

**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 Monday, October 4, 2010, at 7:00 p.m. in the City Council Chambers, 245 Washington Street, Watertown, New York.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTION OF MINUTES

COMMUNICATIONS

PROCLAMATIONS

PRIVILEGE OF THE FLOOR

RESOLUTIONS

- Resolution No. 1 - Authorizing Letter of Agreement For “Safe-At-Home” Smoke Detector Program With Angel Pie LLC – DBA Papa John’s Restaurant
- Resolution No. 2 - Authorizing Submission of an Application for Fiscal Year 2011 Brownfields Cleanup Grant, Sewall’s Island
- Resolution No. 3 - Approving Online Auction Contract, Auctions International, Incorporated
- Resolution No. 4 - Authorizing Budget Modification Request No. 1 for FY 2008 Small Cities Community Development Block Grant
- Resolution No. 5 - Authorizing Settlement of a Lawsuit in the New York State Supreme Court, Ryan Dorr vs. City of Watertown
- Resolution No. 6 - Accepting Bid for J.B. Wise Parking Lot Reconstruction, Bat-Con, Inc.

- Resolution No. 7 - Authorizing the Sale of Real Property Known as a Former Portion of Massey Street North Adjacent to 229 Massey Street North to Stewart's Shops Corp., Saratoga Springs, New York 12866
- Resolution No. 8 - Approving Settlement Agreement, National Grid, Utility Gross Receipts Tax
- Resolution No. 9 - Finding That Changing the Approved Zoning Classification of the Rear Portion of 420 State Street, Parcel No. 12-03-220, From Residence C to Commercial Will Not Have a Significant Impact on the Environment

ORDINANCES

- Ordinance No. 1 - An Ordinance Amending the Ordinance Dated June 18, 2007, Authorizing the Issuance of \$1,020,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Improvements to the J.B. Wise Parking Lot, Including the Replacement of Water Mains and Sanitary Sewers and the Construction of a Storm Water Drainage System, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$2,595,000

LOCAL LAW

PUBLIC HEARING

- 7:30 p.m. Ordinance Approving the Zone Change Request Submitted by Daren L. Morgan, P.L.S. of LaFave, White & McGivern, on behalf of Route 57 Development to Change the Approved Zoning Classification of the Rear Portion of 420 State Street, Parcel No. 12-03-220, From Residence C to Commercial
- 7:30 p.m. Exercise of Eminent Domain to Acquire Sewer Facilities and Street Access from Stateway Plaza Shopping Center, Reg.

OLD BUSINESS

- Tabled - Health Insurance Plan Design Changes

STAFF REPORTS

1. 451 and 465 Martin Street Tax Sale Certificate Assignment

2. Black River Watershed Management Plan – Memorandum of Understanding
3. EPA Superfund Designation of Site on The Black River, Carthage, New York

NEW BUSINESS

EXECUTIVE SESSION

WORK SESSION

ADJOURNMENT

**NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS MONDAY,
OCTOBER 18, 2010.**

Res No. 1

September 30, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Letter of Agreement with Angel Pie LLC – DBA
Papa John’s Restaurant, “Safe-At-Home” Smoke Detector Program

The City of Watertown has been approached by Angel Pie LLC – DBA Papa John’s Restaurant about the “Safe-At-Home” Smoke Detector Program. This program is similar to the one that the City of Watertown implemented a number of years ago.

This program allows the City of Watertown Fire Department to deliver the ordered pizza to the City resident one night per week for up to sixteen (16) weeks. The Firefighters will have an opportunity to make an assessment of the residence’s smoke detectors. If the Firefighter finds at least one working smoke detector, they will receive the pizza free of charge. If there is no working smoke detector, the resident will be required to pay for the pizza but will receive either replacement batteries or a smoke detector, free of charge.

The City of Watertown Fire Department is pleased that this program will allow them to reach out to residents and give them the ability to assess the home’s safety through the use of smoke detectors, particularly as the week of October 3 to 9, 2010 will be designated as National Fire Prevention Week with this year’s theme as “Smoke Alarms, A Sound You Can Live With.”

Angel Pie LLC approached the City Fire Department regarding restarting this program and has agreed to provide \$250. in seed money to purchase batteries and smoke detectors from a local vendor.

A resolution approving the Letter Agreement between the City and Angel Pie, LLC has been prepared for City Council consideration.

