Carr & Associates

- Resolution No. 6 - Accepting Bid for the Purchase of HVAC Equipment for City Hall, Trane
- Resolution No. 7 - Accepting Bid for the Purchase of HVAC Equipment for the Flower Memorial Library, Modular Comfort Systems
- Resolution No. 8 - Approving the Site Plan for the Construction of a 1,720 Square Foot Addition to the Midas Automobile Repair Shop at 817 Arsenal Street, Parcel 9-10-120
- Resolution No. 9 - Approving a Special Use Permit Request Submitted by Ed Kowalsky of Empire Recycling Corporation to Operate a Metals Recycling Facility at 301 Pearl Street, Parcel 4-01-101

ORDINANCES

- Ordinance No. 1 - Amending Section 81-5 of the City Code of the City of Watertown, Prohibiting the Owner of Any Dog to Permit or Allow Such Dog to be Present at any “Special Event” in the City or to be Upon City Owned Property and Within Twenty Feet of any City Owned Swimming Pool or Playground Equipment Located Within Any City Park or Playground

LOCAL LAW

PUBLIC HEARING

- 7:30 p.m. Resolution - Public Hearing Authorizing Spending From Capital Reserve Fund

OLD BUSINESS

STAFF REPORTS

1. Property Offer – 100, 101 and 103 Alexandria Avenue
2. Brick Buildings on Coffeen Street near Jailhouse Antiques
3. LWRP Zone Change Notifications
4. Amendment to New York State’s Public Officers Law, Open Meetings Law
5. F. P. Flower Memorial Library Board of Trustees Meeting Minutes of December 13, 2011

6. Sales Tax Revenue – December 2011

NEW BUSINESS

EXECUTIVE SESSION

Pending Litigation

WORK SESSION

ADJOURNMENT

**NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS MONDAY,
FEBRUARY 6, 2012.**

Res No. 1

January 10, 2012

To: The Honorable Mayor and City Council

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

Subject: Approving the 23rd Annual Local Government Conference Workshop on March 29, 2012 as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials Training Requirement

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

Attached is a flyer for the 23rd Annual Local Government Conference to be held on Thursday, March 29, 2012, from 7:30 a.m. til 5:30 p.m. at Jefferson Community College. Upon review of the agenda, staff believes that this workshop meets the intent of the State Legislation for training and will therefore qualify as five hours toward meeting the training requirement, upon approval of the City Council. A resolution approving the training has been prepared for City Council's consideration.

RESOLUTION

Page 1 of 1

Approving the 23rd Annual Local Government Conference Workshop on March 29, 2012, as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials Training Requirement

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

Total

YEA	NAY

Introduced by

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

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

WHEREAS the New York State Tug Hill Commission is sponsoring a day of training sessions at the 23rd Annual Local Government Conference for local government officials on March 29, 2012 at Jefferson Community College,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that the 23rd Annual Local Government Conference Workshop is approved to provide up to five hours of training toward meeting the New York State municipal planning and zoning officials' training requirement.

Seconded by

23RD LOCAL GOVERNMENT CONFERENCE

March 29, 2012

at Jefferson Community College

About the Conference

The March 29, 2012 Local Government Conference is an annual event organized by the Tug Hill Commission attracting as many as 600 local government officials from across the North Country. Workshops on a variety of topics are geared toward town and village board members, clerks, planning boards, zoning boards, highway departments, and assessors.



Registration Information

Please mail registration form inside with check or voucher. Refunds will not be granted after Wednesday, March 14th.

Directions to Jefferson Community College

Take Interstate 81 to Exit 46 (Coffeen Street). Travel east on Coffeen Street .25 miles. The College entrance is on your left. Parking at the college is in the back at Lots C & D. Registration is in the Gymnasium. Come early to ensure a good parking spot!

OVERVIEW OF THE DAY

7:30 a.m. - 8:30 a.m.

Registration & Breakfast with Exhibitors

8:30 a.m. - 9:00 a.m.

Welcoming Remarks & Keynote

9:15 a.m. - 10:30 a.m.

1st Concurrent Session

10:45 a.m. - 12:00 p.m.

2nd Concurrent Session

12:00 p.m. - 1:00 p.m.

Lunch

1:15 p.m. - 2:45 p.m.

3rd Concurrent Session

3:00 p.m. - 4:30 p.m.

4th Concurrent Session

4:30 p.m. to 5:30 p.m.

Reception

2012 Conference Sessions

Town Boards ~ Village Boards ~ Clerks ~ Planning Boards ~ Zoning Boards ~ Highway Departments ~ Assessors

Assessor Training - 8:30 a.m. - Noon

Excel: New Basics

This session will take a look at pivot tables, charts and graphs. Focus will be placed on how they can provide the foundation for sales analysis and neighborhood trending. A demonstration of how to import and export the data to and from V4 will be covered. This session will also review how to create graphs and charts, along with methods to incorporate them into a public relations program.

Assessor Training - 1:15 p.m. - 4:30 p.m.

SCAR for the Small Town Assessor

This session will explore some "best practices" utilized by assessors in preparing for a Small Claims Assessment Review (SCAR) hearing. A short refresher course on key aspects of the Real Property Tax Law (RPTL) will be provided. This session will also review some of the many assets available to assessors to defend their assessments.

Welcoming Remarks & Keynote

8:30 a.m. - 9:00 a.m.

Session 1: 9:15 a.m. - 10:30 a.m.

A. Overview of the Tax Cap

This session will discuss the important aspects of the tax levy limitation legislation and how it will impact local governments across the State. A demonstration of how the tax levy limit calculation is performed as well as how to determine what exemptions and adjustments are available to local governments will be provided.

B. Shared Services - Do They Make Cents or Sense?

The results of a variety of municipal service efficiency studies have proven that there is no one-size-fits-all model to solve the problem of rising costs of municipal services. The largest challenge facing local governments is balancing the demand for quality services with the costs to deliver them. Cutting simply to cut is not the answer - making informed decisions and balancing the need for cost savings with service efficiency is.

C. Reading and Interpreting Site Plans

Learn how to identify key aspects of a sound and viable site plan, what elements compose a site plan, and what questions to ask when evaluating a site plan.

D. ZBA Procedures & Paperwork

Paperwork, paperwork, and more paperwork. Just what you need. a session that creates more paperwork. Not so? This

Session 2: 10:45 a.m. - 12:00 p.m.

A. Strategies for Living within the Tax Cap Part I

The restrictions placed on local government budgets as a result of the tax cap legislation will require governing boards to revisit the manner in which they provide necessary government services. This session will discuss the importance of developing long term capital and operational plans and effective fund balance policies.

B. Rural Economic Development Strategies

Economic development is a process that involves influencing growth by positioning a community to enhance its economic well being. This session will discuss what an economic development strategic plan is and how your community can benefit from it.

C. Protecting Natural Habitats at the Local Level

Summary: Local boards play an important role in protecting wildlife when reviewing development proposals. Communities can take advantage of many planning principles and tools in order to plan for growth while minimizing adverse effects on natural habitats in order to enhance community values.

D. Test for Variances

A variance is the granting of permission by an administrative body (the ZBA) to use one's land in a manner that is not in accordance with or is prohibited by the applicable zoning regulations. This session will review the tests for use and area variances. If properly administered, variances are like "safety valves" in that they provide limited relief while still protecting the zoning processes.

E. Conflict Resolution for T/V Boards and Highway Superintendents

Topics to be discussion include: the fiscal roles and responsibilities of the highway superintendent and the town board; issues relating to town finances; the budget process in relation to the town board and highway; and employee issues.

F. Social Media and Your Municipality

Does your community need Facebook and Twitter? For what, and how could they (should they) be used? What are some basic do's and don'ts? What role does social media play in community outreach? What are the legal implications? This session will discuss these concerns and others that face our communities in this fast-paced age of communications.

G. Understanding and Managing Natural Gas Development on Your Property

As New York State moves closer to approving hydraulic fracturing/horizontal well drilling operations in the Marcellus and Utica shale, local municipalities are gearing up for the advent of the gas rush. This session will discuss where the gas

D. Revised SEQR Forms

At a legislative hearing in January 2011, NYS DEC announced that it is in the process of revising both the full and short Environmental Assessment Form. In the 23 years since the forms were developed, numerous environmental issues have arisen that now need to be included in project evaluations. This session will take a look at the new and improved SEQR form.

E. Limiting Legal Liability for Local Highway Officials

Course topics to include: legal concepts, highway liability insurance and indemnity, liability based on highway design, vehicle use, municipal liability, record keeping, and accident response and information gathering.

F. Roundtable for Town & Village Clerks

Burning questions from town and village clerks will be answered by a panel of experts in the field. Come prepared to ask questions and get answers to all of them.

G. Reuse of Existing Buildings

Are there empty buildings in your community that you would like someone to do something with? This session will discuss options for reuse of existing buildings and what role the community plays in the process.

Session 4: 3:00 p.m. - 4:30 p.m.

A. Mandate Relief

The NYS Mandate Relief Redesign team and the Mandate Relief Council have been looking into ways to save the tax payer money. What changes have been proposed and what recommendations are moving forward will be discussed in this session.

B. Collaborative Decision Making for Controversial Projects

Local officials have expressed frustration over the fact that almost every major land use decision eventually becomes adversarial, often ending in litigation. This session will focus on different approaches to integrating facilitation and collaborative decision-making into land use, as well as tools and techniques that can be used.

C. NYS Stormwater Design Standards

DEC's 2010 stormwater regulations are the new standard which municipalities will be required to implement and use to guide development, in order to ensure protection of surface water quality. This session will focus on the baseline engineering standards that municipal boards will need to know for project reviews.

D. Q & A for Planning Boards and ZBAs

Do you have specific legal questions related to your ZBA review

...oning people to help you work easier and more efficient.

E. Consolidated Local Street and Highway Improvement Program (CHIPS)

The CHIPS program was established by the NYS Legislature in 1981 and apportionments to municipalities are calculated annually by NYSDOT according to formulas specified in NYS law. This session will review what the CHIPS program is and how it affects your community.

F. Americans with Disabilities Act: What are Your Responsibilities?

Town and village clerks have responsibilities under the Americans with Disabilities Act. What are they and how to comply with them will be discussed in this session.

G. Green Infrastructure

The green infrastructure approach analyzes the natural environment in a way that highlights its function and subsequently seeks to put in place mechanisms that safeguard critical natural areas. This session will discuss what green infrastructure techniques are being implemented in communities around the North Country.

12:00 a.m. - 1:00 p.m. - Lunch

Session 3: 1:15 p.m. - 2:45 p.m.

A. Strategies for Living within the Tax Cap Part II

This session will be a continuance of issues discussed in Part 1 with a focus on identifying services that depend heavily on property taxes and discussing alternate ways to provide these services. Effective use of tools such as reserve funds, user charges and shared service initiatives to lessen the dependence on property taxes at budget time will be reviewed.

B. Asset Management

Effective asset management ensures better service while minimizing surprise "hits" to your local budget. This session will outline how to develop an effective asset management plan that meets the needs of your community's system(s).

C. Planning Law

Public Service Law, Article 10 and Environmental Conservation Law, Article 23 are two State laws with supersession provisions. How do these laws affect your community will be the subject of this session. Also to be discussion is Civil Practice Law, Article 78 and how your community can avoid it.

...or subdivision submission? Come to this session to get all your questions answered.

E. Small Highway Department Management

People and using teams, developing project teams, problem solving, scheduling, dealing with complaints, snow and ice control operations, budgets, and equipment fleet management will be covered in this session.

F. Managing Multiple Priorities in the Work Place

Effective techniques to identify and execute daily priorities while remaining calm will be the topic of this session. Come prepared to be entertained, informed and have fun with this hands-on approach.

G. GIS for Everyone, Made Easy

This session will demonstrate how to create and share maps that can be accessed by anyone through a browser, a mobile device or a custom application. Tools to manage geospatial content for local government applications will also be demonstrated.

Reception: 4:30 p.m. - 5:30 p.m.

Sessions subject to change due to speaker availability.

Registration Information

***** Please print *****

Please complete and return this registration form with your check or voucher (please do not send cash) payable to:

**NYS Tug Hill Commission
Dulles State Office Building
317 Washington Street
Watertown, New York 13601
1-888-785-2380 / tughill@tughill.org**

Name: _____

Town/Village: _____

(please circle one)
County: Jefferson Lewis Oneida

Oswego St. Lawrence Other

Address: _____

City: _____ State: _____ Zip Code: _____

Daytime Phone: w/h () _____

Municipal Position Held: (please circle one)

- Assessor Mayor
- Attorney Planning Board Chair
- Clerk Planning Board Member
- Councilman Supervisor
- Highway Trustee
- DPW ZBA Member
- Justice ZBA Chair

Other: _____

In order for us to provide adequate seating please check any workshop session(s) you *might* be interested in attending. This is not set in stone. You may choose any session you would like to attend on the day of the conference.

Session 1 Session 2 Session 3

Workshop

A.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
D.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
F.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
G.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Assessors Sessions a.m. p.m.

Only one attendee per registration form. You may copy this form for multiple registrations or download a copy from our website at www.tughill.org

The Tug Hill Commission will not accept registrations by phone, fax, or e-mail.

- Amount Paid:
- () \$50 (postmarked by March 7, 2012)
 - () \$75 (postmarked by March 14, 2012)
 - () \$100 (received after March 14, 2012)

We can not issue refunds after March 14, 2012.

Certificates of Attendance will be available in classrooms at the end of the day



New York State Tug Hill Commission
Dulles State Office Building
317 Washington Street
Watertown, New York 13601

Address Service Requested

U.S. Postage

PAID

Watertown, NY 13601

Permit #100



NYS Tug Hill Commission
23rd Local Government Conference
March 29, 2011

Res No. 2

January 17, 2012

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Approving Amendments to the City of Watertown Benefits Policy
For Management and Management Confidential Employees

At the request of the City Council, an amendment to the City's Benefits Policy for Management and Management Confidential Employees has been prepared that increases the contribution that will be made by new hires covered by the policy to 25% of the annual health insurance premium expense. Additionally, as was discussed with the City Council at the January 9, 2012 Work Session, the Benefits Policy needed some changes to more clearly spell out the Health Insurance Benefits. Those changes were presented and reviewed by the Council at that meeting and have been incorporated into the document attached to this resolution.

The position listings contained in the Benefits Policy has also been amended to reflect current City titles. The one title that has been omitted from this listing is that of Utilities Manager, as it has not been determined if this title or position will be approved as I have proposed. Once the City Council makes a decision on the Utility Manager, the Benefits Policy can be amended to include that position.

RESOLUTION

Page 1 of 1

Approving City of Watertown Benefits Policy for Management and Management Confidential 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

WHEREAS the City Council of the City of Watertown has established Benefit policies to provide for the health and welfare of its employees, and

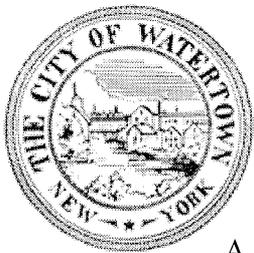
WHEREAS all Management and Management Confidential employees receive benefits from the City of Watertown, and

WHEREAS some of those benefits are the same for all employees, some are accrued based on years of service, some are based on original hire date and some are based on the position held, and

WHEREAS at the January 9, 2012 City Council Work Session, the City Council of the City of Watertown reviewed and asked for amendments to be made to the Benefits Policy for Management and Management Confidential employees,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that effective January 17, 2012 the City of Watertown Benefits Policy for Management and Management Confidential Employees is hereby amended, a copy of said Policy is attached and made a part of this resolution.

Seconded by



CITY OF WATERTOWN BENEFITS POLICY

MANAGEMENT AND MANAGEMENT CONFIDENTIAL EMPLOYEES

A. Benefits Policies

1. Benefits policies are established for the health and welfare of City employees. All management and management confidential employees receive benefits. Some benefits are the same for all employees. Some are accrued based on years of service and some are based on original hire date with the City of Watertown.

2. In support of the overall wellness of the City's Management and Management Confidential Employees, the City will implement a wellness program. It is anticipated that this program will benefit both the City of Watertown and its employees by increasing employee productivity and moral, while at the same time reducing health insurance costs and sick leave utilization.

B. Health Insurance

1. The City provides medical insurance plans to eligible employees and their dependents. The City is self insured for Health Insurance. A copy of the benefits coverage has been supplied to individuals covered by this policy.

Active and Retiree Health Insurance

2. Health Insurance premium co-pays are as follows:

i. Effective 1/1/03

1. Single coverage, Employee pays \$25 less than family coverage, bi-weekly.
2. Family coverage, Employee pays 25% of difference between individual and family coverage, biweekly.

ii. Effective 1/1/12 – All employees initially appointed to Upper Level Management, Mid-Level and Management Confidential positions will pay 25% of the health insurance premium.

iii. Employees hired on or after July 1, 1983, will be required to continue their health insurance premium co-pays, as listed above, into retirement.

3. Upon the death of an active or retired employee, the surviving spouse is responsible for all premium expenses. Should the surviving spouse remarry, coverage is no longer available under this plan, except as provided under COBRA.

Retiree Health Insurance

4. Notwithstanding the date of hire, employees promoted to Mid Level and Management Confidential Positions, the City's obligation to pay its share of insurance premium for a retired employee shall cease when the employee dies.
5. For employees initially hired after January 1, 1996, the City's obligation to pay its share of insurance premium on behalf of the retired employee shall cease when the employee attains Medicare eligible age, or dies, whichever comes first.
6. For employees hired on or after July 1, 1983 who are promoted to Upper level on or after August 12, 2000, once the retired employee attains Medicare eligible age, the City is obligated to pay 80% of the insurance premium for the retired employee and the retired employee is responsible for paying 20% of the insurance premium. This requirement applies to both individual and family coverage.
7. For employees initially hired or employees promoted to Upper Level, Mid Level and Management Confidential positions after January 1, 1996, post - retirement medical insurance paid for by the City to age 65 shall not be available if an employee or his/her spouse has available comparable paid health insurance from any source other than the City (excepting Medicare). The retired employee shall have the duty to demonstrate to the City, in written form, that comparable coverage is not available. Any dispute as to what constitutes "comparable" coverage shall be referred to a mutually acceptable impartial arbitrator for determination or adjustments, as the case may be.

C. Retirement Plan

1. The City of Watertown participates in the New York State Employees' Retirement System and is required for all full-time employees.

D. Holidays

1. The City of Watertown observes the following holidays:

New Year's Day	Martin Luther King's Birthday	President's Day
Memorial Day	Independence Day	Labor Day
Columbus Day	Veteran's Day	Thanksgiving Day
Day After Thanksgiving	Christmas Day	

2. When holidays fall on Saturday, employees shall be given time off on the preceding Friday. When holidays fall on Sunday, employees shall be given time off on the following Monday.

