

**CITY OF WATERTOWN, NEW YORK  
AGENDA**

This shall serve as notice that an adjourned meeting of the City Council will be held on Monday, January 28, 2013, at 7:00 p.m. in the City Council Chambers, 245 Washington Street, Watertown, New York.

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**ADOPTION OF MINUTES**

**COMMUNICATIONS**

**PRIVILEGE OF THE FLOOR**

**RESOLUTIONS**

- Resolution No. 1 - Reestablishing Deputy City Comptroller Position
- Resolution No. 2 - Amendment No. 87 to the Management and Management Confidential Pay Plan
- Resolution No. 3 - Authorizing Application to New York Safety and Health Hazard Abatement Board, Occupational Safety and Health Training and Education Program Grant
- Resolution No. 4 - Approving 2<sup>nd</sup> Amendment to the Franchise Agreement with the 1000 Islands Privateers Professional Hockey Team, LLC

**ORDINANCES**

**LOCAL LAW**

**PUBLIC HEARING**

**OLD BUSINESS**

**STAFF REPORTS**

**NEW BUSINESS**

**EXECUTIVE SESSION**

**WORK SESSION**

**ADJOURNMENT**

**NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS MONDAY,  
FEBRUARY 4, 2012.**

Res Nos. 1 and 2

January 23, 2013

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

Subject: Reestablishing Position of Deputy City Comptroller and Amendment of Management and Management Confidential Pay Plan

Attached for City Council consideration is a resolution that abolishes the position of Accounting Supervisor and reestablishes the position of Deputy City Comptroller. A resolution establishing the salary is also attached, along with the Job Specifications.

Once the salary for this position is established, it is my intention to appoint Christine A. Audette as Deputy City Comptroller. She has held the previous position of Accounting Supervisor for the City of Watertown since August 4, 2003.

# RESOLUTION

Page 1 of 1

Reestablishing Deputy City Comptroller  
Position

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***

---

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves abolishing the position of Accounting Supervisor effective January 29, 2013, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby approves the appointment of an individual to the position of Deputy City Comptroller effective January 29, 2013.

**Seconded by**

**RESOLUTION**

Page 1 of 1

Amendment No. 87 to the Management  
And Management Confidential Pay Plan

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***

---

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby approves Amendment No. 87 to the Management and Management Confidential Pay Plan, effective January 29, 2013, as follows:

<u>Position</u>	<u>Salary</u>
Deputy City Comptroller	\$61,271

**Seconded by**



# Deputy City Comptroller

Job Specification  
Classification: Exempt

**DISTINGUISHING FEATURES OF THE CLASS:** This position is responsible for performing and supervising professional level accounting responsibilities. Responsibilities may include developing year-end reports; preparing journal entries; coordinating projects with contract auditors; supervising accounting support staff; and processing related payroll, workers' compensation payments, purchase orders, and payments. Worked is performed under the general supervision of the City Comptroller with considerable leeway allowed for the use of independent judgment in carrying out the details of the work. Acts as City Comptroller in his/her absence. The incumbent does related work as required.

**EXAMPLES OF WORK ACTIVITIES:** (Illustrative only)

- Supervises staff to include: prioritizing and assigning work; conducting performance evaluations; ensuring staff is trained; ensuring that employees follow policies and procedures, and maintains a healthy and safe working environment; and, making hiring, termination, and disciplinary recommendations.
- Develops, prepares and reviews a variety of reconciliations, reports, and financial statements; prepares journal entries needed, worksheets, and statements as necessary for particular accounts.
- Performs a variety of accounting-related reconciliations to ensure accuracy of financial data and information, which may include: payroll benefits, cash receipts and deposits, workers' compensation, and/or other related items.
- Prepares year-end reporting, W-2s, 1099s, and audit-related materials; runs reports and processes closing of the financial system for fiscal year.
- Manages, maintains, and updates financial system setup for new funds, vendors, project codes, purchase orders, and vouchers for payment.
- Processes unemployment and worker's compensation payments; ensures accuracy of unemployment bills and determines when to issue payment.
- Works with City's external auditors.