RESOLUTION

Page 1 of 1

Authorizing Letter of Agreement With
Angel Pie LLC – DBA Papa John’s
Restaurant For “Safe-At-Home”
Smoke Detector Program

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 October 3 through October 9, 2010 is National Fire Prevention Week, and

WHEREAS the City of Watertown has been approached by Angel Pie LLC – DBA Papa John’s Restaurant in Watertown, New York, regarding a “Safe-At-Home” Smoke Detector Program, and

WHEREAS this Program allows the City of Watertown Fire Department to deliver a pizza to a City of Watertown resident one night per week for a total of sixteen (16) weeks for the purpose of assessing the home’s smoke detectors, and

WHEREAS this delivery will offer the City resident the opportunity to receive the pizza free of charge if the home has at least one working smoke detector, or the resident will pay for the pizza but receive either free replacement batteries or one free smoke detector, and

WHEREAS the City of Watertown wishes to promote the use of smoke detectors in residences, particularly during the month of October 2010, and

WHEREAS the initial funding received for the program in the amount of \$250.00 will be used for the purchase of batteries and smoke detectors from a local vendor,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Letter of Agreement between the City of Watertown and Angel Pie LLC – DBA Papa John’s Restaurant, a copy of which is attached and made a part of this resolution, and

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

Seconded by



CITY OF WATERTOWN, NEW YORK
FIRE DEPARTMENT
224 South Massey Street
Watertown, New York 13601
(315) 785-7800
Fax: (315) 785-7821



LETTER OF AGREEMENT

This agreement is entered into this 5th day of October, 2010 between the City of Watertown and Angel Pie LLC – DBA Papa John’s Restaurant and in regard to the “Safe-At-Home” Smoke Detector Program.

Angel Pie LLC is a franchise owned by Mr. Carl Lofberg. Mr. Lofberg, as owner, attests that he has the authority to contract and bind the business known as Angel Pie LLC – DBA Papa John’s Restaurant, Watertown, New York.

- 1) A partnership is created for the sole purpose of providing the Safe-At-Home Program to residences within the City of Watertown.
- 2) The parties agree that this program will be available for any order with a scheduled delivery within the City of Watertown, and that all fire equipment used as part of the delivery process is to remain in the City of Watertown at all times.
- 3) The sponsor agrees to provide, to the City of Watertown, general initial funding for the program of \$250.00 which will be placed into an account to be used for the purchase of batteries and smoke detectors from a local vendor.
- 4) The City of Watertown agrees to keep records of all purchases, and releases and maintain this documentation for the period required by law.
- 5) The City of Watertown agrees to solicit and maintain “waivers of responsibility” for all detectors and batteries placed as part of the program. The waiver will cover both parties and specifically name and cover Angel Pie LLC. and the City of Watertown.

Basic Program Outline:

- A) One night per week (Monday or Wednesday), for a total of 16 weeks, Angel Pie LLC will select a target order for inclusion in the program. This order will be selected based on a recommended set of criteria provided at the start of the program. Employees and relatives of employees of Papa John’s, Angel Pie



CITY OF WATERTOWN, NEW YORK
FIRE DEPARTMENT
224 South Massey Street
Watertown, New York 13601
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LLC, or the City of Watertown are ineligible for participation in the program.

- B) Hours for the program will be between 6:30 and 8:00 P.M.
- C) The order will be delivered, free of any charges or fees, to one of three city fire stations by a company employee.
- D) Angel Pie agrees to lend the City of Watertown a proper supply of food delivery containers for use during the program. These will remain the property of Papa John's and will be returned at the end of the program. Papa John's agrees that the City will not be held responsible for bags that are legitimately lost, stolen or damaged while in our possession.
- E) The City agrees to promptly deliver the order in a Pumper to the specified delivery location. Food quality and any other customer concerns will remain the responsibility of the sponsoring agency.
- F) The City agrees to have firefighters conduct an assessment of the homes smoke detectors and provide replacement batteries or detectors where appropriate. All cost associated with this process will be provided through funds dedicated to the program.
- G) Under no circumstances will employees of the City of Watertown enter a home without first securing consent from the head of household.
- H) All order(s) selected for the program will be considered a donation to the City of Watertown (tax-exempt entity) and must be totaled without the addition of any state, county or local sales taxes.
- I) If the home is found to have at least one working smoke detector, the order will be provided free of any and all charges to the customer. If units or batteries need to be placed, the customer will pay the full cost of the order with proceeds being placed into an account established for the sole purpose of providing stock for the purchase of batteries and smoke detector units.



CITY OF WATERTOWN, NEW YORK
FIRE DEPARTMENT
 224 South Massey Street
 Watertown, New York 13601
 (315) 785-7800
 Fax: (315) 785-7821



J) All checks should be made payable to the City of Watertown and be drawn from a local bank. In the event a check is tendered that shows Papa John or Angel Pie as the payee, the sponsor (Angel Pie) will agree to assign the check or provide equivalent funds.