E. Vacations

1. The City provides annual paid vacation and vacations are administered and scheduled to meet the requirements of the City and whenever possible, the convenience of the employee.
2. Vacations shall be scheduled with consideration of other employees' requests.
3. Vacation accrual is based on hire date and years of service; accrual begins on the hire date.
4. Employees accrue vacation at the following rates:

Employees Hired Prior to January 1, 1996

- a. 1 through 3 years inclusive - accrual rate 18 days per year
- b. 4 through 6 years inclusive - accrual rate 21 days per year
- c. 7 through 11 years inclusive - accrual rate 24 days per year
- d. 12 through 17 years inclusive - accrual rate 27 days per year
- e. 18 or more years - accrual rate 30 days per year

Employees Hired or Promoted to Upper Level Management After January 1, 1996

- a. 1 through 5 years inclusive - accrual rate 10 days per year
- b. 6 through 10 years inclusive - accrual rate 15 days per year
- c. 11 or more - accrual rate 20 days per year

5. Employees may carry over from one fiscal year to the next a maximum of ten (10) days.
6. Employees no longer in the employ of the City of Watertown will be paid for any unused vacation accrued.
7. Employees may convert up to three (3) vacation days per year into deferred compensation.

F. Sick Leave

1. Employees accrue sick leave at the rate of one (1) day per month. Maximum accrual cannot exceed 180 days.

2. Sick leave will not be paid out in cash for employees no longer in the employ of the City.

3. In the case of an illness which may extend beyond the sick leave time earned by and available to an employee, the City Manager may grant an extension at half pay not exceeding 180 days after approval by the City Council and upon determining it to be in the best interest of the City.

G. Bereavement Leave

1. The City agrees to provide up to three (3) days of bereavement leave per death in the immediate family. Immediate family is defined as follows; Husband, Wife, Mother, Father, Son, Daughter, Brother, Sister, Grandfather, Grandmother, Grandson, Granddaughter, son-in-law, daughter-in-law, mother or father-in-law, brother or sister-in-law, stepson, stepdaughter.

H. Maternity Leave

1. Employees who become pregnant may continue to work as long as their physician certifies that they can perform the duties of their position.

2. Maternity leave may be granted for a period not to exceed six months at no pay.

3. Employees who take maternity leave shall have the right to be reinstated to the position they held prior to taking the maternity leave.

4. The same allowance for leave shall be applied to an employee who adopts a child of five years of age or less.

I. City Manager

The City Manager may, with City Council approval, make adjustments to the aforementioned benefits in unusual circumstances and in the best interest of the City and the employee.

J. Section 457 Plan Deferred Compensation Plan - The City of Watertown will offer a deferred compensation plan for all of its employees, including Management and Management Confidential employees. Effective July 1, 1998, Management and Management Confidential employees have the option of converting up to three (3) sick days, per fiscal year, into dollars to be contributed to the employee's Section 457 deferred compensation plan.

K. Section 125K Plan - A Section 125 Plan shall be offered to employees to provide for employee health care expenses.

L. Employees in the following positions are covered under this policy:

UPPER LEVEL MANAGEMENT POSITIONS

Assessor
City Clerk
City Comptroller
City Engineer
Fire Chief
Information Technology Manager
Library Director III
Planning and Community Development Coordinator
Purchasing Manager
Police Chief
Superintendent of Parks and Recreation
Superintendent of Public Works
Superintendent of Water

MID - LEVEL MANAGEMENT AND MANAGEMENT CONFIDENTIAL POSITIONS

Accountant
Accounting Supervisor
Assistant Superintendent Public Works
Chief Waste Water Treatment Plant Operator
Chief Water Treatment Plant Operator
Civil Engineer I
Civil Engineer II
Code Enforcement Supervisor
Confidential Assistant to the City Manager
Confidential Secretary to the City Manager
Deputy City Clerk
Deputy Fire Chief
Executive Secretary to the Civil Service Commission
Librarian III
Parks and Recreation Program Manager
Planner
Police Captain
Street & Sewer Maintenance Supervisor
Supervisor of Maintenance and Distribution (Water)

Res No. 3

January 12, 2012

To: The Honorable Mayor and City Council

From: Robert J. Slye, City Attorney

Subject: Approving License Agreement for Property Located at
620 Lillian Street

The City has been asked to provide a license for the continued location of a portion of a driveway, and portion of an existing garage, on City property. The request is made in connection with title issues.

The attached resolution authorizes the Mayor to sign a License Agreement permitting the structure and driveway to remain as long as they are not substantially destroyed or removed, or until such time as the City desires to dedicate St. Mary St.

The City loses no rights to the City Street.

RESOLUTION

Page 1 of 1

Approving a License Agreement
For Property Located at 620 Lillian
Street, Watertown, New York

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 Diane L. LaJoie resides at 620 Lillian Street, which is at the intersection of Lillian Street and St. Mary Street, and

WHEREAS there is currently a paved area and a part of a garage owned by Ms. LaJoie which encroaches on to St. Mary Street, and

WHEREAS the City has no immediate plans for development of St. Mary Street in that location, the City Council of the City of Watertown is willing to permit the continued encroachment until such time as the City determines it wishes to dedicate that portion of St. Mary Street or otherwise as long as the structures are not substantially destroyed or are removed,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that the License Agreement attached to this Resolution, granting permissive use of the City paper street under certain circumstances, is hereby approved, and

BE IT FURTHER RESOLVED that the License Agreement shall be signed on behalf of the City by the Hon. Jeffrey E. Graham and that said License Agreement shall be delivered to Ms. LaJoie for ultimate recording in the Office of the Jefferson County Clerk.

Seconded by

LICENSE AGREEMENT

THIS AGREEMENT dated the ____ day of _____, 2012, between

the City of Watertown, a municipal corporation, 245 Washington St., Watertown, New York in the County of Jefferson, State of New York, hereinafter "City of Watertown" party of the First Part

and

Diane L. LaJoie with an address of 620 Lillian Street, Watertown New York 13601 party of the Second Part, hereinafter LaJoie

WITNESSETH

WHEREAS, LaJoie is the owner of a premises located at 620 Lillian Street in the City of Watertown, Jefferson County, New York, and identified on a Survey Map by Leo Gozalkowski GYMO, dated 6/27/89, and certified 11/20/1997, a copy of which is attached to this agreement and labeled Exhibit "A," and

WHEREAS, City of Watertown is the owner of the paper street known as St. Mary Street immediately adjacent to the parcel owned by LaJoie at 620 Lillian Street, and shown on Exhibit A

WHEREAS, there is a paved area, and a part of a garage owned by LaJoie which encroaches onto the lands (Paper Street) of the City of Watertown as shown on the referenced survey map.

NOW, THEREFORE, the parties agree as follows:

1. City of Watertown hereby grants a license to the parties of the second part to retain in their current location the paved area, and part of a garage, which encroaches upon land of City of Watertown as long as they are not substantially destroyed or are removed.
2. LaJoie agrees that they have no right of occupancy or use of City of Watertown parcel except as provided in this Agreement, and that in the event the encroaching area is substantially destroyed or removed, any repair or replacement thereof will occur solely within the boundary of the property of LaJoie, and this license shall terminate upon such happening.
3. LaJoie agrees there is no claim, by adverse possession, against the City of Watertown, in any way, for the aforementioned existing encroachments.
4. This licence will in no way impede the City of Watertown from a future dedication of the

aforementioned Paper Street (St. Mary Street)

5. This License Agreement is transferrable to any successor owners.

City of Watertown,
By Jeffrey Graham, Mayor

Diane LaJoie, 620 Lillian Street

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

On the ___ day of _____, 2012 before me a Notary Public in and for said State, personally appeared Jeffrey Graham, Mayor of the City of Watertown, 245 Washington St., a municipal corporation in the County of Jefferson, State of New York, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted.

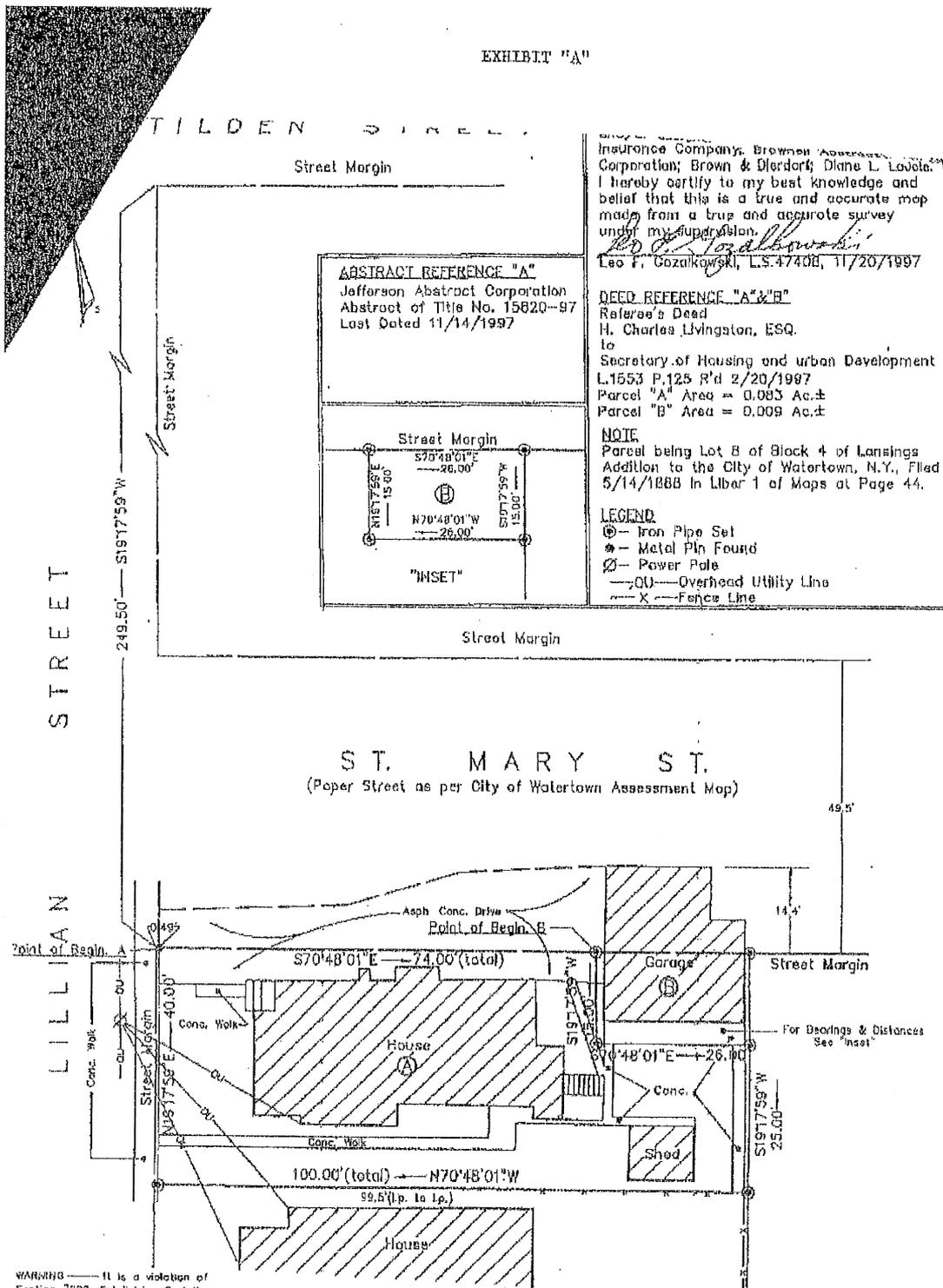
Notary Public

STATE OF _____)
) ss.:
COUNTY OF _____)

On the ___ day of _____, 2012 before me a Notary Public in and for said State, personally appeared Diane LaJoie, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted.

Notary Public

EXHIBIT "A"



Insurance Company, Brown Abstract Corporation; Brown & Dierdorf; Diane L. Lodiola. I hereby certify to my best knowledge and belief that this is a true and accurate survey made from a true and accurate survey under my supervision.
Leo F. Gozalkowski
 Leo F. Gozalkowski, L.S. 4740B, 11/20/1997

ABSTRACT REFERENCE "A"
 Jefferson Abstract Corporation
 Abstract of Title No. 15820-97
 Last Dated 11/14/1997

DEED REFERENCE "A" & "B"
 Referee's Deed
 H. Charles Livingston, ESQ.
 to
 Secretary of Housing and Urban Development
 L.1553 P.125 R'd 2/20/1987
 Parcel "A" Area = 0.085 Ac.±
 Parcel "B" Area = 0.009 Ac.±

NOTE
 Parcel being Lot B of Block 4 of Lansings Addition to the City of Watertown, N.Y., Filed 5/14/1888 in Liber 1 of Maps at Page 44.

LEGEND
 ⊕ - Iron Pipe Set
 * - Metal Pin Found
 ⊙ - Power Pole
 —○— Overhead Utility Line
 —X— Fence Line

WARNING — It is a violation of Section 720B, Subdivision 2 of the N.Y. State Education Law for any person other than a licensed land surveyor to alter this map.



DATE	2/28/89
SCALE	1" = 20'
DRAWN BY	C.G.P.
CHECKED BY	LEF
FILE NO.	89242
SURVEY	8/27/89
REVISIONS	11/20/97 C.G.P. 1/28/91 M.F.P. 11/2/90 R.M.D.

SURVEY MAP of the LAND at --
620 LILLIAN STREET

CITY of WATERTOWN COUNTY of JEFFERSON STATE of NEW YORK



ARCHITECTURE
 ENGINEERING
 LAND SURVEYING
 P.C.
 TEL (518) 788-8900
 FAX (518) 788-0008
 220 STERLING ST. • WATERTOWN, NEW YORK, 13601

Drwg. No. **1**

Res No. 4

January 12, 2012

To: The Honorable Mayor and City Council

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

Subject: Approving the Agreement with New York State Housing Trust Fund Corporation for a 2011 Small Cities Community Development Block Grant

The New York State Housing Trust Fund Corporation represented by the Office of Community Renewal has awarded funding to the City of Watertown for our 2011 Small Cities Community Development Block Grant application in the amount of \$400,000.

The funds will be used to rehabilitate existing substandard apartments throughout the City and create new apartments on the upper floors of commercial buildings in the downtown area.

Attached is a copy of the Grant Agreement. The resolution prepared for City Council consideration approves the Grant Agreement and authorizes the Mayor to sign the Agreement and any other certifications or documents required to accept the Grant and administer the program.

RESOLUTION

Page 1 of 1

Approving Agreement with New York State
Housing Trust Fund Corporation for a 2011
Small Cities Community Development Block Grant

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

Total

YEA	NAY

Introduced by

WHEREAS by resolution adopted March 7, 2011 the City Council authorized an application to the Community Development Block Grant Small Cities Program to secure funding for the rehabilitation of existing substandard apartments throughout the City and the creation of new apartments on the upper floors of commercial buildings in the downtown area, and

WHEREAS the City was award a grant for this application in the amount of \$400,000, and

WHEREAS it is necessary to enter into a formal agreement with the New York State Housing Trust Fund Corporation represented by the Office of Community Renewal, 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 that it hereby approves the Small Cities Community Development Block Grant Agreement between the City of Watertown and the New York State Housing Trust Fund Corporation represented by the Office of Community Renewal for the 2011 Small Cities Community Development Block Grant in the amount of \$400,000, and

BE IT FURTHER RESOLVED that the Mayor Jeffrey E. Graham is hereby authorized and directed to execute the Agreement and any other certifications or documents required to accept the grant and administer the program.

Seconded by

**NEW YORK STATE
COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT**

AGREEMENT, made effective as of the 9th day of December, 2011, between the New York State Housing Trust Fund Corporation, represented by the Office of Community Renewal (collectively the "Corporation"), with offices at 38-40 State Street, Hampton Plaza, 9th Floor, Albany, New York, 12207, and the City of Watertown ("Recipient"), a unit of general local government, with offices at 245 Washington Street, Room 302 A, Watertown, New York 13601.

WHEREAS, pursuant to title I of the Housing and Community Development Act of 1974, as amended ("Act"), the Corporation is authorized to administer and distribute Community Development Block Grant ("CDBG") funds to units of general local government in non-entitlement areas located in the State of New York ("State"); and

WHEREAS, the Recipient has applied to the Corporation for CDBG funds to finance the community development activities ("Project") described in the Recipient's Program Year 2011 Grant application ("Application"); and

WHEREAS, the Corporation has selected the Recipient to receive an award in the maximum amount of \$400,000 ("Grant Funds").

NOW, THEREFORE, the parties agree that the Grant Funds will be administered in accordance with the following terms and conditions:

1. **Contents of Agreement.** The following documents are incorporated by reference into this Agreement as if fully set out herein: **a)** the Recipient's approved Application and accompanying submissions, as modified by the terms of this Agreement or any subsequent amendment approved by the Corporation; **b)** the Corporation's CDBG Grant Administration Manual and its Program Guidelines (as now in effect and as may be revised from time to time); **c)** applicable Federal and State laws and regulations, as may be amended, including, but not limited to, Department of Housing and Urban Development ("HUD") regulations found at 24 CFR Part 570; **d)** Schedule A, "Special Conditions", and Schedule B, "Awarded

Budget and Projected Accomplishments", attached hereto.

2. **Recipient Performance.** a) The Recipient agrees to utilize Grant Funds only to implement the activities described in, and in accordance with the terms of: (i) the Recipient's Application, as amended by the Special Conditions attached as Schedule A; (ii) this Agreement; and (iii) all applicable State and Federal laws and regulations. This provision shall survive the termination or expiration of this Agreement. b) The period of performance for all activities (with the exception of those activities required for the close out and final audit) assisted pursuant to this Agreement shall commence on the effective date of this Agreement and shall end December 9, 2013.
3. **Grant Funds.** a) The amount of Grant Funds that the Corporation has agreed to provide the Recipient under this Agreement is expressly conditioned upon the Corporation's receipt of CDBG funds from HUD pursuant to the Act. b) The Grant Funds to be disbursed hereunder shall not exceed the amount first set forth in this Agreement, and any additional funds required to complete the Project will be the sole responsibility of the Recipient. c) The Grant Funds are based upon the cost estimates provided by the Recipient in its Application. The Corporation reserves the right to reduce the Grant Funds: (i) to conform to any revision to which the parties may agree with respect to the Recipient's Application; or (ii) if the actual costs for the approved activities are less than those budgeted for in the Recipient's Application.
4. **Disbursement of Grant Funds.** a) The Recipient is authorized to request Grant Funds only in accordance with the provisions of this Agreement and the procedures established by the Corporation. No payment by the Corporation of an improper or unauthorized request shall constitute a waiver of the Corporation's right to: (i) challenge the validity of such payment; (ii) enforce all rights and remedies set forth in this Agreement; or (iii) take corrective or remedial administrative action including, without limitation, suspension or termination of the Recipient's funding under this Agreement. b) The Recipient shall certify with each request for Grant Funds that: (i) all statements and representations previously made regarding this Agreement are correct and complete; and (ii) the funds do not duplicate reimbursement of costs and services from any other source. c) The use of Grant Funds is conditioned upon the Recipient incurring costs permitted under the terms of this Agreement or as otherwise approved by the Corporation in writing. The Recipient shall not incur costs to be charged against Grant Funds until all Environmental Conditions of 24 CFR Part 58 have been fully satisfied and the Corporation has issued the environmental clearance required thereunder, unless the activity is exempt under section 58.34 or falls under a categorical exclusion listed in section 58.35(b).
5. **Use of Grant Funds to Make Loans.** If the Recipient utilizes Grant Funds to make loans and this Agreement is terminated, or if there is a finding by the Corporation of deficient performance or inadequate management capacity by the Recipient, the

Corporation shall have the right to require that all payments due under the loan be paid directly to the Corporation, and the Corporation shall be entitled to all rights and remedies under any loan documents between the Recipient and the borrower. The following language must be inserted into every Promissory Note that evidences a loan of Grant Funds by the Recipient:

"The Lender, in consideration of the Community Development Block Grant ("CDBG") awarded to it by the New York State Housing Trust Fund Corporation ("HTFC"), assigns all of its rights and remedies under this Promissory Note to HTFC. In the event (i) the CDBG Agreement entered into between the Lender and HTFC is terminated for any reason, or (ii) HTFC, in its sole and absolute discretion, finds deficient performance or inadequate management capacity on the part of the Lender, HTFC shall have the right to notify the Debtor under this Promissory Note to make payment directly to HTFC, and to enforce any and all obligations of the Debtor under this Promissory Note or any other loan instrument executed in connection herewith. Until such time as HTFC elects to exercise such rights by mailing to Lender and Debtor written notice thereof, Lender is authorized to collect payments and enforce all rights under this Promissory Note."