**FULL PERFORMANCE KNOWLEDGE, SKILLS, AND ABILITIES:**

Knowledge of:

- Supervisory principles;
- Fiscal year-end closing practices and procedures;
- Online banking practices;
- Customer service principles when assisting employees;
- Account reconciliation practices, procedures, and techniques;
- Journal entry preparation;
- Generally Accepted Accounting Principles (GAAP);
- Applicable federal, state, and local laws, rules, and regulations;
- Automated financial management software packages.

Ability to:

- Monitor and evaluate employees;
- Prioritize and assign work;

**FULL PERFORMANCE KNOWLEDGE, SKILLS, AND ABILITIES:** (continued)

Ability to: (continued)

- Use a computer and related software applications;
- Reconcile money and deposits for various accounts;
- Prepare and review journal entries;
- Enter information into databases and/or spreadsheets;
- Perform mathematical calculations;
- Record, analyze, verify, reconcile, and report accounting transactions;
- Prepare accounting statements and reports;
- Maintain confidential personnel and company records;
- Research discrepancies and take remedial action;
- Apply accounting procedures and principles;
- Communicate using interpersonal skills as applied to interaction with coworkers, supervisor, the general public, etc. sufficient to exchange or convey information and to receive work direction.

Physical condition commensurate with the demands of the position.

**MINIMUM QUALIFICATIONS:** Either

- (A) Graduation from a regionally accredited college or university or one accredited by the NYS Board of Regents to grant degrees with a Bachelor's Degree or higher in accounting or business administration, which must have included or been supplemented by at least 18 credits in accounting, and 4 years of accounting or financial management experience 1 of which shall have been in a supervisory position; or
- (B) Associate's Degree in accounting or business administration, which must have included or been supplemented by at least 18 credits in accounting, AND 6 years of accounting or financial management experience 2 of which shall have been in a supervisory position; or
- (C) Equivalent combination of training and experience as defined by the limits of (A) and (B) above.

**SPECIAL NECESSARY REQUIREMENT:**

None required.

January 23, 2013

To: The Honorable Mayor and City Council

From: Elliott B. Nelson, Confidential Assistant to the City Manager

Subject: Authorizing Application to New York Safety and Health  
Hazard Abatement Board, Occupational Safety and Health  
Training and Education Program Grant

Superintendent of Public Works Eugene P. Hayes is asking for authorization to again submit an application for funding to the State of New York Safety and Health Hazard Abatement Board for funding to support occupational and safety health training for our employees. Each year the City of Watertown provides occupational training opportunities for its employees. The \$5,940 in funding applied for under this grant program will provide us with an opportunity to expand the number of people receiving the training, expand the training programs offered and have 100% of the cost covered by the grant.

The attached memorandum from Mr. Hayes details the training topics to be offered, the number of sessions to be conducted, length of the training sessions and total trainees. For this year's application employees from Public Works, Parks and Recreation, Water and Waste Water Treatment and Engineering departments will participate in these training sessions.

A resolution is attached for City Council consideration authorizing the Mayor to sign and submit the grant application on behalf of the City of Watertown. The deadline for this grant application is February 1, 2013.

# RESOLUTION

Page 1 of 1

Authorizing Application to New York Safety and Health Hazard Abatement Board, Occupational Safety and Health Training and Education Program Grant

***Introduced by***

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

YEA	NAY

WHEREAS the State of New York Safety and Health Hazard Abatement Board is accepting applications for funding to support occupational and safety health training for public and private employees, and

WHEREAS each year the City of Watertown provides occupational training opportunities for its employees, and

WHEREAS Superintendent of Public Works Eugene P. Hayes is recommending that the City prepare an application for \$5,940 in funding to provide the City with an opportunity to expand the number of people receiving the training and expand the training programs offered,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the submission of a grant application in the amount of \$5,940 to the State of New York Safety and Health Hazard Abatement Board, and

BE IT FURTHER RESOLVED that Jeffrey E. Graham, Mayor, is hereby authorized and directed to execute the grant application on behalf of the City of Watertown.