K) If any fire unit that is delivering product is needed at any emergency scene, the officer in charge agrees to contact Papa John's and notify them -ASAP- that they will not be able to complete the delivery. Papa John's will contact the effect customer and duplicate the customer order at their costs. Under these circumstances, product may be discarded or, when possible and feasible, returned to Papa John's.

Customer refusals or "undeliverable address" issues will – when possible and feasible - result in the product being returned to the sponsor. In some cases, a delivery person may be requested to pick-up the undeliverable product at the fire station.

L) Only on duty personnel will be used as part of the program.

M) The sponsor agrees to advertise and promote the program.

N) Subject to approval by the City Manager, Papa John's and Angel Pie LLC will be given fair use of this concept, and the City will agree to allow advertising of the program and legitimate use of any media, pictures, video, or likenesses that depict the City of Watertown, City of Watertown Fire Department, and its employees.

O) At the conclusion of the program, any unused funds or product will remain the property of the City of Watertown for use to provide smoke detectors within the City of Watertown.

 Carl Lofberg
 Owner – Angel Pie LLC

 Date

 City Manager
 City of Watertown

 Date



CITY OF WATERTOWN, NEW YORK
FIRE DEPARTMENT
 224 South Massey Street
 Watertown, New York 13601
 (315) 785-7800
 Fax: (315) 785-7821



Waiver of Responsibility

Thank you for participating in the safe-at-home program. By signing this waiver you agree that you are the head of household and at least 18 years of age, and have been provided services or product free of charge, and for your benefit and the benefit of others that reside at the installed program location.

You recognize all smoke detector evaluations have been provided in good faith based on the circumstances encountered at the time of the evaluation. Because the program operates with only limited time and resources, placement does not necessarily guarantee compliance with applicable codes or standards.

You recognize the units or batteries provided are in new condition and are considered suitable for their intended purpose. No warranties are implied or assumed including warranties of merchantability.

You understand units may be installed by a member of the City of Watertown Fire Department at your request. You agree to hold the City of Watertown, any of its representatives, and the sponsoring agency, and any of its subsidiaries or employees harmless for any damage that may be occasioned during or after the installation process. You understand that you have the option of installing the units yourself and agree to do so in accordance with the manufacturer's specifications.

By signing this document, you understand and recognize that units were tested at the time of installation to verify a power supply, and that the units have not been tested for performance under any fire conditions. You agree to hold the City of Watertown, Angel Pie LLC, Papa John's Inc. and any and all their subsidiaries and employees, harmless for any failures of the product to perform.

By signing this document you understand and agree that the testing and maintenance of the detector remains the responsibility of the program recipient.

Head of Household

Date

Address

Res No. 2

September 30, 2010

To: The Honorable Mayor and City Council

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

Subject: Authorizing Submission of an Application for FY 2011 Brownfields Cleanup Grant, Sewall's Island

The only remaining environmental contamination that we are aware of on Sewall's Island is the petroleum spill near the south span of the Pearl Street Bridge. It was thought that there was going to be enough money left in the current Environmental Restoration Program Grant to accomplish this cleanup. However, this does not appear to be the case now.

Lu Engineers has had two wells drilled, and they are testing their proposed method of cleanup, but this is unlikely to take out all of the petroleum.

There may be additional money available from the State through the Environmental Restoration Program, but that is not guaranteed. It has been suggested by Lu Engineers and our DEC Representative that we apply for funds from the U.S. Environmental Protection Agency as a backup plan.

The EPA is taking applications for the FY 2011 Brownfields Cleanup Grant Program until October 15, 2010. This program recently awarded a grant for the Ogilvie site. The program will provide up to \$200,000. The City must match the grant with 20% of the grant amount. This would be a maximum of \$40,000.

The resolution prepared for City Council consideration authorizes the City Manager to make an application to the U.S. Environmental Protection Agency's Brownfields Cleanup Grant Program for Sewall's Island.

RESOLUTION

Page 1 of 1

Authorizing Submission of an Application for Fiscal Year 2011 Brownfields Cleanup Grant, Sewall's Island

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 Federal funding is available through the Environmental Protection Agency to support cleanup of brownfield sites that are owned by eligible municipalities, and

WHEREAS the City of Watertown is eligible to apply for funding in the 2011 competition under a Brownfields Cleanup Grants Program, and

WHEREAS it has been determined that funding should be used to complete the remedial cleanup of Sewall's Island, and

WHEREAS a public meeting was held on September 30, 2010 for the public to review and make comments on the draft proposal of the Brownfields Cleanup Grant,

NOW THEREFORE BE IT RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized to sign and submit an application for Brownfields Cleanup Grant funding for consideration by the Environmental Protection Agency, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is authorized to sign all agreements, certifications and other documents required to complete the application, accept the grant and administer the program proposed in the grant application.