6. **Subcontracts.** The Recipient shall: **a)** require any participating subrecipient, contractor, subcontractor, or agent ("Third Party") to comply with all applicable Federal, State and Local laws and regulations; **b)** adopt and perform such review and inspection procedures as are necessary to ensure compliance by a Third Party with all applicable Federal, State and Local laws and regulations; **c)** require any Third Party to indemnify the Corporation and the Recipient against any and all claims arising out of the Third Party's performance of work; **d)** remain fully obligated under this Agreement notwithstanding its designation of a Third Party to undertake all or any portion of the Project.
7. **Program Income.** The definition of "program income" and accompanying regulations regarding its usage are found at 24 CFR 570.489(e). Program income generated as a result of Program Year 2000, or later, grant supported activities must be segregated from income derived from activities funded with CDBG funds awarded by HUD prior to Program Year 2000.
8. **Records.** The Recipient shall keep and maintain complete and accurate books, records and other documents as shall be required under applicable Federal and State rules and regulations, including, but not limited to, the Corporation's Grant Administration Manual, and as may be requested by the Corporation to reflect and fully disclose all transactions relating to the receipt and expenditure of Grant Funds and administration of the Project. All such books, records and other documents shall be available for inspection, copying and audit at all reasonable times by any duly authorized representative of the State or Federal government.

9. **Reports.** The Recipient, at such times and in such form as the Corporation may require, shall furnish the Corporation with such periodic reports as it may request pertaining to the Project, the costs and obligations incurred in connection therewith, and any other matters covered by this Agreement.
10. **Performance Review.** The Corporation will conduct periodic reviews in such manner and at such times as it shall determine for the purpose, among other things, of ascertaining the quality and quantity of the Recipient's activities, as well as their conformity to the provisions of this Agreement, and the financial integrity and efficiency of the Recipient.
11. **Notice of Investigation or Default.** The Recipient shall notify the Corporation within five (5) calendar days after obtaining knowledge of: **a)** the commencement of any investigation or audit of its activities by any governmental agency; or **b)** the alleged default by the Recipient under any mortgage, deed of trust, security agreement, Loan agreement or credit instrument executed in connection with the Project.
12. **Default.** **a)** If an Event of Default as defined below shall occur, all obligations on the part of the Corporation to make any further payment of Grant Funds shall, if the Corporation so elects, terminate and the Corporation may, in its discretion, exercise any of the remedies set forth herein; provided, however, that the Corporation may make any payments after the happening of an Event of Default without thereby waiving the right to exercise such remedies, and without becoming liable to make any further payment. **b)** The following shall constitute an Event of Default hereunder: **(i)** if the Recipient fails, in the opinion of the Corporation, to comply with or perform any provision, condition or covenant contained in this Agreement, any applicable State or Federal law or regulation, or the program policies and procedures established by the Corporation; **(ii)** if at any time any presentation or warranty made by the Recipient shall be incorrect or materially misleading; **(iii)** if a lien for the performance of work or the furnishing of labor or materials is filed against the Program or any improvement financed thereunder and remains unsatisfied, undischarged or unbonded at the time of any request for disbursement or for a period of twenty (20) days after the date of filing of such lien; **(iv)** if the Recipient shall fail to comply with any of the terms of any mortgage, deed of trust, security agreement, loan agreement, credit agreement or other instrument executed in favor of any other party; **(v)** if the Recipient has failed to commence the Project in a timely fashion or has failed to complete the Project on or before the Completion Date. **c)** Upon the happening of an Event of Default, the Corporation may, in its discretion, exercise any one or more of the following remedies, either concurrently or consecutively, and the pursuit of any one of such remedies shall not preclude the Corporation from pursuing any other remedies contained herein or otherwise provided at law or in equity: **(i)** terminate this

Agreement, provided that the Recipient is given at least thirty (30) days prior written notice; (ii) commence a legal or equitable action to enforce performance of this Agreement; (iii) withhold or suspend payment of Grant Funds; (iv) exercise any corrective or remedial action, to include, but not be limited to, advising the Recipient to suspend, discontinue or refrain from incurring costs for any activities in question or requiring the Recipient to reimburse the Corporation for the amount of Grant Funds expended or used in an unauthorized manner or for an unauthorized purpose. d) In the event this Agreement is terminated by the Corporation for any reason, or upon the closeout of the Project, unless the Recipient obtains the prior written consent of the Corporation to the contrary, all unspent Grant Funds held by the Recipient shall immediately be turned over to the Corporation, and the Corporation shall have no further liability or obligation under this Agreement; provided, however, that nothing herein is intended to relieve the Corporation of its obligation to pay for services properly performed by the Recipient prior to such termination. Notwithstanding any such termination or closeout, the Recipient shall remain liable to the Corporation for any unspent Grant Funds, the expenditure or use of the Grant Funds in a manner or for a purpose not authorized by this Agreement, or damages as a result of any breach of this Agreement by the Recipient. The Corporation shall have the right, at any time prior or subsequent to any such termination or closeout, to pursue any and all available remedies, including seeking injunctive or other equitable relief, to enforce the provisions of this Agreement and to recover Grant Funds which are unspent, expended or used in an unauthorized manner or for an unauthorized purpose.

13. **Indemnification**. To the fullest extent permitted by law, the Recipient shall defend, indemnify and hold harmless the Corporation and its agents and employees from and against any and all claims, actions, damages, losses, expenses and costs of every nature and kind, including reasonable attorneys' fees, incurred by or asserted or imposed against the Corporation, as a result of or in connection with the Project. All money expended by the Corporation as a result of such claims, actions, damages, losses, expenses and costs, together with interest at a rate not to exceed the maximum interest rate permitted by law, shall be immediately and without notice due and payable by the Recipient to the Corporation.
14. **Non-Liability**. Nothing contained in this Agreement or elsewhere shall impose any liability or duty whatsoever on the State, the Corporation, or any agency or subdivision of the foregoing except as otherwise expressly stated in this Agreement.
15. **Statute of Limitations**. No action shall lie or be maintained against the State or the Corporation upon any claim based upon or arising out of this Agreement or the work performed hereunder or anything done in connection therewith, unless such action shall be commenced within one (1) year from the termination or expiration of this Agreement or six (6) months from the accrual of the cause of action, whichever is earlier.

16. **Service of Process.** In addition to the methods of service allowed by the State's Civil Practice Law & Rules, the Recipient hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon the Recipient's actual receipt of process or upon the Corporation's receipt of its return by the United States Postal Service marked "refused" or "undeliverable". The Recipient must promptly notify the Corporation, in writing, of each and every change of address to which service of process can be made. Service by the Corporation to the last known address shall be deemed sufficient. The Recipient shall have thirty (30) calendar days after service is complete in which to respond.
17. **Notices.** All notices, requests, approvals and consents of any kind made pursuant to this Agreement shall be in writing and shall be deemed to be effective as of the date it is sent by certified mail, return receipt requested. Such written communications shall be mailed to the respective party's address first set out herein or at such other address as may be provided in writing, except that notice of such change of address shall be deemed to have been given the date it is received.
18. **Severability.** Should any part, term, or provision of this Agreement be decided by a court of competent jurisdiction to be invalid, unenforceable, illegal, or in conflict with any law, the validity, legality, and enforceability of the remaining portions shall not be affected or impaired.
19. **Nonwaiver.** The Corporation's failure to insist upon the strict performance of any provision of this Agreement, or to exercise any right based upon a breach thereof or the acceptance of any performance during such breach, will not constitute a waiver of any of its rights under this Agreement.
20. **Assignment.** No right, benefit or advantage inuring to the Recipient, and no obligation imposed on the Recipient, under this Agreement may be assigned without the prior written approval of the Corporation.
21. **Successors.** This Agreement shall be binding upon the successors in office of the respective parties.
22. **Assurance of Authority.** The Recipient hereby assures and certifies that: **a)** The Recipient is duly organized and validly existing under the laws of the State, and has all the requisite power and authority to enter into this Agreement and to assume the responsibilities for compliance with all Federal and State laws and regulations. **b)** A resolution, motion, order or ordinance has been duly adopted, passed or enacted as an official act of the Recipient's governing body, authorizing the execution and delivery of this Agreement by the Recipient and authorizing and directing the person

executing this Agreement to do so for and on behalf of the Recipient, said acts being done in such manner and form as to comply with all applicable laws to make this Agreement the valid and legally binding act and agreement of the Recipient. **c)** There is no action, proceeding, or investigation now pending, nor any basis therefore, known or believed by the Recipient to exist, which **(i)** questions the validity of this Agreement, or any action taken or to be taken under it, or **(ii)** is likely to result in any material adverse changes in the authorities, properties, assets, liabilities, or conditions (financial or otherwise) of the Recipient which would materially and substantially impair the Recipient's ability to perform any of the obligations imposed upon the Recipient by this Agreement. **d)** The representations, statements, and other matters contained in the Recipient's Application were true and complete in all material respects as of the date of filing. The Recipient is aware of no event that would require any amendment to the Application that would make such representations, statements, and other matters true and complete in all material respects and not misleading in any material respect. The Recipient is aware of no event or other fact that should have been, and has not been, reported in the Application. **e)** Insofar as the capacity of the Recipient to carry out any obligation under this Agreement is concerned, **(i)** the Recipient is not in material violation of its Charter, or any mortgage, indenture, agreement, instrument, judgment, decree, order, statute, rule or regulation and **(ii)** the execution and performance of this Agreement will not result in any such violation.

23. **Photography Release.** Recipient shall require any Third Party to execute a photography release (an example of which is available in the OCR Grant Administration Manual) or a release in substantially similar form thereof.
24. **Entire Agreement.** This Agreement, including the attached schedules, constitutes the entire agreement between the parties and supersedes all prior oral and written agreements with respect to this Grant. This Agreement shall be governed by, construed and enforced in accordance with the laws of the State.

(Remainder of this page has been intentionally left blank.)

IN WITNESS WHEREOF, this Agreement has been executed by a duly authorized representative of the parties.

New York State Housing Trust Fund Corporation

By: _____
Name: Matthew L. Nelson
Title: President
Date: _____

City of Watertown

By: _____
Name: Jeffrey Graham
Title: Mayor
Date: _____

This contract has been approved by the Corporation's Counsel as to form and its Treasurer as to fiscal sufficiency.

SCHEDULE A
SPECIAL CONDITIONS

(Not Applicable)

Schedule B

2011 Awarded Budget & Projected Accomplishments

Project Number: 1207HR57-11

<i>Community</i>	<i>C/T/V</i>	<i>County</i>	<i>Type</i>	<i>Awarded Amount</i>
Watertown	City	Jefferson	Housing	\$400,000

Award Budget:

<i>Funding Source</i>	<i>Amount</i>
Bank	\$240,000
CDBG	\$400,000
HOME-Federal	\$258,000
LDC	\$60,000
Projected Totaling Funding:	\$958,000

Activity Budget Detail:

<i>Activity(ies)</i>	<i>Projected Use</i>	<i>Amount</i>
C of Watertown HsgR & New Apts. MU	Rehab & New Construction (MU)	\$330,000
C of Watertown Prog Del MU	Program Delivery	\$31,500
C of Watertown Administration	Grant Administration	\$38,500
		<u>\$400,000</u>

Projected Accomplishments:

1207HR5711-01 C of Watertown HsgR & New Apts. MU

Persons

Renter	14
LMI Renter	14

Units

Renter	14
LMI Renter	14

Source Key:

AHC - Affordable Housing Corp, RESTORE - Residential Emergency Services to Offer Repair to Elderly, ARC - Appalachian Regional Commission Area Development Program, ANCEP - Adirondack North Country Community Enhancement Program, DASNY - Dormitory Authority of the State of New York, EDA - US Economic Development Administration, EFC CW - Environmental Facilities Corp. ; Clean Water Act SRF, EFC DW - Environmental Facilities Corp. ; Safe Drinking Water Act SRF, FHLB - Federal Housing Loan Bank, IDA - Industrial Development Agency, LDC - Local Development Corp., NCA - Norty Country Alliance, NYBDC - New York State Business Development Corp., NYSCA - New York State Council of the Arts, , NYSERDA - New York State Energy Research and Development Authority, NYS OCFS - NYS Office of Children and Family Services, NYS OTDA - NYS Office of temporary and Disability Assistance, NYS Strategic Invest Fund, RUS - USDA Rural Development, Rural Utilities Service, Water and Wastewater Disposal Loan and Grant Program, SBTIF - Small Business Technology Investment Fund, US HHS - Department of Health and Human Services (federal)

Res No. 5

January 12, 2012

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Approving Agreement for Professional Services for Fluoride Tank Replacement with Bernier, Carr & Associates

The fluoride tank at the City's Water Treatment Plant needs to be replaced as it has exceeded its useful life. In recognition of this fact, engineering services for the development of the plans and specifications for the replacement of the tank was included in the 2011-2012 budget. Actual replacement of the fluoride tank is scheduled to be done during the 2012-2013 fiscal year.

The attached Agreement for Professional Services with Bernier, Carr & Associates has been reviewed by the City Engineer Kurt W. Hauk and the City Attorney Robert J. Slye. For the services detailed in the attached Professional Services Agreement, Bernier Carr and Associates will be paid \$12,500. It is anticipated that the design work will be completed by June 29, 2012, positioning the City for construction in Fiscal Year 2012-2013.

Attached for City Council consideration is a resolution approving this Professional Services Agreement.

RESOLUTION

Page 1 of 1

Approving Agreement for Professional Services for Fluoride Tank Replacement with Bernier, Carr & Associates

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 Water Treatment Plant fluoride tank is scheduled to be replaced in the 2012-2013 fiscal year, and

WHEREAS the City of Watertown wishes to contract for engineering services in connection with the tank replacement, and

WHEREAS the Agreement for Professional Services with Bernier, Carr & Associates, a copy of which is attached and made part of this resolution, is scheduled to provide these services by June 29, 2012, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Professional Services between the City of Watertown and Bernier, Carr & Associates for engineering services for the replacement of the Water Treatment Plant fluoride tank for a cost of \$12,500, a copy of which is attached and made a part of said resolution,

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

Seconded by

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement dated this ____ day of January, 2012, by and between the City of Watertown, New York, a New York municipal corporation with principal offices located at 245 Washington Street, Watertown, New York 13601 (the “City”), and Bernier, Carr & Associates, P.C., a New York professional corporation with principal offices located at 327 Mullin Street, Watertown New York 13601 (“Engineer”).

RECITALS

WHEREAS, Engineer responded to a Request for Proposal by a document entitled “Proposal for Engineering Services Fluoridation System Replacement” dated July 6, 2011, providing a response outlining the scope of work to be performed, together with a lump sum fee for those services; and

WHEREAS, the City and Engineer desire to enter into an Agreement for the provision of the professional services outlined in the Engineer’s Proposal dated July 6 2011; and

WHEREAS, the provision of engineering services are professional services within the meaning of the New York General Municipal Law; the parties agree as follows:

AGREEMENT

1. Scope of Services.

The scope of services to be performed by Engineer for the City in connection with the Fluoridation System Replacement and the total fee to the City for the services to be performed is as outlined in Engineer’s Proposal attached as Exhibit “A”.

Services will consist of design, bidding and construction management associated the replacement of the fluoridation system at the water treatment plant in the City of

Watertown, including the preparation of plans, specifications, Engineer's estimate, and a bid recommendation from Engineer. Services will also include answers to contractor questions, issuance of addenda as required, attendance at the bid opening, preparation of the bid tabulation, a recommendation of award letter, and project management during construction. The project is completed at the conclusion of the fluoridation system installation.

Engineer shall provide qualified personnel to perform the assigned work. At all times relevant to this Agreement, Engineer's employees shall be regarded as its employees, and not City employees. Accordingly, Engineer shall be responsible for the payment of all wages, as well as insurances (including Workers' Compensation and disability insurance), and for any and all safety issues pertaining to its employees.

Engineer shall maintain commercial general liability coverage during its performance of the services outlined at Exhibit "A", in the minimum amount of \$1,000,000 per person/\$2,000,000 in the aggregate per occurrence, naming the City as an additional insured. Engineer shall provide the City with a certificate of insurance evidencing this coverage prior to commencing work.

2. City Representative.

The City Engineer of the City of Watertown shall be the City's approval authority for all services to be performed under this Agreement. The City Engineer shall designate a City representative from whom all assignments to Engineer shall be issued and to whom all reports concerning the engineering services to be performed pursuant to this Agreement shall be provided. The City Engineer's designation of the City's representative shall be in writing.

City to Provide File Documents.

The City shall provide the Engineer with complete access to the City's file documents concerning the existing facility. It is anticipated that copies of relevant documents will be provided by City staff. When originals are provided, Engineer shall return any original documents upon completion of the task for which they were made available.

3. City Property.

All documents, reports, studies, recommendations, plans, and/or instruments of services prepared by Engineer and provided to the City, both written and electronic, shall become the property of the City upon provision.

4. Term of Agreement.

The performance of services by Engineer shall commence on signing this Agreement. All services required to be performed pursuant to this Agreement shall be performed, to the City Engineer's satisfaction, no later than June 29, 2012.

6. Payment.

The Engineer shall submit monthly progress payments for hours worked and reimbursable expenses incurred during that monthly period.

7. Disputes.

The venue of any dispute under this Agreement shall be in the New York State Supreme Court in and for Jefferson County, New York.

8. Notices.

To the City: Watertown City Manager
City of Watertown
245 Washington Street
Watertown, New York 13601

To the Engineer: Bernier, Carr and Associates P.C.
Mickey G. Lehman, P.E., Executive Vice President
327 Mullin Street
Watertown, New York 13601

WHEREFORE, the parties have signed this Agreement this ____ day of January, 2012.

CITY OF WATERTOWN

By: _____
Mary M. Corriveau
City Manager

BERNIER, CARR AND ASSOCIATES P.C.

By: _____
Mickey G. Lehman, P.E.
Executive Vice President



CITY OF WATERTOWN
ENGINEERING DEPARTMENT
MEMORANDUM

DATE: January 11, 2012

TO: Mary Corriveau, City Manager

FROM: Kurt W. Hauk, City Engineer

SUBJECT: Fluoride Tank Replacement Professional Services Agreement

Enclosed is a copy of the professional services agreement with Bernier, Carr & Associates for City Council review and approval. The agreement was created for the purposes of performing engineering services for the replacement of the bulk storage tank for the fluoridation system at the water treatment plant for the lump sum amount of \$12,500.