**Seconded by**

	<h1>MEMORANDUM</h1>	E.P. Hayes Superintendent
	<h2>Dept. Public Works</h2>	Date: 01-23-13 Ref: PW 003-13
To:	Sharon Addison, City Manager	
Subject:	State of New York Hazard Abatement Board Occupational Safety and Health Training and Education Program Grant Application Submittal Approval	

Each year the State of New York's Safety and Health Hazard Abatement Board awards Occupational Safety and Health Training and Education Program Grants for programs that provide occupational safety and health training for public and private employers, labor organizations, educational institutions, non-profit organizations and trade associations. Eligible programs must train and educate workers, supervisors and/or employers and must promote workplace accident and injury prevention. This year's letting is again anticipated to be in the region of \$6.5 million dollars.

The purpose of this memorandum is to request authorization to prepare and submit a grant application amount of \$5,940.00 for training/certification in the following categories:

TRAINING TOPIC	NUMBER OF SESSIONS	HOURS PER SESSION	TOTAL TRAINEES	TRAINING HOURS
8 Hour Hazwoper Refresher	2	8	20	16
Temporary Summer Employees	2	4	35	8
Confined Space Entry	1	4	35	4
Forklift Operator Refresher	2	4	35	8
Asbestos Awareness	2	1	40	2
Respirator Training	2	1	20	2
Chainsaw Awareness	2	2	40	4
TOTALS	13		225	44

All training will be conducted in our own facilities with the classroom activities held in the CitiBus Garage Facility. While

we normally conduct various training sessions throughout the year this grant offers us the opportunity to obtain 100 percent reimbursement for those courses approved by the Hazard Abatement Board. In addition to Public Works, Parks & Recreation, Engineering, Water and Waste Water Treatment will also participate in a number of these training sessions.

2011-2012 was the first year that the City applied for and received this training grant which was in the amount of \$14,134. Last year, 2012-2013, the City was awarded \$19,875 through this grant opportunity and to date our training numbers have surpassed expectations with very favorable comments from all of the attendees. This year we are requesting a greatly reduced amount because we hope to take advantage of similar no cost training opportunities as offered through the Civil Service Employees Association (CSEA) as well as through our Employee Assistance Program provider.

Attached is the draft Grant Application Cover Sheet along with the project summary and some of the basic due diligence forms that will accompany the final submittal that must be received no later than 5 P.M. on Monday, February 1, 2013 at the office of the Occupational Safety and Health Training and Education Office located in Albany, New York

Should you have any questions concerning this grant opportunity or the training topics identified, please do not hesitate to contact me at your convenience.

*Gene*

cc: Peter Monaco, Superintendent of Public Works  
Josh Carlsson, Senior Engineering Tech-DPW  
DPW files:  
Training  
2013-2014 New York State Hazard Abatement Board Training Grant

**NEW YORK STATE**

**TRAINING AND EDUCATION PROGRAM**

**ON**

**OCCUPATIONAL SAFETY AND HEALTH**

**HAZARD  
ABATEMENT  
BOARD**

**APPLICATION FORMS AND INSTRUCTIONS**

**PROPOSALS MUST BE SUBMITTED IN A SEALED  
ENVELOPE LABELED "HAB OSH T&E APPLICATION"**

***Grant applications must be received at the OSH T&E Office by 5 P.M. (New York Time) on February 1, 2013 or be postmarked by such date in accordance with the proposal submittal instructions.***

## APPLICATION PROCESSING

### *SUBMITTAL INFORMATION*

A completed grant application using the 2013-14 forms consists of **FIVE SETS** of the forms which must be submitted in the order shown below. The forms in an application packet are as follows:

Grant Application Cover Sheet*	HAB TE – 100
Project Summary	HAB TE – 101
Potential Conflict of Interest Disclosure	HAB TE – 101.3
State Certifications	
Responsibility Questionnaire	HAB RQ
Training Grant Management Summary	
Project Narrative	HAB TE – 102.1 & 102.2
Budget Summary	HAB TE – 110
Detailed Budget (Eight Pages)	HAB TE – 110.1 – 110.8
Budget Narrative (Pages 1-4)	HAB TE – 144

\* At least one copy of the “Grant Application Cover Sheet” must be signed by the Chief Executive Officer of the applicant organization in **BLUE INK**. The remaining signature pages may be photocopies.

**NOTE: WHEN COMPLETING THE BUDGET FORMS, PLEASE ROUND AMOUNTS OFF TO THE NEAREST DOLLAR.**

An application can be sent via the U.S. Postal Service, express mail delivery service, or hand delivered. **TELEFAXED AND E-MAILED DOCUMENTS WILL NOT BE ACCEPTED.** Any postage or delivery costs are the applicant’s responsibility. The Board takes no responsibility for any third party error in the delivery of applications (e.g. U.S. Post Office, Federal Express, UPS, courier, etc).

A completed application packet should be sent to the:

Hazard Abatement Board  
Occupational Safety and Health Training and Education Program  
HAB OSH T&E APPLICATION  
State Office Campus, Building 12 – Room 166  
Albany, New York 12240

Application packets **must be received** at the address shown by 5 p.m. (New York Time) on **February 1, 2013**, or be postmarked by such date in accordance with the proposal submittal instructions.

NOTE: Application packets sent via the U.S. Postal Service or by DHL Express (DHL), Federal Express (FedEx), or United Parcel Service (UPS) will be considered timely filed if postmarked on or before the February 1, 2013 due date and properly addressed to the address shown above.

### **Rules for determining postmark date**

#### **U.S. Postal Service**

The U.S. Postal Service postmark **must be legible**. It is the grant applicant's responsibility to ensure that the postmark is legible. Applications received after the due date by U.S. Postal Service mailing which do not contain a legible postmark will be rejected as untimely.

#### **DHL, FedEx, and UPS**

DOL will follow the rules set forth in the New York State Department of Taxation and Finance, Publication 55 (*Designated Private Delivery Services*) to determine the postmark date of application packets delivered by DHL, FedEx, or UPS. Grant applicants may find these rules at

[www.tax.state.ny.us/pdf/publications/general/pub55.pdf](http://www.tax.state.ny.us/pdf/publications/general/pub55.pdf) - 2009-02-19

### **REVIEW PROCESS**

Since the review process begins immediately, any revisions, addenda, or support letters which arrive after the deadline will not be considered. Therefore, applicants are advised to append all letters of support to their proposals at the time of submission.

**NOTE:** All applicant organizations are screened for violations of the New York Labor Law and non-payment of New York State Unemployment Insurance tax.

When all applications have been reviewed, recommendations are forwarded to the Board for a vote. Each applicant will be formally notified of the Board's determination.

**Attached you will find copies of all required grant application forms for the Occupational Safety and Health Training and Education Program.**



NEW YORK STATE  
**OCCUPATIONAL SAFETY AND HEALTH  
 HAZARD ABATEMENT BOARD**

STATE CAMPUS  
 BUILDING 12, ROOM 166  
 ALBANY, NEW YORK 12240  
 (518) 457-7629  
 FAX (518) 485-6082

ROBERT F. GOLLNICK  
 ANN MARIE TALIERCIO  
 FRANKLIN MIRER, PhD  
 GERALD SKRZECZKOWSKI  
 Members

**KATHERINE D.  
 SCHRIER**  
 Chair

**STATE OF NEW YORK  
 HAZARD ABATEMENT BOARD  
 OCCUPATIONAL SAFETY AND HEALTH TRAINING AND EDUCATION PROGRAM**

**GRANT APPLICATION COVER SHEET**

<b>1. Applicant Organization:</b> City of Watertown	<b>2. Federal Employer Identification Number:</b> 16-6000419
--	---