Seconded by

Res No. 3

September 27, 2010

To: The Honorable Mayor and City Council
From: Mary M. Corriveau, City Manager
Subject: Approving Online Auction Contract,
Auctions International Incorporated

At the September 20, 2010 City Council meeting, the City Council authorized the Staff to move forward with selling excess equipment using the services of Auctions International, Inc. which provides for the online auction of vehicles and equipment.

City Staff has determined that we have three Police Department vehicles, a Water Department vehicle, and a Department of Public Works vehicle which are surplus to our needs.

City Purchasing Agent Robert J. Cleaver believes the online auction will yield the best price for the City of Watertown. Details of the vehicles to be auctioned are contained in the attached report of Mr. Cleaver.

Attached for City Council consideration is a resolution authorizing the City to enter into the online auction Agreement with Auctions International, Inc. to sell these vehicles. A copy of the Agreement with Auctions International, Inc. is also attached for your review.

RESOLUTION

Page 1 of 1

Approving Online Auction Contract,
Auctions International, Incorporated

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

Introduced by

Total

WHEREAS the City of Watertown has determined that three (3) Police Department vehicles, one (1) Water Department vehicle and one (1) Department of Public Works vehicle are excess to the City’s needs, and

WHEREAS it is the City’s desire to get the best price possible for these vehicles, and

WHEREAS the Purchasing Agent, Robert J. Cleaver, has contacted Auctions International, Inc., which conducts online auctions of vehicles and equipment, and

WHEREAS there is no cost to the City, as the fee charged by Auctions International is a 10% buyer’s premium,

NOW THEREFORE BE IT RESOLVED by the City Council that it hereby approves the Online Auction Contract with Auctions International, Incorporated, a copy of which is attached and made a part of this resolution, and

BE IT FURHTER RESOLVED that if the highest bid does not meet the City’s estimated trade-in values, no sale will take place, without prior approval of the City Council, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Contract and accept the highest offer at the time of sale above the City’s estimated trade-in values, on behalf of the City.

Seconded by



CITY OF WATERTOWN, NEW YORK

SUITE 205, CITY HALL, 245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601
Tel. (315) 785-7749 • Fax (315) 785-7752

ROBERT J. CLEAVER
PURCHASING AGENT

September 22, 2010



To: Mary Corriveau
From: Robert J. Cleaver
Subject: Surplus Vehicle Auction

The Purchasing Department is requesting City Council's permission to auction the following vehicles via Auction's International's online website:

POLICE DEPARTMENT

2005 Ford Crown Vic, Gas, V8	Vin # 2FAHP71W75X126722	Mileage 111,867
2005 Ford Crown Vic, Gas, V8	Vin # 2FAHP71W85X126731	Mileage 93,561
2003 Chevrolet Impala, Gas, V6	Vin # 2G1WF55K539292697	Mileage 110,504

WATER DEPARTMENT

2001 Dodge Ram 3/4- ton Pickup Truck, Gas, Vin 3B6KC26Z61M267261 Mileage 63,997

DEPARTMENT OF PUBLIC WORKS

1989 Ford F800 Dump Truck , Diesel, Vin # 1FDXK84A4KVA56261 Mileage 80,717

The City utilized Auction International last year to dispose of DPW's 1993 Sewer Vac that netted the City \$29,100.00. Trade-in value for that vehicle, as quoted by a dealer, was placed at \$14,000.00

Previous trade-in values from Warnock Fleet Leasing for our police vehicles ranged in value from \$500 per vehicle to \$1,500. Our expectations are to exceed those values.

This request is for Council to authorize the Purchasing Department to accept the highest offer at time of sale provided the offer meets or exceeds the estimated trade-in values. All sales are at buyer's premium.

Attached is a copy of Auction International's online Auction Contract.

cc: Jim Mills, Comptroller
Joe Goss, Police Chief
Gary Pilon, Water Superintendent
Eugene Hayes, Superintendent of Public Works

Res No. 4

September 29, 2010

To: The Honorable Mayor and City Council

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

Subject: Authorizing Budget Modification Request No. 1 for FY 2008 Small Cities Community Development Block Grant

The 2008 Community Development Block Grant is funding the rental rehabilitation program. At least eighteen units will be renovated by the end of this year.