The agreement language has been reviewed by the City attorney.

cc: Amy Pastuf, Purchasing Agent
Gary Pilon, Water Superintendent
Jim Mills, City Comptroller
File

BERNIER, CARR &
ASSOCIATES, P.C.

327 MULLIN STREET
WATERTOWN NY 13601
TEL. 315 782 8130
FAX 315 782 7192

July 6, 2011

MACH ARCHITECTURE +
ENGINEERING, P.C.

5500 MAIN STREET
SUITE 347
WILLIAMSVILLE NY 14221
TEL. 716 565 1349
FAX 716 565 1389

Mr. Brian D. Gaffney
Chief Operator, Water Department
City of Watertown
245 Washington Street
Watertown, New York 13601

BERNIER, CARR &
ASSOCIATES, P.C.

25 WATER STREET
BALDWINVILLE, NY 13027
TEL. 315 434 9222
FAX 315 434 9229

**Re: Proposal for Engineering Services
Fluoridation System Replacement**

WWW.THEBCGROUP.COM

JOSEPH L. THESIER, P.E.

Dear Mr. Gaffney:

BERNARD H. BROWN, A.I.A.

We are writing as requested to provide you with an updated proposal for Engineering Services related to the design, bidding, and construction management associated with the replacement of the fluoridation system at the water treatment plant in the City of Watertown.

RICK W. TAGUE, A.I.A.

Based on our site visit with you earlier this year, it is our understanding that:

PAMELA S. BEYOR, A.I.A.

- The City uses hydrofluorosilic acid to fluoridate your water supply.
- The City wishes to replace the bulk storage tank with a double walled bulk storage tank that would hold approximately 2,000 gallons of solution.
- The City wishes to replace the day tank with a lower profile day tank that would be installed on stands above the existing feed pumps to provide gravity feed.
- The feed pumps themselves are in good condition and will not be replaced but new piping would be installed associated with the fluoride feed system.

MICHAEL J. HARRIS,
A.I.A., LEED A.P.

KRIS D. DIMMICK, P.E.

MICHAEL F. PECK, P.L.S.

ROBIN R. MACH, R.A.

GERALD A. KOSTYK, P.L.S.

MARI L. CECIL, A.I.A., C.S.I.

MICKEY G. LEHMAN, P.E.

DOUGLAS D. SCHAEFER, A.I.A.

GREGORY A. TOMSIC,
A.I.A., L.L.S., LEED A.P.

MATHEW J. COOPER, P.E.

JASON S. JANTZI, A.I.A.

MARK B. KIMBALL, P.E.

SHAWN M. TRAVERS, R.A.

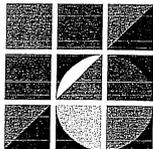
BRIAN D. KELLEY, A.I.A.

We propose to complete a letter report, plans, and specifications for submission to the City of Watertown and the NYS Department of Health for approval prior to bidding the work. The plans would consist of three (3) drawings including a cover sheet with index and legend; existing floor plan, proposed floor plan and sections as necessary; and miscellaneous details for stands, supports, restraints, equipment and equipment pads, plumbing, etc. We would make modifications to the report, plans, and specifications per any review comments received. We would also assist the City of Watertown with bidding and award of contracts as well as project management during construction to include review of shop drawings, payment applications, change orders, submittals, and project closeout documents.

BERNIER
CARR



MACH



Mr. Brian Gaffney

July 6, 2011

Page 2

We propose to provide these services for a lump sum fee of \$12,500. We understand that the City desires to have bidding documents completed so that construction can start early in the 2011-2012 fiscal year for the City. If this proposal meets with your satisfaction, please advise us and we will prepare a contract for execution.

Should you have any questions or require additional information, please do not hesitate to contact me directly.

Very truly yours,
BERNIER, CARR & ASSOCIATES, P.C.



Mickey G. Lehman, P.E.
Executive Vice President

MGL:lr/dih

U:\Lehman\2011\Gaffney-070611.doc



Water Purification

City of Watertown

F8330

Personnel Services

2011-12
Budget

110	Salaries		
	Chief WTP Operator		\$61,895
130	Wages		
	WTP Maintenance Supv.	52,972	
	Laboratory Technician	44,757	
	WTP Maint. Mechanic (2)	87,486	
	Building Maint. Worker	35,875	
	WTP Operator (6)	236,263	\$457,353
150	Overtime		\$22,000
175	Health Insurance Buyout		<u>\$8,400</u>
	Total Personnel Services		\$549,648

Operating Expenses

410	Utilities		
	Sewer Charges	196,565	
	Natural Gas	35,100	
	Telephone	1,250	\$232,915
420	Insurance		\$12,604
430	Contracted Services		
	AC Boiler Repair & Maintenance	2,000	
	Electric Repair & Maintenance	2,000	
	Repairs to Equipment	3,000	
	Advertising	300	
	Chemical Testing	4,100	
	Inspection of Fire/Intrusion Alarms	200	\$11,600
440	Fees, Non Employee		
	Lab Accreditation Fee	650	
	Flu Shots	500	
	License and Permit Fees	600	
	Physical Exams & Testing	1,300	
	Engineering-Fluoride Tank Replacement	12,000	\$15,050
450	Miscellaneous		
	Schools, Training, & Textbooks	1,450	
	Travel Expenses, Operator Training	1,500	
	Boots, Helmets, Goggles	800	
	Water Sample Mailing- Overnight	800	
	Risk Management Training	1,000	\$5,550

Res Nos. 6 and 7

January 12, 2012

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Accepting Bid for the Purchase of HVAC Equipment for City Hall and Flower Memorial Library

The City Purchasing Department advertised in the *Watertown Daily Times* for proposals for the purchase HVAC equipment for City Hall and the Flower Memorial Library based on the recommendation of Sack & Associates Consulting Engineers, our consultants for this facility improvement project. Based on the lag time from placement of an order to delivery, the equipment will be ordered now for installation, upon receipt, by the contractor who is successful in a subsequent installation service contract bid. Invitations to provide proposals were issued to fifteen (15) prospective vendors, with three (3) proposals received that were publicly opened and read in the Purchasing Department on Thursday, December 1, 2011 at 11:00 a.m.

City Purchasing Manager Amy M. Pastuf reviewed the proposals received with staff members and the consultant from Sack & Associates Consulting Engineers. As the bid specifications indicated that the award would be made on a building basis as compatibility between components is critical. It is Ms. Pastuf's recommendation that the award for City Hall be issued to Trane as the lowest bid meeting specifications in the amount of \$85,824.00. It is also her recommendation that the award for the Flower Memorial Library be issued to Modular Comfort Systems as the lowest bid meeting specifications in the amount of \$166,125.00. Funding for these projects is in the 2011-2012 Capital Budget.

As detailed in the attached memorandum from Ms. Pastuf, both bids came in well under the estimated cost. Modular Comfort Systems included an alternate component, a control panel, to their bid proposal. This control panel will give the City the ability to link the new equipment to our current HVAC control system software. Sack & Associates is recommending that this component be included in the bid award.

Resolutions accepting the bids submitted by Trane and Modular Comfort Systems have been prepared for City Council consideration. It is recommended that the City Council hold on considering these Resolutions until after the Public Hearing scheduled for 7:30 p.m. authorizing the spending of funds from the Capital Reserve.

RESOLUTION

Page 1 of 1

Accepting Bid for the Purchase of HVAC Equipment for City Hall, Trane

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 City Council reviewed a feasibility presentation by Sack & Associates on the installation of a geothermal system at the April 4, 2011 City Council Meeting, and

WHEREAS City Council subsequently approved Amendment No. 1 to the Geothermal Professional Services Agreement for the development of specifications for the bidding and installation of high efficiency HVAC equipment at City Hall and the Flower Memorial Library on May 16, 2011, and

WHEREAS the City Purchasing Department has advertised and received proposals for the purchase HVAC Equipment for City Hall, and

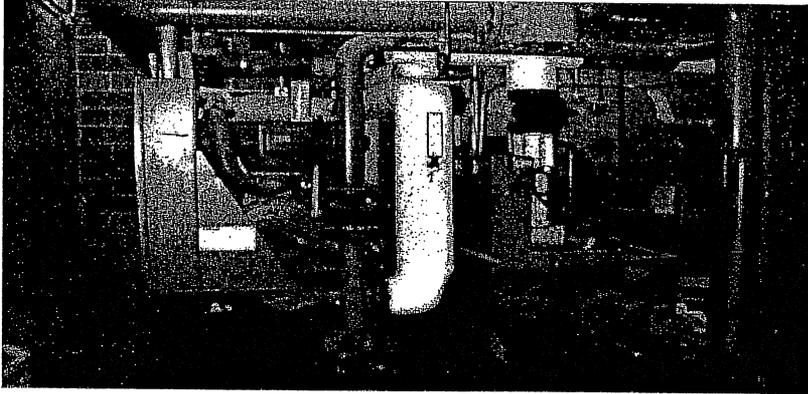
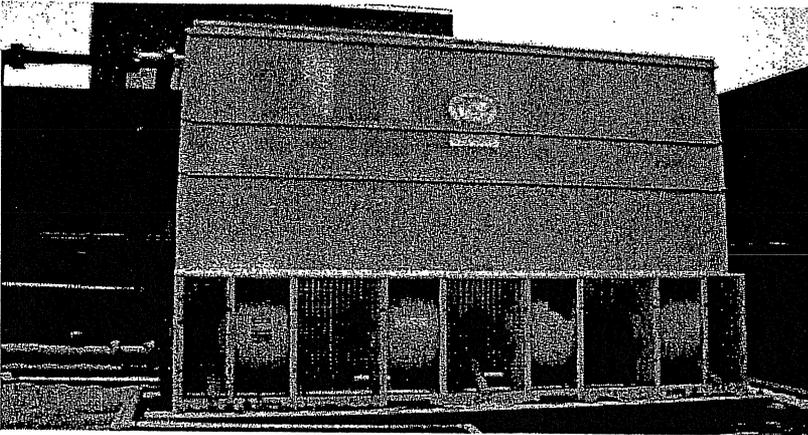
WHEREAS proposals were issued to fifteen (15) prospective vendors, with three (3) proposals being received, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the proposals received with staff members, and Sack & Associates Consulting Engineers, and it is their recommendation that the City Council accept the bid received from Trane in the amount of \$85,824.00 as the lowest qualifying proposal meeting the specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the received from Trane in the amount of \$85,824.00 as the lowest qualifying bid meeting the City's specifications, for the purchase of HVAC Equipment for City Hall.

Seconded by

FISCAL YEAR 2011-2012
 CAPITAL BUDGET
 FACILITY IMPROVEMENTS
 CITY HALL

PROJECT DESCRIPTION	COST
<p>Municipal Building Chiller and Tower Replacement:</p> <p>These two air conditioning chillers (one installed in the early 1960's and one replaced in mid 1980's) are well beyond their useful life and require replacement. The units would be replaced with a high efficiency chiller. The cooling tower installed in the early 1960's is also beyond it useful life and would also be replaced with a variable speed tower.</p>   <p>Funding to support this project will be through a transfer from the Capital Reserve Fund.</p>	<p>\$250,000</p>
TOTAL	\$250,000

RESOLUTION

Page 1 of 1

Accepting Bid for the Purchase of HVAC Equipment for the Flower Memorial Library, Modular Comfort Systems

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 City Council reviewed a feasibility presentation by Sack & Associates on the installation of a geothermal system at the April 4, 2011 City Council Meeting, and

WHEREAS City Council subsequently approved Amendment No. 1 to the Geothermal Professional Services Agreement for the development of specifications for the bidding and installation of high efficiency HVAC equipment at City Hall and the Flower Memorial Library on May 16, 2011, and

WHEREAS the City Purchasing Department has advertised and received proposals for the purchase HVAC Equipment for the Flower Memorial Library, and

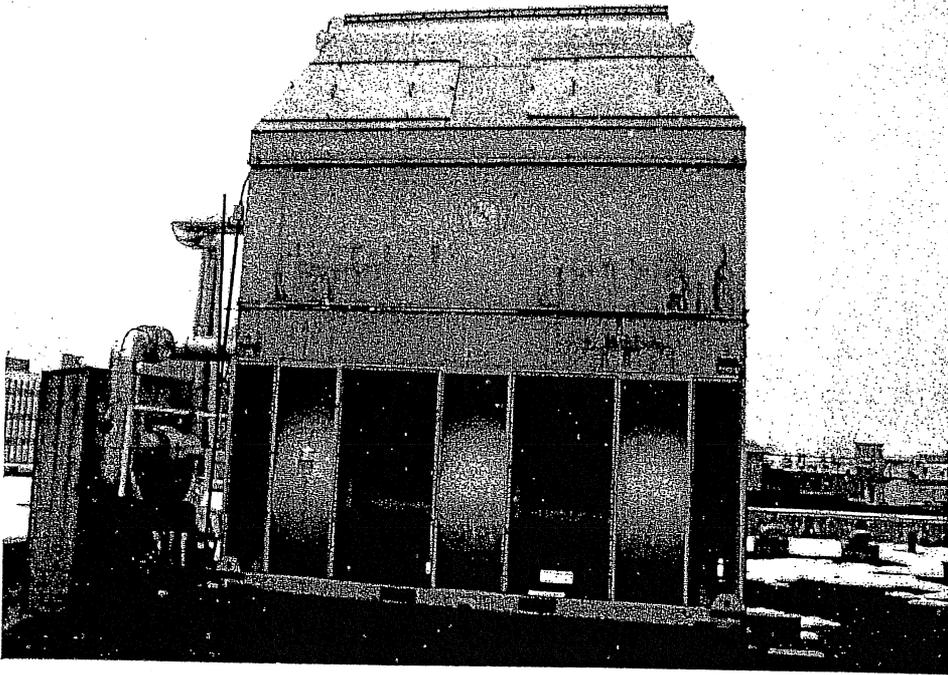
WHEREAS proposals were issued to fifteen (15) prospective vendors, with three (3) proposals being received, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the proposals received with the staff members, and Sack & Associates Consulting Engineers, and it is their recommendation that the City Council accept the bid received from Modular Comfort Systems in the amount of \$166,370.00, including the additional control panel costing \$755.00, as the lowest qualifying proposal meeting the specifications,

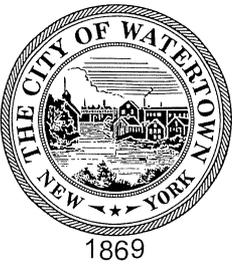
NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the received from Modular Comfort Systems in the amount of \$166,370.00, including the additional control panel costing \$755.00, as the lowest qualifying bid meeting the City's specifications, for the purchase of HVAC Equipment for Flower Memorial Library.

Seconded by

FISCAL YEAR 2011-2012
CAPITAL BUDGET
FACILITY IMPROVEMENTS
LIBRARY

PROJECT DESCRIPTION	COST
<p>Cooling tower replacement</p> <p>The cooling tower on the Library roof needs to be replaced. It is nearing fifteen years old and the life of this type of equipment is typically about ten years. The cooling tower has been leaking, causing damage to surrounding areas of the roof which has caused some internal leaks inside the library. The work involves replacing it with a high efficiency tower, and an energy recovery unit.</p> 	<p>\$200,000</p>
<p>TOTAL</p>	<p>\$200,000</p>

Funding to support this project will be through a transfer from the Capital Reserve Fund (\$115,000) and a transfer from the Library Fund (\$85,000).



CITY OF WATERTOWN, NEW YORK

ROOM 205, CITY HALL
 245 WASHINGTON STREET
 WATERTOWN, NEW YORK 13601-3380
 E-MAIL APastuf@watertown-ny.gov
 Phone (315) 785-7749 Fax (315) 785-7752

Amy M. Pastuf
 Purchasing Manager

MEMORANDUM

TO: Mary Corriveau, City Manager
FROM: Amy M. Pastuf, Purchasing Manager
SUBJECT: Bid 2011-10 – HVAC Equipment for City Hall and Flower Memorial Library
DATE: 1/11/2012

The City's Purchasing Department advertised in the Watertown Daily Times on October 28, 2011 calling for sealed bids for the purchase of HVAC Equipment for City Hall and Flower Memorial Library. The equipment will be pre-purchased for later installation by the contractor who is successful in a subsequent installation service contract bid. The equipment specified to be purchased was based on the recommendation of Sack & Associates Consulting Engineers, our consultants for this facility improvement project.

Invitations to bid were issued to fifteen (15) prospective bidders and three (3) sealed bids were submitted to the Purchasing Department. The sealed bids were publically opened and read on Thursday, December 1, 2011 at 11:00 am, local time. The sealed bids received were from DNT Enterprises, Modular Comfort Systems, Pro Air Plus, Inc. and Trane. The bid tabulation is shown below.

Item Description		Qty	DNT Enterprises, Inc.	Modular Comfort Systems	Pro Air Plus, Inc.	Trane
City Hall	Air-cooled Refrigerant Condenser	1	No Bid	No Bid	(inc. in below)	\$18,267.00
City Hall	Trane RTUD100 - Rotary-Screw Water Chillers	1	No Bid	No Bid	\$74,780.00	\$58,783.00
City Hall	Refrigerant Detection and Alarm	1	No Bid	No Bid	No Bid	\$8,774.00
City Hall	TOTAL AMOUNT FOR CITY HALL EQUIPMENT		No Bid	No Bid	\$74,780.00	\$85,824.00
FML	SEMCO FV7500 - Air-to-Air Energy Recovery Equipment	1	No Bid	\$29,495.00	No Bid	No Bid
FML	Evapco ATWB - Cooling Tower	1	No Bid	\$43,925.00	\$42,450.00	No Bid
FML	Water-to-Air Heat Pumps	1	\$101,500.00	\$91,950.00	No Bid	No Bid
FML	Alternate: Control Panel (bid by Modular Comfort Systems)	1	No Bid	\$755.00		
FML	TOTAL AMOUNT FOR FML EQUIPMENT		\$101,500.00	\$166,125.00	\$42,450.00	No Bid

The bid responses were reviewed by the consultant for this project, Sack & Associates Consulting Engineers, as well as City of Watertown staff. It was agreed that the bids from DNT Enterprises, Inc. and Pro Air Plus, Inc. did not provide all of the required components of the systems that were specified. The bid specifications indicated that the award would be made on a building basis as compatibility between components is critical.

Modular Comfort Systems included an alternate component, a control panel, to their bid proposal. This control panel will give the City the ability to link the new equipment to our current HVAC system software. The consultant, Sack & Associates, indicated to City personnel that this component will add value to the equipment purchase and should be included in the bid award.

In order to determine if the bid pricing received reflected a fair price, the bid cost was compared to the estimated cost determined by our consultant, Sack & Associates. As illustrated below, the bid cost of both projects came in well under the estimated cost.

		Estimated Cost	Bid Cost
City Hall	TOTAL AMOUNT FOR CITY HALL EQUIPMENT	\$135,000.00	\$85,824.00
FML	TOTAL AMOUNT FOR FML EQUIPMENT	\$263,003.00	\$166,125.00

It is recommended that the bid for the City Hall Equipment be awarded to Trane for the amount of \$85,824.00 and the bid for the Flower Memorial Library be awarded to Modular Comfort Systems for the amount of \$166,370.00, including the additional control panel costing \$755.00, as the lowest responsive responsible bidders.