**Mailing Address of Applicant Organization:**  
 Room 206, 245 Washington Street

**City, State, Zip:** Watertown , New York 13601

<b>Telephone:</b> (518) 785-7770	<b>Fax:</b> (315)785-7752	<b>E-Mail Address:</b> ehayes@watertown-ny.gov
-------------------------------------	------------------------------	---

**3. Physical address of Applicant Organization: (If different from mailing address)**  
 Same as above

**4. NYS Vendor Identification No:** N/A

**5. If Not-for-Profit, Charities Registration Number:** \_\_\_ - \_\_\_ - \_\_\_ N/A

**6. CATEGORY OF APPLICANT**

<input type="checkbox"/> Private Employer	<input checked="" type="checkbox"/> Public Employer
<input type="checkbox"/> Labor Organization or Federation	<input type="checkbox"/> Joint Labor /Management
<input type="checkbox"/> Trade Association	<input type="checkbox"/> Educational Institution
	<input type="checkbox"/> Non-Profit Organization Not In Any Other Category

<b>7. Total amount of funds requested:</b> \$ 5940.00	<b>8. Location Of Program Operations</b> Watertown, New York
--	---

<b>Name &amp; Title of Project Director:</b> Eugene Hayes DPW Superintendent	<b>Telephone</b> (315) 785-7770
---	------------------------------------

**THE APPLICANT ATTESTS THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS ACCURATE, TRUE, AND COMPLETE TO THE BEST OF THE APPLICANT'S KNOWLEDGE**

<b>Chief Executive Officer or Designee:</b> Jeffrey E. Graham	<b>Title of Person with Signatory Authority:</b> Mayor
--	---

<b>11. Signature:</b>	<b>12. Date</b>
-----------------------	-----------------

**STATE OF NEW YORK**  
**HAZARD ABATEMENT BOARD**  
OCCUPATIONAL SAFETY AND HEALTH TRAINING AND EDUCATION PROGRAM  
**PROJECT SUMMARY**

---

1. Write a brief summary of your project goals and the strategies you will use to achieve them; indicate your specific target population(s) for each goal/objective.

The City of Watertown is committed to providing a safe and healthy workplace for our employees. The following training topics will assist us in meeting our goal.

- A) Our employees work with hazwaste cleanup and need to keep up our certifications for hazmat so we need the 8 hour Hazwoper refresher. This will train 20 people
- B) Every year we hire temporary summer help at different time of the spring and early summer so we need training for them. This will train 35 people.
- C) Our people do enter into confined spaces so to keep them protected we need this training for them. This will train 35 people.
- D) We operate forklifts and our renewal dates for recertification come up this year so we need this training. This will train 35 people
- E) Some of our employees can be exposed to asbestos so we need an awareness class. This will train 40 people.
- F) Some of our people wear respirators because of the atmospheric hazards. This will train 20 people.
- G) Our highway personnel handle chainsaws so we want an awareness class for them on proper chain saw use. This will train 40 people.

- 
2. PLEASE LIST THE COUNTY OR COUNTIES THAT PROGRAM WILL SERVE.

Jefferson County

- 
3. IS THIS PROJECT A JOINT VENTURE? IF SO, INDICATE CO-SPONSORS(S).

No

- 
4. APPLICANT DESCRIPTION (*Please indicate total number of employees and web address if available.*)

Watertown, NY (pop. 26,705) is a small city in Northern New York State. Located approximately 70 miles north of Syracuse and 30 miles south of Canada, it is the county seat and largest population center of Jefferson County (pop. 111, 738).

The city employees provide highway maintenance, electrical service and water supply for the city residents as well as maintenance of all the parks and recreation facilities around the city. Our employee numbers are at 110 for the DPW, parks and recreation, waste water and water department along with the electric department. In today's economic climate as with all municipalities funds are low so with the help of this grant we can keep up a safe and healthy workplace for our employees.