If there are any questions concerning this recommendation, please contact me at your convenience.

Res No. 8

January 11, 2012

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 1,720 Square Foot Addition to the Midas Automobile Repair Shop At 817 Arsenal Street, Parcel 9-10-120

A request has been submitted by Steven Olmstead, PE on behalf of Goldfinger Enterprises, LLC for the above subject site plan approval. The Planning Board reviewed the request at its January 3, 2012 meeting.

At that meeting, the Planning Board adopted a motion recommending that the City Council approve the site plan with several conditions. Attached are a copy of the report on the request prepared for the Planning Board and an excerpt from its minutes.

The Jefferson County Planning Board reviewed the proposal at its December 27, 2011 meeting. At that meeting the Board adopted a motion stating that the project is of local concern only.

The City Council must respond to the questions in Part 2 of the Short Environmental Assessment Form 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 site plan submitted to the City Engineering Department on December 19, 2011 contingent on meeting the conditions recommended by the Planning Board.

RESOLUTION

Page 1 of 2

Approving the Site Plan for the Construction of a 1,720 Square Foot Addition to the Midas Automobile Repair Shop at 817 Arsenal Street, Parcel 9-10-120

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 Steven Olmstead, PE has submitted a request for Site Plan Approval on behalf of Goldfinger Enterprises, LLC for the construction of a 1,720 square foot addition to the Midas automobile repair shop at 817 Arsenal Street, parcel 9-10-120, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on January 3, 2012, and recommended that the City Council of the City of Watertown approve the site plan with the following conditions, and

- 1) The applicant shall provide one handicap parking space with an 8' striped aisle.
- 2) The applicant shall submit a photometric plan demonstrating that lighting levels do not exceed 0.5 foot candles across property lines.
- 3) The applicant shall provide a drainage plan design and calculations for a storm sewer system capable of handling a 10-year storm, to be approved by the Engineering Department.
- 4) The applicant shall submit Pre- and Post-Construction drainage calculations and maps, to be approved by the Engineering Department.
- 5) The applicant shall plant an additional street tree along Arsenal Street and 3 additional street trees in the grass area located to the south of the shed.
- 6) The applicant shall install two concrete planters spaced evenly along the western edge of the parking lot, to remain in place for 7 to 9 months per year.
- 7) The applicant shall provide at least two copies of boundary and topographic survey map of the property with an original seal and signature of a licensed Professional Land Surveyor.

RESOLUTION

Page 2 of 2

Approving the Site Plan for the Construction of a 1,720 Square Foot Addition to the Midas Automobile Repair Shop at 817 Arsenal Street, Parcel 9-10-120

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

And,

WHEREAS the Jefferson County Planning Board reviewed the request at its December 27, 2011 meeting, and adopted a motion stating that the project has no significant county-wide or inter-municipal impacts 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, as submitted, is Unlisted 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, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Codes Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Codes Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that site plan approval is hereby granted to Steven Olmstead, PE on behalf of Goldfinger Enterprises, LLC for the construction of a 1,720 square foot addition to the Midas automobile repair shop at 817 Arsenal Street, parcel 9-10-120, as submitted to the City Engineer on December 19, 2011, contingent on the applicant making the revisions and meeting the conditions recommended by the Planning Board as listed above.

Seconded by

down to bare dirt or grass in some areas. The applicant should consider refreshing the gravel cover, or paving the gravel portion of the lot.

The applicant must provide at least one handicap accessible parking space, with an 8' striped aisle according to ADA regulations.

Lighting: The applicant proposes installing four wall pack lights along the outside of the building. The applicant must submit a photometric plan demonstrating that lighting levels do not exceed 0.5 fc across property lines. The attached December 19th revision removes the wall pack closest to the property line to mitigate spillage, but does not depict photometric data.

Drainage & Grading: The building's original site plan from 1977 shows a single dry well and a smaller parking lot. The parking lot was expanded by about 7,000 square feet in recent years, and apparently a second dry well was added.

On December 15, 2011 Engineering Department staff performed a site visit. The weather report indicated that a quarter-inch of rain had fallen at that time, and both dry wells were fully submerged in water. The applicant must provide a drainage plan design and calculations for a storm sewer system capable of handling a 10-year storm (3.5 inches) at a minimum.

The applicant must submit Pre- and Post-Construction drainage calculations and maps.

Landscaping: Existing landscaping at the site includes a hedge row as well as a "crab tree" in the front yard. Existing trees are also shown along the eastern property line near the rear of the parcel. The applicant proposes the planting 6 American Arborvitae along the eastern property line. No interior parking lot trees are depicted.

Since much of the existing lot is either paved or is built upon, the addition of perimeter and interior parking lot landscaping to meet the Planning Board's Landscaping Guidelines will be difficult. However, the applicant could plant an additional street tree along Arsenal Street and could add 3 trees in the grass area to the south of the shed. The applicant should also consider removing one or two of the parking spaces to make room for a shade tree in the interior of the parking lot.

Setbacks: Recent changes to the zoning ordinance instituted a 20' front yard requirement for Commercial Districts. This property happens to meet the minimum front yard depth. However, the southeastern corner of the originally proposed addition appears to impinge on the 5' side yard by about six inches. The applicant submitted revised drawings on December 19, 2011 showing a reduction in the size of the proposed addition which eliminates the setback issue.

Miscellaneous: The City's Garbage, Rubbish, and Refuse code requires that dumpsters be offset from property lines by a minimum of 15 feet. In the original submission, the dumpster at the rear of the building appears to be only 7 to 8 feet from parcel 9-10-101. The December 19th revision has shifted the dumpster westward to meet the 15 foot requirement.

The applicant must provide at least two copies of a boundary and topographic survey map of the property with an original seal and signature of a licensed Professional Land Surveyor.

Summary:

1. The applicant shall provide one handicap parking space with and 8' striped aisle.
2. The applicant shall submit a photometric plan demonstrating that lighting levels do not exceed 0.5 fc across property lines.
3. The applicant shall provide a drainage plan design and calculations for a storm sewer system capable of handling a 10-year storm.

4. The applicant shall submit Pre- and Post-Construction drainage calculations and maps.
5. The applicant shall plant an additional street tree along Arsenal Street and 3 trees in the grass area located to the south of the shed.
6. The applicant should consider removing one or two of the parking spaces to make room for a shade tree along the western edge of the parking lot.
7. The applicant shall provide at least two copies of boundary and topographic survey map of the property with an original seal and signature of a licensed Professional Land Surveyor.

Cc: City Council Members
Robert J. Slye, City Attorney
Justin Wood, Civil Engineer II
Steven Olmstead, PE, PO Box 870, Carthage, NY 13619
Jason Dunn, 23445 Clark Drive, Dexter, NY 13634

**WILBUR D. THESIER, PE PC
PROFESSIONAL ENGINEERS**

P.O. BOX 870
CARTHAGE, NY 13619
PHONE 315 493-1966
FAX 315 493-0541
email: wthesier@verizon.net
solmste@twcny.rr.com



December 19, 2011

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

Re: Revisions to Site Plan Submission for Midas Addition
817 Arsenal Street

Dear Mr. Hauk:

Attached please find 8 copies (11" X 17") each of drawings C101 and A201 for the above referenced project. The changes that have been made from the previous submission (dated 12/12/11) are as follows:

- The addition width has been changed from 43' to 42'. This has been done to address the apparent issue with the side setback distance, and the setback is now shown as 5'-5";
- The dumpster has been moved to more than 15' from the property line;
- The exterior light closest to the east property line has been removed.

It is the applicant's intention to pursue a waiver at the next Planning Board meeting. Work has begun on the drainage report, and it is understood that this issue will need to be addressed even if a waiver is granted.

If there are any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "S. J. Olmstead". The signature is fluid and cursive.

Steven J. Olmstead, P.E.

cc: Attachments

**WILBUR D. THESIER, PE PC
PROFESSIONAL ENGINEERS**

P.O. BOX 870
CARTHAGE, NY 13619
PHONE 315 493-1966
FAX 315 493-0541
email: wthesier@verizon.net
solmste@twcny.rr.com

December 12, 2011

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



Re: Site Plan Submission
Midas Addition
817 Arsenal Street

Dear Mr. Hauk:

This cover letter is being provided as part of the site plan submission for the above referenced project. Given the minor nature of the project, this letter will also serve as the engineering report. Attached to this submission please find the following:

- 3 sets, including:
 - Cover letter/engineering report
 - Application form
 - Full size drawings (one set stamped)
- 13 sets, including:
 - Cover letter/engineering report
 - Application form
 - Reduced size drawings

A pdf file of the submission will also be provided via email to your office.

The proposed project consists of a 43' X 40' addition to the existing Midas building at 817 Arsenal Street, as shown on the site plan (Sheet C101). The exterior elevations (Sheet A201) show that the addition will match the existing building in height and style. Detailed plans for the building construction are being developed, and will be submitted separately to City Codes Enforcement.

The primary function of the addition is to more efficiently accommodate existing business, although some additional business will be created from the extra space. Any additional traffic generated will be minimal. The new addition will have a minimal impact on the water and sewer flows at the site. Storm water will be handled by the existing storm drainage system. New lighting will consist of four 250W wall packs, which will replace two existing wall packs on the end of the building. Additional landscaping proposed as part of the new project includes trees planted along a property line.

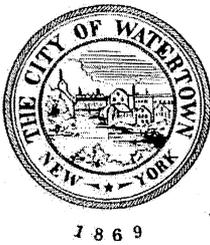
If there are any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "S. J. Olmstead". The signature is fluid and cursive, with a large initial "S" and "J" followed by "Olmstead".

Steven J. Olmstead, P.E.

cc: Attachments

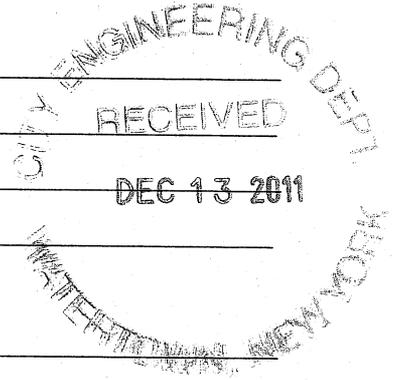


**CITY OF WATERTOWN
SITE PLAN APPLICATION
AND
SHORT ENVIRONMENTAL
ASSESSMENT FORM, PART 1**

**** 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: Midas Addition
Tax Parcel Number: 9-10-120.000
Property Address: 817 Arsenal Street
Existing Zoning Classification: Commercial



OWNER OF PROPERTY

Name: Goldfinger Enterprises, LLC
Address: 23445 Clark Drive
Dexter, NY 13634
Telephone Number: 315-783-6776
Fax Number: 315-788-0501

APPLICANT

Name: Jason Dunn
Address: 23445 Clark Drive
Dexter, NY 13634
Telephone Number: 315-783-6776
Fax Number: 315-788-0501
Email Address: goldentouchmotors@gmail.com

ENGINEER/ARCHITECT/SURVEYOR

Name: Wilbur D. Thesier, PE PC
Address: PO Box 870
Carthage, NY 13619
Telephone Number: 315-493-1966
Fax Number: 315-493-0541
Email Address: solmste@twcny.rr.com

PROJECT DESCRIPTION

Describe project and proposed use briefly:

43' X 40' addition to the existing Midas building. Use will be for 3
additional bays for vehicle repair.

Is proposed Action:

- New Expansion Modification/Alteration

Amount of Land Affected:

Initially: 0.556 Acres Ultimately: 0.556 Acres
0.556 is total acreage of parcel. Actual area affected is area of building
(1,720 sf, or 0.04 acres)

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

- Yes No If no, describe briefly

What is present land use in vicinity of project?

- Residential Industrial Commercial Agriculture
 Park/Forest/Open Space Other

Describe: _____

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

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

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

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

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

Yes No

Proposed number of housing units (if applicable): _____

Proposed building area: 1st Floor 1,720 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: 0 _____ Sq. Ft.

Number of parking spaces proposed: No additional spaces _____

Construction Schedule: Start late winter/early spring 2012; expect approximately 6 weeks duration. _____

Hours of Operation: 8 AM - 6 PM weekdays, 8AM - 4 PM Saturday _____

Volume of traffic to be generated: Minimal increase over existing. _____ ADT

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.

ELECTRONIC COPY OF ENTIRE SUBMISSION (PDF preferred)

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.
- 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.

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.

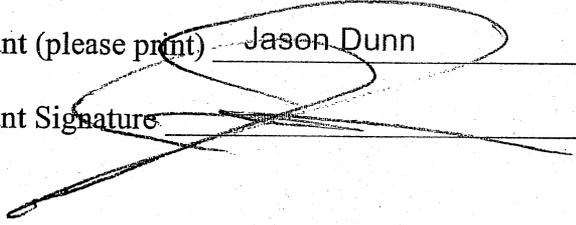
Completed SEQR – Short Environmental Assessment Form – Part I.

*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) Jason Dunn

Applicant Signature 

Date: 12/13/11

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? 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 pattern, 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 CRITICAL ENVIRONMENTAL AREA (CEA)?

Yes No If Yes, explain briefly:

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. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

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

Date

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)

Excerpt from Planning Board's
1/3/12 Meeting Minutes

**SITE PLAN APPROVAL – MIDAS
817 ARSENAL ST – PARCEL NUMBER 9-10-120**

The Planning Board then considered a request for site plan approval submitted by Steven Olmstead on behalf of Goldfinger Enterprises, LLC for the construction of a 1,720 square foot addition to the Midas automobile repair shop at 817 Arsenal Street, parcel 9-10-120.

Mr. Jason Dunn, owner of Goldfinger Enterprises, was present. Mr. Dunn explained that he wishes to expand the repair shop, adding three new garage bays. His business has outgrown its current building. The addition would have no plumbing except for fire safety sprinklers.

Mrs. Gervera suggested that Mr. Dunn respond to the summary items in the Staff Report individually.

Mr. Dunn explained that a handicap parking space already exists, but is not shown on the site plan. It will be added.

Mrs. Gervera inquired about lighting levels.

Mr. Dunn suggested that the removal of one wallpack near the southeast corner of the building would be sufficient.

Mr. Wood responded that this would probably be sufficient, but the remaining wallpack light may need a side shield.

Mrs. Gervera asked about the drainage plan.

Mr. Dunn distributed 4 copies of a drainage plan to the Board and Staff.

Mr. Wood explained that he would review the plan later and coordinate with the applicant. The conditions related to drainage should remain.

Mrs. Gervera asked if the applicant was willing to plant additional trees on Arsenal Street and south of the building. Mr. Dunn said that this was fine.

Mrs. Gervera asked if he was willing to remove part of the parking area for an interior parking lot tree.

Mr. Dunn said that he would rather not; he prefers to stay along the perimeter of the lot for new landscaping.

Mrs. Freda pointed out that this leaves the west side void of landscaping.

Mr. Dunn said that she was correct, but the neighbor's fence blocks that view anyway. He also pointed out that he uses most of his available spaces because he has to store cars while they wait for garage space.

Mrs. Gervera asked about a survey.

Mr. Dunn said that it has been completed and he will provide it.

Mrs. Freda asked for the Board's feelings on summary item #6, regarding interior parking lot trees. Mrs. Gervera asked if the trees would be near the front or evenly spaced.

Mr. Lumbis said that they can be located anywhere within the lot. He added that Staff reviews the site plan for conformance with the Planning Board's Landscaping Guidelines and the lack of interior parking lot trees was one area where the plan was deficient. The guidelines state that for existing sites, as many landscaping improvements as possible should be added. Since this is not a new site, it is not as easy to add everything and ultimately it is the Planning Board's decision on whether or not to require certain items.

Mr. Dunn said that he would prefer not to lose the parking.

Mr. Fipps asked how much space is between the lot edge and the neighbor's fence. Mr. Dunn said that there are roughly 4 feet. Mr. Lumbis pointed out that this is the neighbors land. The site plan shows the parking lot edge coterminous with the property line.

Mr. Dunn stated that the fence was installed by Pizza Hut. He suggested adding more trees on the east side, or a around the pole sign at the front of the lot.

Mr. Harris stated that summary item #6 may not be necessary considering the surrounding uses. He suggested using concrete planter, which could be removed during winter.

Mr. Dunn found that idea agreeable.

Mrs. Freda suggested that summary item #6 be revised to require two concrete planters along the western edge of the parking lot, remaining in place for 7 to 9 months per year.

Mr. Fontana then made a motion to recommend approval of the site plan submitted by Steven Olmstead on behalf of Goldfinger Enterprises, LLC for the construction of a 1,720 square foot addition to the Midas automobile repair shop at 817 Arsenal Street, parcel 9-10-120, with the following conditions:

1. The applicant shall provide one handicap parking space with an 8' striped aisle.
2. The applicant shall submit a photometric plan demonstrating that lighting levels do not exceed 0.5 foot candles across property lines.
3. The applicant shall provide a drainage plan design and calculations for a storm sewer system capable of handling a 10-year storm, to be approved by the Engineering Department.
4. The applicant shall submit Pre- and Post-Construction drainage calculations and maps, to be approved by the Engineering Department.
5. The applicant shall plant an additional street tree along Arsenal Street and 3 additional street trees in the grass area located to the south of the shed.
6. The applicant shall install two concrete planters spaced evenly along the western edge of the parking lot, to remain in place for 7 to 9 months per year.

7. The applicant shall provide at least two copies of boundary and topographic survey map of the property with an original seal and signature of a licensed Professional Land Surveyor.

Mrs. Gervera seconded the motion; 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 29, 2011

Andrew Nichols, Planner
City of Watertown
245 Washington Street
Suite 304
Watertown, NY 13601

Re: Steven Olmstead, Site Plan Review for Midas Building addition
JCDP File # C 14 - 11

Dear Andrew,

On December 27, 2011, 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.

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,

E. Hartley Bonisteel
Community Development Coordinator

Res No. 9

January 11, 2012

To: The Honorable Mayor and City Council

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

Subject: Special Use Permit Allowing the Operation of a Metals Recycling Facility at 301 Pearl Street, Parcel 4-01-101

A request has been submitted by Ed Kowalsky of Empire Recycling Corporation for the above subject Special Use Permit. The Planning Board reviewed the request at its January 3, 2012 meeting and adopted a motion recommending that the City Council approve the Special Use Permit, subject to five conditions.

The applicant intends to subdivide the parcel and use only a 6.3 acre portion at the parcel's northeast corner. A description of the specific area to which this Special Use Permit will apply is included in the resolution.

Attached are a report prepared for the Planning Board and an excerpt from the January 3rd minutes.

A public hearing is required before City Council may vote on the resolution. It is recommended that a public hearing be scheduled for 7:30 pm on Monday, February 6, 2012.

RESOLUTION

Page 1 of 3

Approving a Special Use Permit Request Submitted by Ed Kowalsky of Empire Recycling Corporation to Operate a Metals Recycling Facility at 301 Pearl Street, Parcel 4-01-101.