To see more about the city check our website at [www.watertown-ny.gov](http://www.watertown-ny.gov).

**STATE OF NEW YORK  
HAZARD ABATEMENT BOARD**

OCCUPATIONAL SAFETY AND HEALTH TRAINING AND EDUCATION PROGRAM

**POTENTIAL CONFLICT OF INTEREST DISCLOSURE**

Below is a list of the members of the New York State Occupational Safety and Health Hazard Abatement Board and their business affiliations. Indicate in the space below any past contacts or dealings you or your organization has had with these individuals which may give rise to an actual or potential conflict of interest, or the appearance of a conflict of interest, with respect to this grant application.

Chair  
**Katherine D. Schrier**  
Chair of the Board  
Director, Actors Fund Work Program  
729 7<sup>th</sup> Avenue  
New York, NY 10019

**Franklin E. Mirer, PhD**  
Professor, Environmental &  
Occupational Health  
Hunter College, CUNY  
425 E. 25<sup>th</sup> Street  
New York, NY 10010

**Robert Gollnick**  
former Director  
NYS Dept. of Labor  
Division of Safety and Health  
45 Levan Street  
Kingston, NY 12401

**Ann Marie Taliercio**  
President  
Unite-HERE Local150  
615 West Genesee Street  
Syracuse, NY 13204

**Gerald Skrzeczkowski**  
Vice President Emeritus  
OPEIU  
2175 William Street  
Buffalo, NY 14206

Have you had contact with any member of the Board  YES  NO

If yes, please list any past contacts or dealings you have had with these individuals; you may use the front and back of this sheet and/or continue on a blank, 8 1/2" x 11" sheet of white paper.

\_\_\_\_\_  
City of Watertown  
Organization

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeffrey E. Graham  
Print Name

\_\_\_\_\_  
Mayor  
Title

Prospective or current grantees may not engage in any oral, written, or electronic communication with an HAB member under circumstances where a reasonable person would infer that the communication was intended to influence the HAB member's vote on the grantee's application for funding. Grantees are advised that such communication will be reported in writing by such Board member to the Board Chair and the Commissioner of Labor. Prospective and current grantees who knowingly and willfully violate this provision may be disqualified from receiving an award under this RFP.

## STATE CERTIFICATIONS

The undersigned, as a duly sworn representative of the contractor/vendor, hereby attests and certifies that:

- 1) No principal or executive officer of the contractor's/vendor's company, its subcontractor(s) and/or successor(s) is presently suspended or debarred; and
- 2) The contractor/vendor, its subcontractor(s) and/or its successor(s) is not ineligible to submit a bid on, or be awarded, any public work contract or sub-contract with the State, any municipal corporation or public body for reason of debarment for failure to pay the prevailing rate of wages, or to provide supplements, in accordance with Article 8 of the New York State Labor Law.
- 3) The contractor/vendor, its subcontractor(s) and/or its successor do not have any outstanding debts owed to the Department, including but not limited to, contractual obligations, fines related to Safety and Health violations, payments owed to workers for public works projects or the general provisions of the Labor Law, unemployment insurance contributions or other related assessments, penalties or charges.

**"NON-DISCRIMINATION IN EMPLOYMENT IN NORTHERN IRELAND:  
MacBRIDE FAIR EMPLOYMENT PRINCIPLES"**

In accordance with Chapter 807 of the Laws of 1992 the bidder, by submission of this bid, certifies that it or any individual or legal entity in which the bidder holds a 10% or greater ownership interest, or any individual or legal entity that holds a 10% or greater ownership interest in the bidder, either:

(answer Yes or No to one or both of the following, as applicable.)

1. Has business operations in Northern Ireland:

\_\_\_\_\_ Yes                        X   No

If Yes:

2. Shall take lawful steps in good faith to conduct any business operations they have in Northern Ireland in accordance with the MacBride Fair Employment Principles relating to non-discrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland, and shall permit independent monitoring of its compliance with such Principles.