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

Total

YEA	NAY

Introduced by

WHEREAS Ed Kowalsky of Empire Recycling Corporation has made an application for a Special Use Permit allowing the operation of a metals recycling facility at 301 Pearl Street, parcel 4-01-101, and

WHEREAS the applicant intends to subdivide parcel 4-01-101 and use only the northeastern portion, as described below,

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

COMMENCING at the intersection of the southerly street margin of East Main Street and the northwesterly street margin of Pearl Street;

THENCE S. 51°-21'-51" W., along the northwesterly street margin of Pearl Street, a distance of 146.21 feet to an angle point in said street margin;

THENCE S. 35°-46'-51" W., along the northwesterly street margin of Pearl Street, a distance of 362.45 feet to an iron pipe set, said iron pipe being the POINT OF BEGINNING;

THENCE S. 35°-46'-51" W., along the northerly margin of Pearl Street, a distance of 163.37 feet to a railroad spike set (1989);

THENCE N. 86°-29'-04" W., a distance of 490.91 feet to a railroad spike set (1989);

THENCE N. 03°-32'-05" E., a distance of 501.05 feet to an iron pipe set (1989) in the southerly margin of east main street;

THENCE N. 86°-46'-36" E., along the southerly margin of East Main Street, a distance of 569.42 feet to an iron pipe set (1989);

RESOLUTION

Page 2 of 3

Approving a Special Use Permit Request Submitted by Ed Kowalsky of Empire Recycling Corporation to Operate a Metals Recycling Facility at 301 Pearl Street, Parcel 4-01-101.

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

YEA	NAY

Total

THENCE S. 81°-54'-57" E., along the southerly margin of East Main Street, a distance of 47.38 feet to an iron pipe set (1989);
 THENCE S. 35°-46'-51" W., a distance of 306.93 feet to an iron pipe set (1989);
 THENCE S. 54°-13'-09" E., a distance of 29.26 feet to an iron pipe set (1989);
 THENCE S. 35°-46'-51" W., a distance of 31.20 feet to an iron pipe set (1989);
 THENCE S. 03°-23'-56" W., a distance of 48.08 feet to an iron pipe set (1989);
 THENCE S. 54°-13'-09" E., a distance of 142.99 feet to the POINT OF BEGINNING;
 CONTAINING 6.334 acres of land more or less.

And,

WHEREAS the Planning Board of the City of Watertown reviewed the Special Use Permit request at its meeting held on January 3, 2012, and recommended that the City Council of the City of Watertown approve the site plan with the following conditions,

- 1) The property owner or their representative shall apply for and obtain Subdivision Approval from the Planning Board prior to conveying any divided portion of the parcel.
- 2) The applicant shall apply for and obtain Site Plan Approval from the City prior to the construction of any new parking area in excess of 400 square feet.
- 3) The applicant shall not store refuse, scrap metal, or similar material outdoors.
- 4) The applicant shall remove and dispose of all scrap and debris in the existing parking area at the eastern end of the site. This specifically includes, but is not limited to, the abandoned electric substation.
- 5) All activities associated with this permitted use shall take place indoors.

RESOLUTION

Page 3 of 3

Approving a Special Use Permit Request Submitted by Ed Kowalsky of Empire Recycling Corporation to Operate a Metals Recycling Facility at 301 Pearl Street, Parcel 4-01-101.

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

Total

YEA	NAY

And,

WHEREAS a public hearing was held on the Special Use Permit request on February 6, 2012, 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 2, and has determined that the project, as submitted, is Unlisted 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 Special Use Permit to operate a metals recycling facility constitutes an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that a Special Use Permit is hereby granted to Empire Recycling Corporation to operate a metals recycling facility on the above described portion of parcel 4-01-101 at 301 Pearl Street, subject to the boundaries and conditions listed above.

Seconded by



MEMORANDUM

CITY OF WATERTOWN, NEW YORK – PLANNING OFFICE
245 WASHINGTON STREET, ROOM 304, WATERTOWN, NY 13601
PHONE: 315-785-7730 – FAX: 315-782-9014

TO: Planning Board Members

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

SUBJECT: Special Use Permit Approval – 301 Pearl Street

DATE: December 23, 2011

Request: Special Use Permit to allow the operation of a metals recycling facility at 301 Pearl Street on a portion of Parcel Number 4-01-101.

Applicant: Ed Kowalsky of Empire Recycling Corp.

Proposed Use: Indoor metals recovery recycling facility, offices, and warehouse space.

Property Owner: Railstar Corp.

Submitted:

8 ½” x 11” Copy of Parcel Map: Yes A Sketch of the Site to Scale: Yes

Completed Part I of an Environmental Assessment Form: Yes SEQRA: Unlisted Action

County Planning Board Review Required: No

Comments: The applicant proposes an indoor recycling facility for ferrous and non-ferrous metals in an industrial building in the northeast quadrant of parcel 4-01-101 at 301 Pearl Street. The entire parcel is zoned for Heavy Industry, in which the proposed use, termed “Junkyard,” is allowed by Special Use Permit (SUP).

A SUP for a sweat furnace operation (smelter and junkyard) was granted to a different applicant by the City Council for this property on January 19, 2010. That project did not go forward and the SUP expired. This applicant was involved in a SUP that was granted for a junkyard on Purdy Avenue in 2006 that also did not come to fruition.

The applicant intends to subdivide and purchase a section of the parcel in question, but the purchase agreement is contingent upon the passage of this SUP application. The SUP should be conditioned to apply only to the area of the proposed subdivision. The applicant must provide a

proposed legal description of the area to be subdivided (“Parcel 1” on the supplied map). Prior to the conveyance of that portion of parcel 4-01-101, the current owner or their representative must make an application to the Planning Board for subdivision approval.

It is unclear from the application exactly how the recycling operation will be run at the site, i.e. will the facility be run as a “consumer” type operation where individuals can drop off small loads of scrap materials or will the client base be limited to large suppliers or wholesalers of scrap metals. The applicant should provide a clearer picture of how the facility will be operated as it may impact the Planning Board’s discussion and ultimate recommendation to the City Council.

The City’s Draft Local Waterfront Revitalization Plan recommends that this area be rezoned for commercial use. Because the applicant plans to subdivide the lot and use only the northern portion, which has no shoreline, the proposed use will not likely interfere with the LWRP’s goals.

The applicant proposes a large paved area to the north of the building. If this area is not already a parking area (it is difficult to tell from the aerial photos or outside the fence), the applicant will be required to apply for Site Plan Approval in addition to this SUP.

There is a significant amount of debris left outdoors on the site. Most notable are the remains of an electrical substation which has toppled over in the parking lot near Pearl Street, and an apparently abandoned truck located near the bay doors on the south face of the building. The western section of the property appears to have some scrap metal and what may be a disused train car.

Necessary Conditions:

1. The applicant shall provide the City with a proposed legal description of the portion of the parcel to which the Special Use Permit will apply. This documentation must be received before City Council will consider the application.
2. The property owner or their representative shall apply for and obtain Subdivision Approval from the Planning Board prior to conveying any divided portion of the parcel.
3. The applicant shall apply for and obtain Site Plan Approval from the City prior to any new parking area in excess of 400 square feet.
4. The applicant shall not store refuse, scrap metal, or similar material outdoors.
5. The applicant shall remove and dispose of all scrap and debris in the existing parking area at the eastern end of the site. This specifically includes, but is not limited to, the abandoned electric substation.

cc: City Council Members
Robert Slye, City Attorney
Justin Wood, Civil Engineer II
Brian Phelps, City Assessor
Ed Kowalsky, 64 N. Genesee St, Utica, NY 13503
March Associates, 258 Genesee St, Utica, NY 13502
Railstar Corp, PO Box 285, Cape Vincent, NY 13618



CITY OF WATERTOWN, NEW YORK

245 Washington Street, Watertown, NY 13601

Office: (315) 785-7730 - Fax: (315) 782-9014

Special Use Permit Application

APPLICANT INFORMATION

Name: Ed Kowalsky

Mailing Address: Empire Recycling Corporation, 64 N. Genesee Street, Utica, NY 13503

Phone Number: (315) 724-7161

Email: ed@empirerecycling.com

PROPERTY INFORMATION

Property Address: 301 Pearl Street, Watertown, NY 13601

Tax Parcel Number(s): 4-01-101.000

Property Owner (if not applicant):

If applicant is not owner or owner's representative, indicate interest in the property:

Signed Purchase Agreement (attach) Signed Lease (attach) None yet

Zoning District: Heavy Industry

Required Attachments:

- 8.5x11 parcel map with property outlined with heavy black ink
- Sketch of the site drawn to an engineering scale (e.g. 1"=20')
- Completed Part I of the Environmental Assessment Form (SEQR)



REQUEST DETAILS

Proposed Use: Metal Recovery Recycling Facility

Explain proposal (use additional 8.5x11 sheets if necessary):

Indoor metals recovery recycling facility for ferrous and non-ferrous metals. Potential partial future uses: Office Area for Owner or Tenant, Warehouse Area for Owner or Tenant.

I certify that the information provided in this application is true to the best of my knowledge.

Signature: *Ed Kowalsky*

Date: 12/14/11

SPECIAL USE PERMIT APPLICATION INSTRUCTIONS

What to submit -

- 16 copies of the "Special Use Permit Application" form, completed to the best of your knowledge
- 16 copies of the required attachments, listed in the "Property Information" section of above form
- \$100.00 non-refundable check, payable to the City of Watertown, New York
- PDF of the application and attachments, if possible

Where to submit – Special Use Permit applications shall be submitted to the City Engineer, 245 Washington Street, Watertown, NY 13601, at least 14 calendar days prior to the next Planning Board meeting (21 days if county review is required—see below).

What it is – A Special Use Permit is a special authorization by City Council to allow a particular land use in a zoning district that would otherwise prohibit said use. Acceptable special uses are listed in the Zoning Code under each district description. The purpose of the SUP process is to ensure that the proposed use will not adversely affect the neighborhood.

What the process is – The procedure for Special Use Permits follows section 27-b of the New York General City Law, the City Zoning Ordinance, 6 NYCRR Part 617 (SEQR), and New York General Municipal Law Section 239. Special Use Permits are subject to approval by the City Council after a recommendation from the Planning Board.

Public hearing required – A public hearing will be held by the City Council within 62 days of the receipt of an application.

Posting of notice on property – The applicant shall post a sign provided by the Planning Office on the premises of the proposed permit for a period of at least 2 weeks prior to the public hearing. The applicant shall submit an affidavit to the Council stating they this requirement has been met.

Decision deadline – The City Council will render a decision regarding approval of the application within 62 days of the public hearing. The deadline may be extended by mutual consent. The decision of the City Council shall be filed with the City Clerk within five days of rendering, and a copy will be mailed to the applicant.

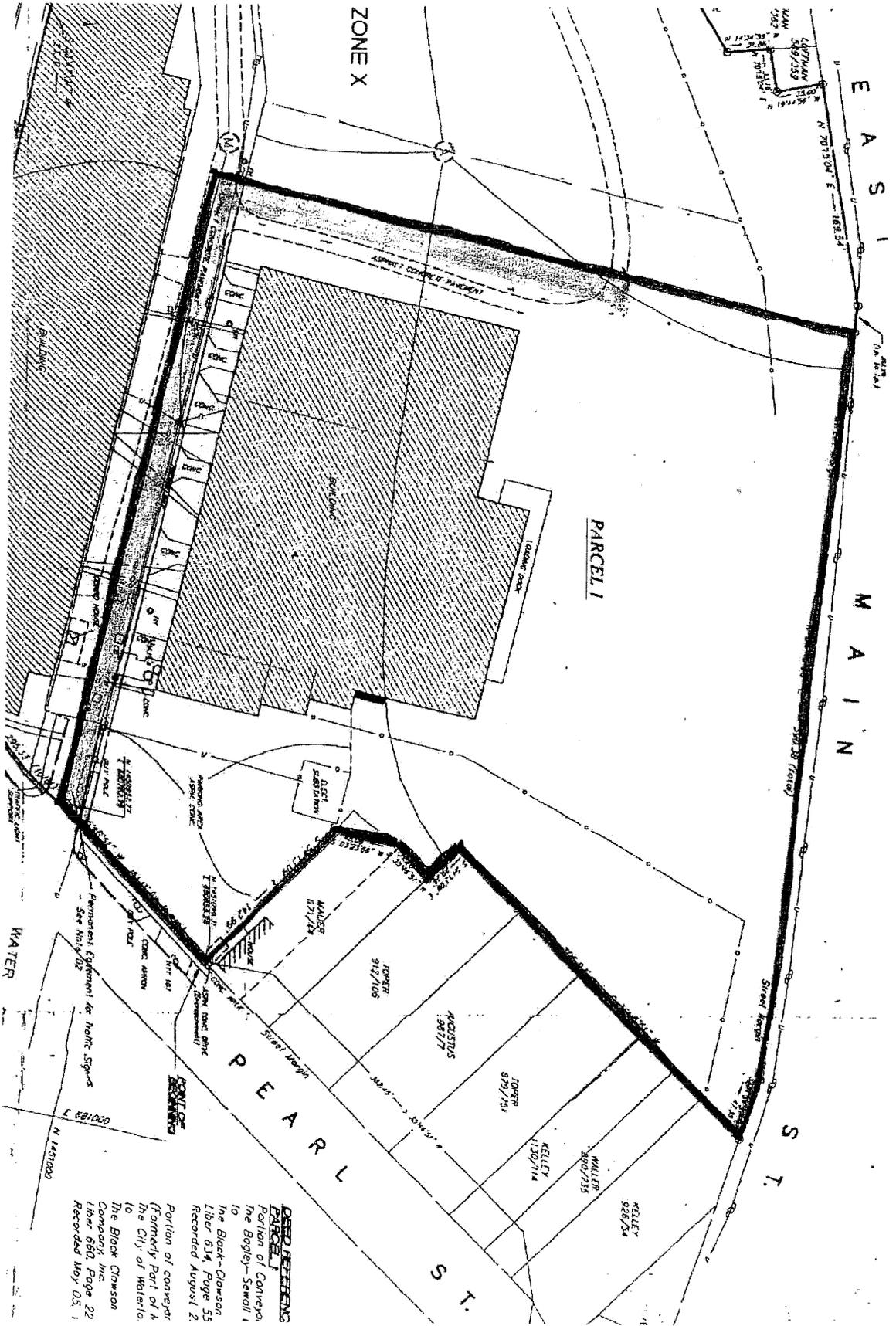
SEQRA – The City Council will comply with the provisions of the State Environment Quality Review Act under Article 8 of the Environmental Conservation Law and the regulations contained therein.

County Planning Board Review – Those applications within the jurisdiction of General Municipal Law § 239 will be referred to the Jefferson County Planning Board for review. A recommendation from that Board is required before the Council may take action. To ascertain whether or not your property falls within this jurisdiction, visit the Planning or Engineering offices at City Hall, or phone (315) 785-7730.

Conditions – The Council may impose reasonable conditions and restrictions that are directly related to the proposed Special Use. Such conditions must be met in connection with the issuance of any permits by the City Engineer, Code Enforcement Bureau, or other City officer.

Expiration – A Special Use Permit shall expire one year from the date it was granted if the involved property has not been used for the approved special use. A Special Use Permit will also expire immediately upon the cessation of the approved special use. Council may impose more stringent expiry conditions at their discretion.

SCHEDULE "A"

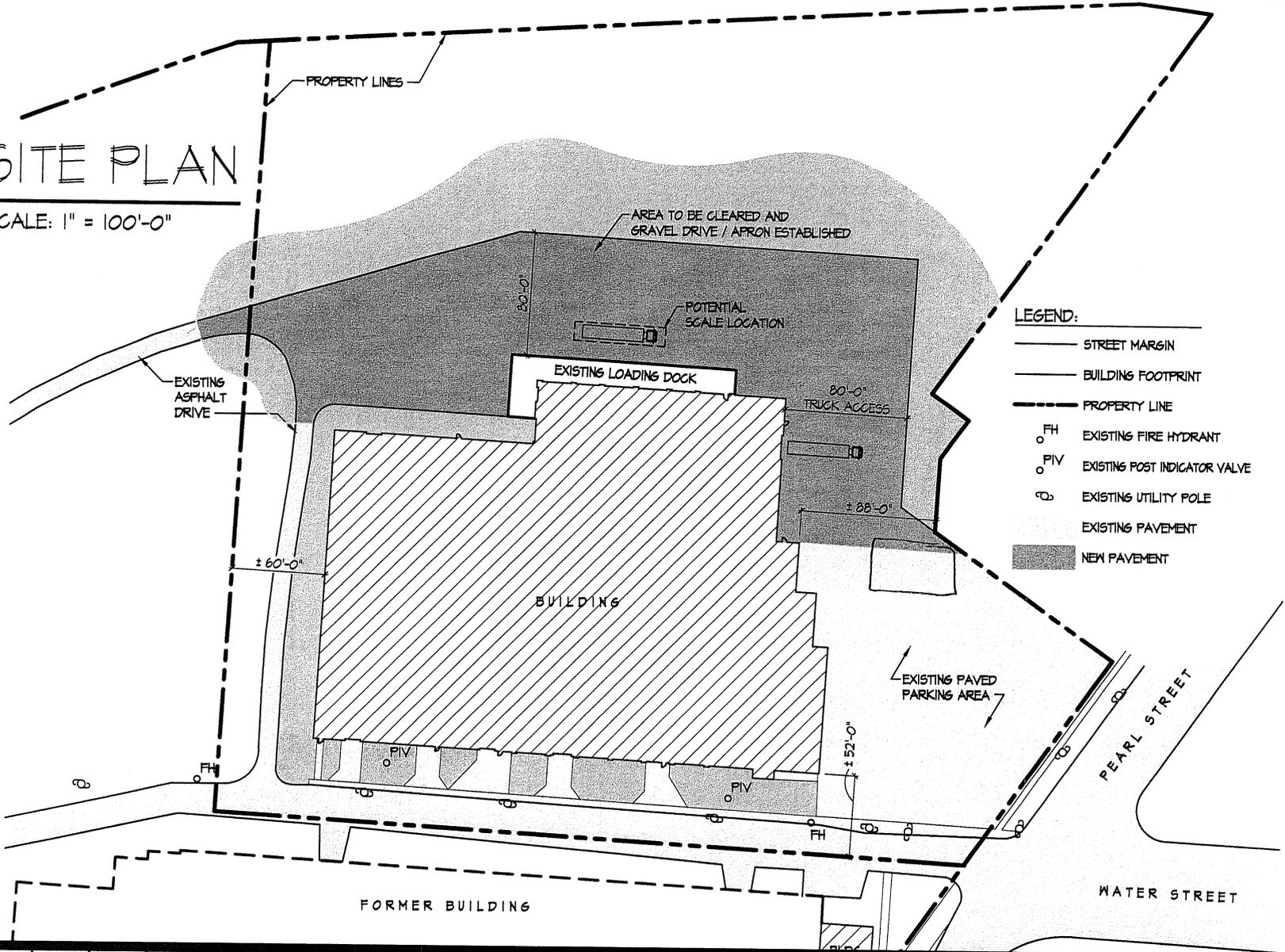


PARCEL 1
 Parcel 1
 Portion of Conveyance
 The Bogley-Sawell I
 to
 The Black-Clauson
 Liber 634, Page 55
 Recorded August 2,
 1960
 Portion of conveyance
 (Formerly Part of A
 The City of Waterloo,
 to
 The Black-Clauson
 Company, Inc.
 Liber 660, Page 22
 Recorded May 05, 1961

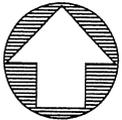
1
SK-A1

SITE PLAN

SCALE: 1" = 100'-0"



- LEGEND:**
- STREET MARGIN
 - BUILDING FOOTPRINT
 - - - PROPERTY LINE
 - FH EXISTING FIRE HYDRANT
 - PIV EXISTING POST INDICATOR VALVE
 - UP EXISTING UTILITY POLE
 - ▨ EXISTING PAVEMENT
 - NEW PAVEMENT



MARCOH ASSOCIATES
ARCHITECTS & PLANNERS, PC

258 Genesee Street, Suite 300
Utica, New York 13502
P: 315.735.3344
F: 315.735.3331
www.marchassoc.com

EMPIRE RECYCLING PEARL STREET BUILDING WATERTOWN, NEW YORK

DATE	DEC. 13, 2011
BY	DDJ
PROJ. NO.	1171
SKETCH	

SK-A1

Excerpt from Planning Board's
1/3/12 Meeting Minutes

**SPECIAL USE PERMIT – EMPIRE RECYCLING
301 PEARL STREET – PARCEL 4-01-101**

The Board then considered a request submitted by Ed Kowalsky of Empire Recycling Corp. to allow the operation of a metals recycling facility at 301 Pearl Street, parcel 4-01-101.

Mr. Kowalsky approached the Board to explain his proposal. He stated that his company would renovate the building and grounds in order to operate an indoor recycling facility for both ferrous and non-ferrous metals. This would be their eighth facility in New York State.

Mrs. Freda suggested that he respond to the summary items in the Staff Report.

Mr. Kowalsky stated that he had a survey and description for submittal today. For #2 regarding subdivision approval, he stated that they would apply for subdivision approval at a later date. For #3 regarding Site Plan Approval, he explained that they plan to clean up the back area for vehicle circulation, but probably will not be putting in new pavement. Item #4 is acceptable, as the entire operation is planned to be indoors. Item #5, regarding debris on the site, would also be taken care of as part of the renovation.

Mr. Fipps asked about the nature of the business and what type of traffic is expected.

Mr. Kowalsky explained that the facility would be open Monday through Saturday from roughly 7:00 am to 4:30 pm. Large trucks would be used to pick up scrap 3 to 5 times per day. The facility would be open to the public for drop-off. Customers may be homeowners, construction firms, tradesmen, and possibly some industrial shops like NY Air Brake. Most of the traffic maneuvering will take place in the rear of the lot, not visible from the street. Some of the drop-offs would come in closed containers. Any loading and unloading will take place indoors.

Mr. Harris asked if cans would be accepted. Mr. Kowalsky said that the facility would not be a redemption center.

Mr. Fipps asked if the facility would mostly function as a transfer station, or if any processing would take place. Mr. Kowalsky said that it would be a transfer station.

Mrs. Freda asked if any new employees would be hired, or if staff would be transferred from Utica. Mr. Kowalsky said that they would be merging with nearby Perkins Scrap Metal, and would move their employees to this location. He said they would also hire new employees from the area.

Mr. Harris asked about the time frame for the project. Mr. Kowalsky stated that it would take some time to complete the approval process and renovate the building but he was expecting to open in April.

Mrs. Freda commented that the applicant should be sure to check with Engineering and Codes to confirm whether or not the expansion of the vehicular circulation area at the rear of the property would require site plan approval.

Mrs. Freda then invited public comment on the proposal.

Lee Horan of 1009 Hungerford Street approached the Board. She stated that she had previously worked in a scrap yard and knows the nature of the business. She stated that she is worried about the additional traffic in the area, which such an operation relies on to make a profit. Currently, backups occur near Pearl and Water Streets, and this development would make them worse. She also questioned the durability of the streets in the area in the face of large truck traffic, specifically the two bridges to Sewall's Island. Lastly, she pointed out there are already too many scrap facilities in the area, and this one would be unnecessary. She provided a list of nearby recyclers.

Mr. Kowalsky stated that truck traffic will exist, but will be less than what was present back when the site was still operated by Black Clawson.

Mrs. Gervera stated that she understands the need for commerce, but she is somewhat worried about the additional traffic and the effects of this development on the City's Local Waterfront Revitalization Program (LWRP).

Mrs. Freda asked why this site was chosen, rather than developing the site near NY Air Brake, as was proposed several years ago. Mr. Kowalsky said that the costs for the other site did not work out. Reusing this existing building saves on costs, and its larger size allows for indoor operation throughout winter.

Mrs. Freda asked how many other similar businesses were nearby. Mr. Kowalsky said that he was only aware of two. Mrs. Freda looked over the list of businesses supplied earlier by Ms. Horan.

Mrs. Gervera asked how the trucks would be loaded. Mr. Kowalsky said that they would be loaded by excavators over top, then tarped and sent on their way. Everything would take place indoors.

Mrs. Gervera asked for clarification about Special Use Permit expiration.

Mr. Mix stated that SUPs run with the land, but expire if the use ceases. He continued by describing the site's relationship to the LWRP. Given the nature of the building, the proposal for a Commercial designation on this property was a compromise. Since the area between the building and the river is large, and the parcel is being divided, the parcel could remain industrial.

Mr. Fontana asked if the entire building would be used. Mr. Kowalsky said that they have no plans for the office areas yet, but otherwise yes.

Mrs. Freda proposed adding a condition that all activities take place indoors.

Mr. Harris made a motion to recommend approval of the request submitted by Ed Kowalsky of Empire Recycling Corp. to allow the operation of a metals recycling facility at 301 Pearl Street, parcel 4-01-101, with the following conditions:

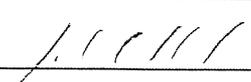
1. The property owner or their representative shall apply for and obtain Subdivision Approval from the Planning Board prior to conveying any divided portion of the parcel.
2. The applicant shall apply for and obtain Site Plan Approval from the City prior to the construction of any new parking area in excess of 400 square feet.
3. The applicant shall not store refuse, scrap metal, or similar material outdoors.
4. The applicant shall remove and dispose of all scrap and debris in the existing parking area at the eastern end of the site. This specifically includes, but is not limited to, the abandoned electric substation.
5. All activities associated with this permitted use shall take place indoors.

Mr. Fipps seconded; the motion passed 5 to 1, with Mrs. Gervera opposing.

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

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

1. APPLICANT/SPONSOR Empire - Watertown Realty, LLC	2. PROJECT NAME New Metals Recycling Facility
3. PROJECT LOCATION: Municipality <u>Watertown, NY</u> County <u>Jefferson</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>301 Pearl Street, Watertown, NY 13601</u> <u>(Corner of Pearl Street and Water Street)</u>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Indoor Metals Recovery Recycling Facility for Ferrous and Non-Ferrous Metals.</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>6.3</u> acres Ultimately <u>6.3</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
12. AS A RESULT OF PROPOSED ACTION, WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Ed Kowalsky</u>	Date: <u>12/14/11</u>
Signature: <u></u>	

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

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? Yes No If yes, coordinate the review process and use the FULL EAF.

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 pattern, 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 CRITICAL ENVIRONMENTAL AREA (CEA)? Yes No If Yes, explain briefly:

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. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- 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	Date
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)

Ord No. 1

January 12, 2012

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Amending Section 81-5 of the City Code,
Leashing; Dogs Prohibited Where Perishable
Goods are Sold

At the last regular meeting of the Council, Staff was directed to draft in the form of an Ordinance, the proposed dog control legislation for City Council consideration. The attached Ordinance represents the most recently considered draft in a format ready for City Council approval.

ORDINANCE

Page 1 of 2

Amending Section 81-5 of the City Code of the City of Watertown, Prohibiting the Owner of Any Dog to Permit or Allow Such Dog to be Present at any "Special Event" in the City or to be Upon City Owned Property and Within Twenty Feet of any City Owned Swimming Pool or Playground Equipment Located Within Any City Park or Playground

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 Section 20(13) and 20(22) of the New York General City Law authorize a City to regulate conduct by ordinance, and to provide penalties to punish violations thereof, when deemed advisable to maintain order and to preserve and care for the safety, health, comfort, and general welfare of the inhabitants of the City and visitors thereto, and

WHEREAS such powers of the City are to be exercised in the City of Watertown by the City Council of the City of Watertown, and

WHEREAS the City Council of the City of Watertown finds that the presence of dogs at certain special events which are known to, or could, involve crowds of people within a limited physical area presents a hazard to the safety, health, comfort, and general welfare of the persons attending those events, and

WHEREAS the City Council of the City of Watertown finds that the presence of dogs upon City owned property within twenty feet of any City owned swimming pool or playground equipment located within any City park or playground further presents a hazard to the safety, health, comfort, and general welfare of children utilizing those facilities, and

WHEREAS the City Council of the City of Watertown deems it to be in the best interests of the citizens of the City, and visitors thereto, to prohibit dogs to be present under those circumstances:

BE IT ORDAINED by the City Council of the City of Watertown as follows:

Chapter 81 of the Code of the City of Watertown shall be amended to add a new Section 81-5 (C) to read as follows:

ORDINANCE

Page 2 of 2

Amending Section 81-5 of the City Code of the City of Watertown, Prohibiting the Owner of Any Dog to Permit or Allow Such Dog to be Present at any "Special Event" in the City or to be Upon City Owned Property and Within Twenty Feet of any City Owned Swimming Pool or Playground Equipment Located Within Any City Park or Playground

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

Section 81-5 (C)

It shall be unlawful for the owner of any dog to permit or allow such dog to be present at any "Special Event" in the City or to be upon City owned property and within 20 feet of any City owned swimming pool or playground equipment located within any City park or playground. For purposes of this section, a "Special Event" shall mean the following activities upon City owned property: The Farm & Craft Market; The 4th of July Concert at Thompson Park; or The Jefferson County Fair. A "Special Event" shall also include any other specifically approved event conducted, at least in part, upon City owned property and which will or may involve significant public assembly.

The posting of signage by the host of a Special Event, to the effect that dogs are not permitted at the Special Event, shall be presumptive evidence that said event will or may involve significant public assembly and will be conducted, at least in part, on City property.

The prohibition herein shall not apply to an owner whose dog is confined within an automobile, crate, cage or similar structure that prevents a dog from causing personal injury or damage to personal property.

The prohibition of this Section 81-5 (C) may be waived by special approval of the City Manager or his or her designee.

There shall be excluded from this section any owner of a dog which is defined under Section 108 of the New York Agriculture and Markets Law, as the same may be amended from time to time, as a guide dog, hearing dog, service dog, working search dog, therapy dog, detection dog, war dog, or any other dog which may be utilized by law enforcement agencies within the jurisdiction of the City, or which are professionally trained service animals utilized by persons with disabilities.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its publication in the official newspaper of the City.

Public Hearing – 7:30 p.m.

January 11, 2012

To: The Honorable Mayor and City Council
From: Mary M. Corriveau, City Manager
Subject: Authorizing Spending of Funds from the Capital Reserve Fund

Included in the FY 2011-12 Capital Budget was the Municipal Building chiller and tower replacement and Library cooling tower replacement projects. Funding in the amount of \$365,000 for this project was to come from the Capital Reserve Fund established by City Council on June 19, 2006.

Prior to any funds being spent from this reserve a Public Hearing must be held. The City Council has scheduled said Public Hearing for January 17, 2012 at 7:30 p.m. to discuss the appropriation of these funds.

A history of the Capital Reserve Fund is as follows:

<u>Sources:</u>		
Budgetary Transfers (FY 2005-06, FY 2006-07)	\$600,000	
Interest Earnings	<u>49,340</u>	
Total Available		\$ 649,340
<u>Uses:</u>		
DPW Plow Shed	\$ 75,000	
Thompson Park Clinic Building Roof	61,235	
Arena Concession Stand	35,000	
Arena Roof	<u>90,000</u>	
Total Uses		<u>261,235</u>
Balance Available		\$388,105

RESOLUTION

Page 1 of 1

Public Hearing Authorizing Spending
From Capital Reserve Fund

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

YEA	NAY

Introduced by

Council Member Jeffrey M. Smith

WHEREAS on June 19, 2006, the City Council approved establishing a Capital Reserve Fund pursuant to Section 6-c of the General Municipal Law to finance future capital improvements, and

WHEREAS the Adopted 2011-12 Capital Budget included a project to replace Municipal Building chillers and tower at an estimated cost of \$250,000, and

WHEREAS the Adopted 2011-12 Capital Budget included a project to replace the Library cooling tower at an estimated cost of \$200,000, and

WHEREAS the City Council desired to partially fund the replacement of the Municipal Building chillers and tower and the Library cooling tower from the Capital Reserve Fund, and

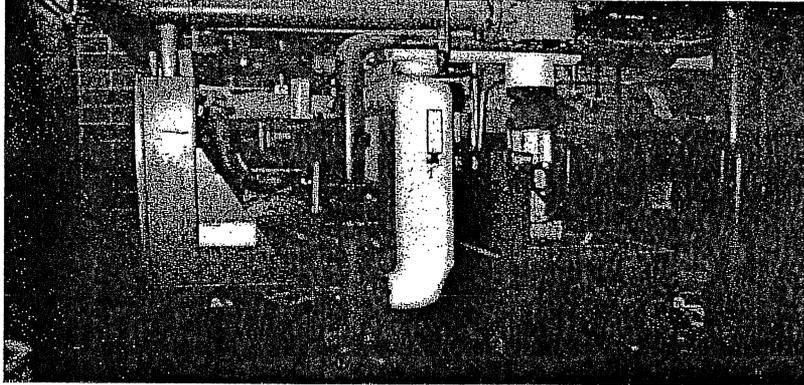
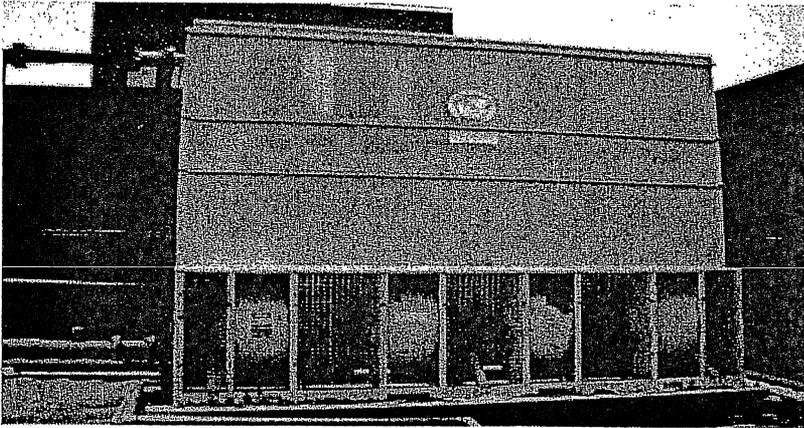
WHEREAS on Monday, January 17, 2012 at 7:30 p.m., the City Council of the City of Watertown held a public hearing to discuss the expenditure of funds from this capital reserve fund, and

WHEREAS it has been determined that the expenditure of these funds is in keeping with the purpose for the capital reserve fund,

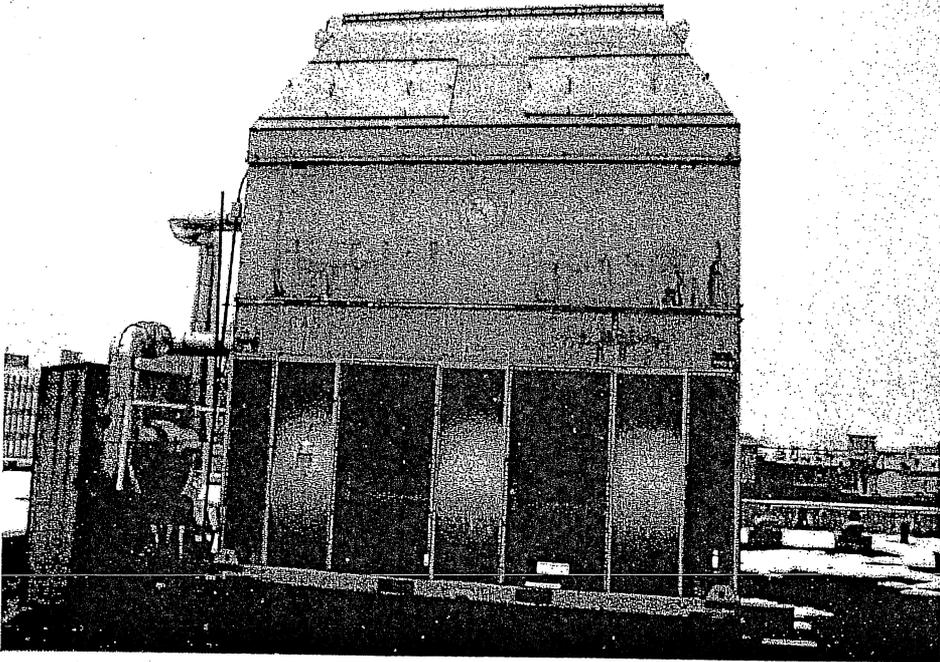
NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the appropriating of Capital Reserve funds in an amount not to exceed \$365,000 to pay for the cost of the chillers and tower replacements at the Municipal Building and Library.

Seconded by Council Member Joseph M. Butler Jr.

FISCAL YEAR 2011-2012
 CAPITAL BUDGET
 FACILITY IMPROVEMENTS
 CITY HALL

PROJECT DESCRIPTION	COST
<p>Municipal Building Chiller and Tower Replacement:</p> <p>These two air conditioning chillers (one installed in the early 1960's and one replaced in mid 1980's) are well beyond their useful life and require replacement. The units would be replaced with a high efficiency chiller. The cooling tower installed in the early 1960's is also beyond it useful life and would also be replaced with a variable speed tower.</p>   <p>Funding to support this project will be through a transfer from the Capital Reserve Fund.</p>	<p>\$250,000</p>
TOTAL	\$250,000

FISCAL YEAR 2011-2012
CAPITAL BUDGET
FACILITY IMPROVEMENTS
LIBRARY

PROJECT DESCRIPTION	COST
<p data-bbox="97 457 514 492">Cooling tower replacement</p> <p data-bbox="97 543 1208 793">The cooling tower on the Library roof needs to be replaced. It is nearing fifteen years old and the life of this type of equipment is typically about ten years. The cooling tower has been leaking, causing damage to surrounding areas of the roof which has caused some internal leaks inside the library. The work involves replacing it with a high efficiency tower, and an energy recovery unit.</p>  <p data-bbox="81 1647 1204 1739">Funding to support this project will be through a transfer from the Capital Reserve Fund (\$115,000) and a transfer from the Library Fund (\$85,000).</p>	<p data-bbox="1276 466 1420 500">\$200,000</p>
<p data-bbox="1075 1770 1219 1804">TOTAL</p>	<p data-bbox="1266 1770 1411 1804">\$200,000</p>

January 11, 2012

To: The Honorable Mayor and City Council
From: James E. Mills, City Comptroller
Subject: Property Offer – 100, 101 and 103 Alexandria Avenue

The offer received of \$150 each for 100 Alexandria Avenue, 101 Alexandria Avenue and 103 Alexandria Avenue from Rachel Knox has been withdrawn by the individual.

January 12, 2012

To: The Honorable Mayor and City Council
From: Mary M. Corriveau, City Manager
Subject: Brick Buildings on Coffeen Street near Jailhouse Antiques

At the January 3, 2012 City Council meeting, Council Member Joseph M. Butler asked for an update on the ownership status of the brick buildings next to the former Jefferson County Jail. There are two properties in question, 330 Coffeen Street and 308 Waltham St. Both of these properties have been owned since 1974 by Mr. Frank D. Giordanelli.