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

**NON-COLLUSIVE BIDDING CERTIFICATION**

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his or her knowledge and belief:

1. The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
2. Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
3. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit to bid for the purpose of restricting competition.

I, the undersigned, attest under penalty of perjury that I am an authorized representative of the Bidder/Contractor and that the foregoing statements are true and accurate.

Signature of Authorized Representative

\_\_\_\_\_

Title Mayor

Date \_\_\_\_\_

# RESPONSIBILITY QUESTIONNAIRE

## INSTRUCTIONS:

Please complete this form answering every question. A "Yes" answer to questions 1-23 requires a written explanation attached to the questionnaire and submitted on company letterhead signed by an officer of the company.

## QUESTIONS:

Within the past five years, has your firm, any affiliate, any principal, owner or officer or major stockholder (10% or more shares) or any person involved in the bidding or contracting process been the subject of any of the following:

- (1) a judgment or conviction for any business-related conduct constituting a crime under local, state or federal law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing, or bid collusion or any crime related to truthfulness and/or business conduct?

Yes   X   No

- (2) a criminal investigation or indictment for any business-related conduct constituting a crime under local, state or federal law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing, or bid collusion or any crime related to truthfulness and/or business conduct?

Yes   X   No

- (3) an unsatisfied judgment, injunction or lien obtained by a government agency including, but not limited to, judgments based on taxes owed and fines and penalties assessed by any local, state or federal government agency?

Yes   X   No

- (4) an investigation for a civil violation for any business related conduct by any local, state or federal agency?

Yes   X   No

<sup>1</sup> "Affiliate" meaning: (a) any entity in which the vendor owns more than 50% of the voting stock; (b) any individual, entity or group of principal owners or officers who own more than 50% of the voting stock of the vendor; or (c) any entity whose voting stock is more than 50% owned by the same individual, entity or group described in clause (b). In addition, if a vendor owns less than 50% of the voting stock of another entity, but directs or has the right to direct such entity's daily operations, that entity will be an "affiliate" for purposes of this questionnaire.

- (5) a grant of immunity for any business-related conduct constituting a crime under local, state or federal law including, but not limited to fraud, extortion, bribery, racketeering, price-fixing, or bid collusion or any crime related to truthfulness and/or business conduct?
- Yes   X   No
- (6) a local, state or federal suspension, debarment or termination from the contracting process?
- Yes   X   No
- (7) a local, state or federal contract suspension or termination for cause prior to the completion of the term of a contract?
- Yes   X   No
- (8) a local, state or federal denial of a lease or contract award for non-responsibility?
- Yes   X   No
- (9) an agreement to voluntary exclusion from bidding/contracting?
- Yes   X   No
- (10) an administrative proceeding or civil action seeking specific performance or restitution in connection with any local, state or federal contract or lease?
- Yes   X   No
- (11) a local, state or federal determination of a willful violation of any prevailing wage law or a violation of any other labor law or regulation?
- Yes   X   No
- (12) a sanction imposed as a result of judicial or administrative proceedings relative to any business or professional license?
- Yes   X   No
- (13) a denial, decertification, revocation or forfeiture of Women's Business Enterprise, Minority Business Enterprise or Disadvantaged Business Enterprise status?
- Yes   X   No

(14) a rejection of a low bid on a local, state or federal contract for failure to meet statutory affirmative action or MWBE requirements on a previously held contract?

Yes   X   No

(15) a consent order with the New York State Department of Environmental Conservation, or a federal, state or local government enforcement determination involving a violation of federal, state or local government laws?

X   Yes   No

(16) an Occupational Safety and Health Act citation and Notification of Penalty containing a violation classified as serious or willful?

X   Yes      No

(17) a rejection of a bid on a New York contract or lease for failure to comply with the MacBride Fair Employment Principles?

  Yes   X   No

(18) a citation, notice, violation order, pending administrative hearing or proceeding or determination for violations of:

- federal, state or local health laws, rules or regulations
- unemployment insurance or workers' compensation coverage or claim requirements
- ERISA (Employee Requirement Income Security Act)
- federal, state or local human rights laws
- federal or state security laws
- federal INS and Alienage laws
- Sherman Act or other federal anti-trust laws.

  Yes   X   No

(19) a finding of non-responsibility by an agency or authority due to the failure to comply with the requirements of Tax Law Section 5-a?

  Yes   X   No

**ADDITIONAL QUESTIONS**

(20) Has the vendor been the subject of agency complaints or reports of contract deviation received within the past two years for contract performance issues arising out of a contract with any federal, state or local agency? If yes, provide details regarding the agency complaints or reports of contract deviation received for contract performance issues.

Yes   X   No

(21) Does the vendor use, or has it used in the past five (5) years, an Employee Identification No., Social Security No., Name, DBA, trade name or abbreviation different from that listed on your mailing list application form? If yes, provide the name(s), FEIN(s) and d/b/a(s) and the address for each such company and d/b/a on a separate piece of paper and attach to this response.

Yes   X   No

(22) During the past three years, has the vendor failed to file returns or pay any applicable local, state, or federal government taxes?

Yes   X   No

If yes, identify the taxing jurisdiction, type of tax, liability year(s) and tax liability amount the company failed to file/pay and the current status of the liability: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(23) During the past three years, has the vendor failed to file returns or pay New York State Unemployment Insurance?

Yes   X   No

If yes, indicate the years the company failed to file/pay the insurance and the current status of the liability:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(24) Have any bankruptcy proceedings been initiated by or against the vendor or its affiliates within the past seven years (whether or not closed) or is any bankruptcy proceeding pending by or against the vendor or its affiliates, regardless of the date of filing?

Yes     No

If yes, indicate if this is applicable to the submitting vendor or one of its affiliates: \_\_\_\_\_

If it is an affiliate, include the affiliate's name and FEIN:

\_\_\_\_\_

Provide the court name, address and docket number:

\_\_\_\_\_

Indicate if the proceedings have been initiated, remain pending or have been closed: \_\_\_\_\_

If closed, provide the date closed: \_\_\_\_\_

#### **CERTIFICATION:**

The undersigned: recognizes that this questionnaire is submitted for the express purpose of assisting the State of New York or its agencies or political subdivisions to make a determination regarding the award of a contract or approval of a subcontract; acknowledges that the State or its agencies and political subdivisions may in its discretion, by means which it may choose, verify the truth and accuracy of all statements made herein; acknowledges that intentional submission of false or misleading information may constitute a felony under Penal Law Section 210.40 or a misdemeanor under Penal Law Section 210.35 or Section 210.45, and may also be punishable by a fine of up to \$10,000 or imprisonment of up to five years under 18 USC Section 1001 and may result in contract termination; and states that the information submitted in this questionnaire and any attached pages is true, accurate and complete.

The undersigned certifies that he/she:

- Has not altered the content of the questions in the questionnaire in any manner;
- Has read and understands all of the items contained in the questionnaire and any pages attached by the submitting vendor;
- Has supplied full and complete responses to each item therein to the best of his/her knowledge, information and belief;
- Is knowledgeable about the submitting vendor's business and operations;
- Understands that New York State will rely on the information supplied in this questionnaire when entering into a contract with the vendor; and
- Is under a duty to notify the procuring State Agency of any material changes to the vendor's responses herein prior to the State Comptroller's approval of the contract.

**City of Watertown**

\_\_\_\_\_  
Name of Business

\_\_\_\_\_  
Signature of Officer

**245 Washington Street**

\_\_\_\_\_  
Address

**Jeffrey E. Graham**

\_\_\_\_\_  
Typed Copy of Signature

**Watertown, New York 13601**

\_\_\_\_\_  
City, State, Zip

**Mayor**

\_\_\_\_\_  
Title

Principal place of business if different from address listed above  
(include complete address):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