We checked the water billing records and find that there has not been a meter at 330 Coffeen Street since before 1999, which is where our current system history begins. It is believed that the property was vacant as far back as 1988. The records for the property at 308 Waltham show that the meter was removed on October 9, 1997, and has never been reinstalled.



Property Description Report For: 308 Waltham St, Municipality of City of Watertown



Total Acreage/Size: 38 x 61
Land Assessment: 2011 - \$5,000
2010 - \$5,000
Full Market Value: 2011 - \$33,789
2010 - \$33,789
Equalization Rate: ----
Deed Book: 857
Grid East: 995865

Status: Active
Roll Section: Taxable
Swis: 221800
Tax Map ID #: 7-07-305.000
Account #: 22114500
Property Class: 220 - 2 Family Res
Site: RES 1
In Ag. District: No
Site Property Class: 220 - 2 Family Res
Zoning Code: C - Commercial
Neighborhood Code: 00608
School District: Watertown
Total Assessment: 2011 - \$32,100
2010 - \$32,100

Legal Property Desc: 38x61 707305
Deed Page: 697
Grid North: 1450807

Owners

Frank D Giordanelli
507 Coffeen St
Watertown NY 13601

Sales

No Sales Information Available



Property Description Report For: 330 Coffeen St, Municipality of City of Watertown



Total Acreage/Size: 61 x 92
Land Assessment: 2011 - \$8,700
2010 - \$8,700
Full Market Value: 2011 - \$24,211
2010 - \$24,211
Equalization Rate: ----
Deed Book: 857
Grid East: 995838

Status: Active
Roll Section: Taxable
Swis: 221800
Tax Map ID #: 7-07-304.000
Account #: 03022980
Property Class: 483 - Converted Res
Site: COM 1
In Ag. District: No
Site Property Class: 483 - Converted Res
Zoning Code: C - Commercial
Neighborhood Code: 00608
School District: Watertown
Total Assessment: 2011 - \$23,000
2010 - \$23,000

Legal Property Desc: 61x92 707304
Deed Page: 697
Grid North: 1450749

Owners

Frank D Giordanelli
507 Coffeen St
Watertown NY 13601

Sales

No Sales Information Available

January 12, 2012

To: The Honorable Mayor and City Council
From: Kenneth A. Mix, Planning and Community Development Coordinator
Subject: LWRP Zone Change Notifications

We will be proceeding with the adoption of the Local Waterfront Revitalization Program (LWRP) zone changes over the next few months. On typical zone change requests, it has been the policy to notify all property owners within 100 feet of the proposed zone change. There is no law that requires this; it was a directive of a previous City Council.

A typical zone change covers a relatively small area and is done at the request of an applicant who has a specific project in mind. The LWRP zone changes will not be typical. They will cover large areas and there will be no applicant or proposed construction project.

In these cases, the owners within the zone changes will be more affected than the adjoining property owners.

For the LWRP zone changes, staff is proposing to deviate from the normal notifications. We propose to notify the property owners within the zone change areas, but not the owners of adjacent properties. The intent of this is to avoid confusion as to whether the zone changes are for any given property. Does the City Council concur with this deviation?

January 12, 2012

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Amendment to New York State's Public Officers Law,
Open Meetings Law

On January 3, 2012 Section 103 of New York State's Public Officer's Law was amended to add new language requiring local governments to make available to the public, prior to ~~or~~ at an open meeting, certain records which will be the subject of discussion at the meeting. This new law applies to every public body within the municipality, and specifically requires that public records which are already available under FOIL, in addition to any proposed resolution, law, rule, regulation, policy or any amendment, that are scheduled to be the topic of discussion by a public body at an open meeting, must be made available – upon request – to the public prior to or at the meeting, to the extent practicable as determined by the municipality. Municipalities have the right to charge a reasonable fee for such documents, consistent with current FOIL fees.

Municipalities, like Watertown, that maintain a website and use high speed internet connection must post the information on the municipal website prior to the meeting. I do not see complying with this law as a problem for the City of Watertown City Council, Planning Board, or Zoning Board of Appeals meetings.

Staff is reaching out to the other Boards and Commissions to make them aware of this new legislation so that we can be assured that it is implemented by the laws effective date, February 2, 2012.

LAWS OF NEW YORK, 2011

CHAPTER 603

AN ACT to amend the public officers law, in relation to requiring certain records which are the subject of a discussion conducted at an open meeting be made available to the public

Became a law January 3, 2012, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 103 of the public officers law is amended by adding a new subdivision (e) to read as follows:

(e) Agency records available to the public pursuant to article six of this chapter, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by a public body during an open meeting shall be made available, upon request therefor, to the extent practicable as determined by the agency or the department, prior to or at the meeting during which the records will be discussed. Copies of such records may be made available for a reasonable fee, determined in the same manner as provided therefor in article six of this chapter. If the agency in which a public body functions maintains a regularly and routinely updated website and utilizes a high speed internet connection, such records shall be posted on the website to the extent practicable as determined by the agency or the department, prior to the meeting. An agency may, but shall not be required to, expend additional moneys to implement the provisions of this subdivision.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

DEAN G. SKELOS
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly

EXPLANATION--Matter in italics is new; matter in brackets [-] is old law to be omitted.

R.P. FLOWER MEMORIAL LIBRARY
Board of Trustees Meeting
Tuesday, December 13, 2011

<u>PRESENT:</u>	Mr. Abare	Ms. Mesires	<u>EXCUSED:</u>	Ms. Dittrich
	Mr. Caughlin	Mrs. Quigg		Mr. Doheny
	Ms. Gray	Mrs. Weldon		Mr. Gebo
	Mrs. Holberg	Mrs. Wheeler, Library Director	<u>ABSENT:</u>	Councilwoman Burns
	Mr. Hopkins			Liaison, City Council
<u>GUESTS:</u>	Mayor Graham			

ORDER: The meeting was called to order at 4:00 pm by President Quigg

Before the regular meeting, Mayor Graham said a few words, thanking the Trustees for bridging communication between the City and the Library on issues such as parking and others with the hopes that communication will continue now and in the future. He also presented a 1st Citizen Award and a City coin to out-going Trustee, Marcia Gray and thanked her for serving on the Board for the last 11 years. She has brought professionalism and has been a valued and productive presence on the Board. A photo was taken of the Mayor, President Quigg and Ms. Gray. Mayor Graham was thanked and excused. President Quigg also gave a few words regarding Ms. Grays' tenure on the Board. She stated it was a pleasure and an honor to serve with Ms. Gray and their working relationship has blossomed over the years with her support and pride, and her expertise with the North Country Library System, services to the library only began the possibilities. She served for a full 11-year term and some of the time was not so smooth with the appointment of a new Library Director, working on the capital campaign and being instrumental in forming the new friends group along with Mrs. Wheeler, lots of hours and meetings and many conversations, a thank you to a great friend and mentor. Ms. Gray's dedication and vision will be missed.

APPROVAL OF MINUTES: Mr. Hopkins moved, and Ms. Gray seconded that the minutes of the November 8, 2011 minutes be approved as written. Motion carried.

COMPILATION SHEETS: Ms. Gray moved, and Ms. Mesires seconded, that the compilation sheets for the months of October and November, 2011 be approved as presented. Motion carried.

PRESIDENT'S REPORT: This is President Quigg's last meeting as President. She stated that it has been a real experience and has enjoyed it. Mrs. Holberg and Mrs. Wheeler have been great to work with. The library display at the zoo looks fantastic. The library staff that made the items for the display was thanked, but special thanks goes to Vicky Crossway. There have been some good comments about the display from people who attended.

TREASURER'S REPORT: Ms. Dittrich was unable to attend today's meeting therefore Mrs. Uebler was asked if she would answer any questions that the Board may have.

RESOLUTION: Ms. Gray moved, and Mr. Hopkins seconded, that the Treasurer's Report be approved as written.

A copy has been placed on file for audit.

DIRECTOR'S REPORT: A letter was received from the NYS Child and Family Services regarding the Heart Gallery held at the library. There have been good responses as a result of the display and they are requesting to place the display again next year at the library. An e-mail was received from Pete Carbone with his pleasant experience dealing with the Reference staff. He is a PhD student in Art history and is doing a dissertation on Eastman Johnson who is the artist of the painting of "The Tramp" that is here at the library. He is doing a presentation at the Frick Museum in New York City on Eastman Johnson. In a recent copy of "NNY Living" - there was an article on the library's top 5 e-books and top 5 books. This information will be included in each issue. The Teen Read Tourney was held on November 11 at the library. There were no teams from Watertown this year. The winners were the "Rockin Readers". A picture of the team was passed around for the Board to view. There were 175 attending the Elf Workshop on December 3. One hundred and four dollars was spent on supplies which averaged out to be about \$.78 per craft. Three volunteers and two staff members helped out with the event. Four hundred twenty-five books checked out in the two hour time frame of the workshop. The informational flyer regarding tours and other children's services were sent to schools. Three events were held at the library in November. The SMC New Physicians reception; the Morgia Group and a wedding were also held here. Samaritan was inquiring about scheduling another event in May similar to the New Physicians reception. There was a complaint about the noise level during library business hours. This will be discussed. The Events Committee will schedule a meeting prior to the January meeting to discuss this concern and to make some decisions. Programs during Christmas break, and four cooking classes to be held in January on Saturdays "Cooking without heat" as well as the monthly Children's newsletter were discussed. Questions were entertained.

COMMITTEE REPORTS:

BUILDING & GROUNDS: Mr. Abare reported that the front door plaque has been put up. The door work has been corrected and acknowledged. The parking lot issue was discussed. Questionnaires are being filled out by patrons. The City is willing to work with the Board in the hopes of resolving the problem. There was an article in the Watertown Times on Sunday Dec. 11 regarding the parking issue.

FINANCE & INVESTMENT: Discussion on library funds. There is agreement with the law that taxpayer funds have to be deposited with the municipality. Progress is being made; Mr. Gebo and Mr. Slye will be meeting the first week in January on this. A resolution is anticipated by the end of January. The Board has recommended that the library fines be turned over to the City.

RESOLUTION: Mr. Caughlin moved, and Mrs. Holberg seconded, that library fines in the amount of \$7,807.38 that have been withheld since mid-May be released to the City. Motion carried.

FRIENDS: Since the last meeting, the President and Vice-President of the Friends group have resigned. Jayn Graves is the Interim Chairperson of the group and had a meeting with President Quigg regarding the desired direction and focus of the future Friends' group. The Mission Statement was recapped and information was taken to the Friends meeting. On January 4, there will be a 2-hour work session with a joint meeting to be held on February 1 of the Friends group and the Board of Trustees on alternate fundraisers. The annual book sale realized about \$10,588; the ongoing library book sale in the basement from January to November has raised \$7,454.00 and the farmer's market book sale raised \$4,773.00 totaling approximately \$12,220.00. The Friends will be applying for a grant from Stewart's for programs. There was discussion of library staff gifts and the Friends decided to appropriate one communal gift for the staff. The staff appreciated the offer of the Board members pitching in their own funds for staff gifts but felt uncomfortable with this and stated that having the two consecutive Saturdays off was appreciated. Ms. Mesires has volunteered to be the new Friends Liaison from the Board of Trustees. The Friends are eager to have an advocacy training session so that they can take over the Farmer's Market Book Sale.

NOMINATING: Mr. Doheny was not at today's meeting. The Mayor has filled the Trustee seat soon to be vacated by Ms. Gray with Mr. Robert Dalton who is a business owner and has an establishment in the Paddock Arcade. His appointment will be approved by the City Council prior to the January Board meeting. The Vice-President position will be vacated by Mrs. Holberg who will be serving as President for the next two years. Mr. Gebo has agreed to serve in that capacity and Mr. Caughlin seconded this appointment.

POLICY:

Emergency Procedure: an e-mail response from Mr. Slye was read and reviewed.

Lending Rules & Procedures: Online reservation for materials was discussed. A penalty of \$1.00 per item reserved and not picked up will be initiated on January 1. The staff will educate the public on the new rule. There will be one warning, and then the next time the penalty will be instituted. Notifications of this new policy will be made via library website, bookmarks, and e-mails. Additional information will be put in the ILL policy. Some modifications will be made either by deletion or addition and others will be combined. The new copier charges resolution has been passed and will be revisited at a later time. The Computer, Internet, e-mail user policy was sent to Mary Corriveau. Ms. Gray read Mrs. Corriveau's response. Any staff person using the City KVS system must comply with the City policy as well (the only person utilizing KVS at the library is Mrs. Uebler). There was more discussion. The library will speak with the union regarding the policy. A Board representative will attend that meeting with Mrs. Wheeler.

RESOLUTION: Ms. Mesires moved, and Mr. Caughlin seconded, that the above policies be approved as written. Motion carried.

OLD BUSINESS: None.

NEW BUSINESS: The 2012-2013 preliminary City budget request was presented. There are several figures that will not be available until January like utilities and personnel. Also, the figures from NCLS for the SIRSI services won't be available until January as well. Additional items to be put in the budget are a new water fountain, the cleaning of the Eastman Johnson painting; the Japanese needlework screen needs repair as well as the Emma Flower Taylor doll collection. There is still the question of who has ownership the City or the library. There was more discussion. Before pursuing further, the Board has instructed Mrs. Wheeler to contact Ed Fynmore for costs/quotes prior to the January meeting. The 5-year capital expenditure plan also includes replacing the lighting in the old part of the building. Discussion on requesting additional funds for books; an increase was also suggested in the programming budget, however Mrs. Wheeler stated that the funding in that line was adequate. Discussed whether the City would be agreeable to the requested increase(s). The Board discussed the issue of library operation 7 days a week. Proof needs to be made illustrating that the library can't be open 7 days per week with the

present staffing level. The Council needs to be educated on this issue. A representative of the Board should be present for the meeting. Mrs. Wheeler has been asked to revisit this issue and come up with a summary of issues encountered with a 7 day schedule on one page, bring it back to the Board for review and understanding before going to the Council meeting with the issue. There was more discussion and in addition, have a rough estimate of how many "out of work" hours go into program preparations. This will be continued at the January meeting.

Mrs. Uebler indicated that the Board will need to reorder checks for the coming year for bills. It is more cost effective to order 500 at a time rather than the previous 250. Pricing was estimated at \$89.99 + \$9.99 shipping.

RESOLUTION: Mrs. Holberg moved, and Mrs. Quigg seconded that the order for 500 new checks be approved. Motion carried.

ADJOURNMENT: Mr. Hopkins moved, and it was unanimously seconded, that the meeting adjourn at 5:25 p.m. Motion carried.

The next regularly scheduled business meeting will be held on Tuesday, January 10, 2012 at 4:00 p.m. in the Community Room.

Tina M. Uebler
Recording Secretary

Approved by: bjw

January 12, 2012

To: The Honorable Mayor and City Council
From: Mary M. Corriveau, City Manager
Subject: Sales Tax Revenue – December 2011

The City has received the monthly sales tax revenue numbers from Jefferson County. In comparison to December 2010, the December 2011 sales tax numbers are up \$216,001 or 12.85%, actual to actual. In comparison to our original budget projection for the month of December, the sales tax numbers are up \$167,899 or 9.71%.

The year to date actual to actual receipts are up \$533,703 or 6.39%, year to date budget to actual receipts are up \$294,725 or 3.43%. Year to date revenues for the current Fiscal Year are \$8,887,208.

The attached spreadsheet shows the detail collections for this year and last year, along with the budgeted numbers. Collections for Fiscal Year's 2007-2008; 2008-2009; and 2009-10 have been added to provide historical prospective.

Please note that this represents the quarterly true-up payment for the second quarter of Fiscal Year 2011-2012.

	<u>Actual 2007-08</u>	<u>Actual 2008-09</u>	<u>Actual 2009-10</u>	<u>Actual 2010-11</u>	<u>Actual 2011-12</u>	<u>Variance</u>	<u>% Inc/(Dec)to Prior Year</u>
July	\$ 1,202,556	\$ 1,276,583	\$ 1,054,235	\$ 1,294,030	\$ 1,359,433	\$ 65,403	5.05%
August	\$ 1,150,965	\$ 1,268,437	\$ 1,111,868	\$ 1,250,127	\$ 1,319,714	\$ 69,587	5.57%
September	\$ 1,777,545	\$ 1,529,231	\$ 1,805,736	\$ 1,777,374	\$ 1,886,899	\$ 109,525	6.16%
October	\$ 1,041,228	\$ 1,103,267	\$ 1,081,394	\$ 1,147,531	\$ 1,215,872	\$ 68,341	5.96%
November	\$ 1,089,851	\$ 1,106,240	\$ 1,056,203	\$ 1,203,035	\$ 1,207,881	\$ 4,847	0.40%
December	\$ 1,554,307	\$ 1,413,485	\$ 1,606,018	\$ 1,681,408	\$ 1,897,409	\$ 216,001	12.85%
January	\$ 1,055,815	\$ 1,073,261	\$ 1,103,884	\$ 1,213,794	\$ -	\$ -	0.00%
February	\$ 925,894	\$ 843,971	\$ 921,272	\$ 984,089	\$ -	\$ -	0.00%
March	\$ 1,591,250	\$ 1,458,063	\$ 1,572,098	\$ 1,445,902	\$ -	\$ -	0.00%
April	\$ 1,044,484	\$ 954,271	\$ 1,121,188	\$ 1,190,708	\$ -	\$ -	0.00%
May	\$ 1,070,945	\$ 960,159	\$ 1,079,512	\$ 1,164,270	\$ -	\$ -	0.00%
June	\$ 1,689,660	\$ 1,479,763	\$ 1,709,687	\$ 1,654,800	\$ -	\$ -	0.00%
YTD	<u>\$ 15,194,501</u>	<u>\$ 14,466,732</u>	<u>\$ 15,223,095</u>	<u>\$ 16,007,069</u>	<u>\$ 8,887,208</u>	<u>\$ 533,703</u>	<u>6.39%</u>

Original Budget 2011-

	<u>12</u>	<u>Actual 2011-12</u>	<u>Variance</u>	<u>%</u>
July	\$ 1,331,050	\$ 1,359,433	\$ 28,383	2.13%
August	\$ 1,285,891	\$ 1,319,714	\$ 33,823	2.63%
September	\$ 1,828,221	\$ 1,886,899	\$ 58,677	3.21%
October	\$ 1,180,359	\$ 1,215,872	\$ 35,512	3.01%
November	\$ 1,237,451	\$ 1,207,881	\$ (29,570)	-2.39%
December	\$ 1,729,510	\$ 1,897,409	\$ 167,899	9.71%
January	\$ 1,248,519	\$ -	\$ -	0.00%
February	\$ 1,012,242	\$ -	\$ -	0.00%
March	\$ 1,487,266	\$ -	\$ -	0.00%
April	\$ 1,224,772	\$ -	\$ -	0.00%
May	\$ 1,197,578	\$ -	\$ -	0.00%
June	\$ 1,702,142	\$ -	\$ -	0.00%
YTD	<u>\$ 16,465,000</u>	<u>\$ 8,887,208</u>	<u>\$ 294,725</u>	<u>3.43%</u>