As the grant nears its end, the budget line items for each activity have to be adjusted to match our anticipated actual costs. The proposal in the attached Budget Modification Form is to shift \$2,000 from Rehabilitation and the remaining \$445.87 from Administration to Program Delivery.

The additional funds are needed for Program Delivery because funds were expended on preliminary designs and asbestos and lead testing in downtown apartments that we expect to do with the 2009 CDBG Grant.

The resolution prepared for City Council consideration authorizes the Mayor to sign the Budget Modification Form.

RESOLUTION

Page 1 of 1

Authorizing Budget Modification Request No. 1 for
FY 2008 Small Cities Community Development
Block Grant

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

Total

YEA	NAY

Introduced by

WHEREAS the Grant Agreement with the New York State Housing Trust Fund Corporation represented by the Office of Community Renewal for the City of Watertown’s FY 2008 Small Cities Community Development Block Grant contains budget amounts for each activity, and

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

WHEREAS to allow the shifting of funds from Housing Rehabilitation and Administration to Program Delivery as shown on Form 7-1, which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the proposed Budget Modification No. 1 for the FY 2008 Small Cities Community Development Block Grant, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to sign the budget modification form on behalf of the City.

Seconded by

FORM 7-1

BUDGET MODIFICATION*

Recipient: City of Watertown

Project #: 1207HR54-08

Modification #: 1

OFFICE USE ONLY	ACTIVITY	OFFICE OF COMMUNITY RENEWAL APPROVED BUDGET			PROPOSED MODIFICATION (+/-)		AFTER MODIFICATION			
							Budget			CDBG
IDIS #	NAME/USE	CDBG	OTHER SOURCES	TOTAL	CDBG	OTHER SOURCES	CDBG	OTHER SOURCES	TOTAL	FUNDS AVAILABLE
	Rehab & New Construction MU	\$330,000.00	\$440,000.00	\$770,000.00	-\$2,000.00	-\$400,000.00	\$328,000.00	\$40,000.00	\$368,000.00	\$0.00
	PD Housing Rehabilitation	\$44,000.00	\$16,000.00	\$60,000.00	\$2,445.87	-\$16,000.00	\$46,445.87	\$0.00	\$46,445.87	\$0.00
	Administration	\$26,000.00	\$26,000.00	\$52,000.00	-\$445.87	-\$26,000.00	\$25,554.13	\$0.00	\$25,554.13	\$0.00
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Certification to the best of my knowledge and belief the modification indicated have been duly authorized by the governing body of the applicant.

Signature of Chief Elected Official _____ Date _____
 Jeffrey E. Graham _____ Mayor
 Typed Name of Chief Elected Official _____ Title _____

For Office Use Only FMS Budget Modified Date: _____ Initials: _____

Program Staff Review _____ (Update FMS Substages 201/211 & 202/212)

Approved: _____ Denied: _____ Date: _____ (Update FMS Substage 203/213) Authorized Signature: _____ Title: _____

* MODIFICATIONS TO BUDGET ALSO MODIFY SCHEDULE B OF THE NYS CDBG AGREEMENT. BUDGET MODIFICATIONS MUST BE REFLECTED ON ALL FUTURE REQUESTS FOR FUNDS REQUEST FOR FUNDS FORM 1-4A, COLUMN A)

Res No. 5

September 30, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Authorizing Settlement of a Lawsuit
in the New York State Supreme Court,
Ryan Dorr vs. City of Watertown

The City of Watertown was named as a Defendant in a lawsuit commenced by Ryan Dorr in the New York State Supreme Court. The Parties have conducted disclosure proceedings, and the matter has been set for trial by jury. As you are aware, after discussions with Attorney Jonathan Fellows regarding this case, the parties have negotiated a settlement in the amount of \$600,000. Funding to support the payment of this claim will come from the City's Risk Retention Fund.

With this settlement, the case will be discontinued, with prejudice, and the City will obtain of a complete release by Mr. Dorr for the benefit of the City.

RESOLUTION

Page 1 of 1

Authorizing Settlement of a Lawsuit
in the New York State Supreme Court,
Ryan Dorr vs. City of Watertown

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

Total

YEA	NAY

Introduced by

WHEREAS, the City of Watertown was named as a Defendant in a lawsuit commenced by Ryan Dorr in the New York State Supreme Court in and for the County of Jefferson; and

WHEREAS the parties have conducted disclosure proceedings in accordance with the New York Civil Practice Law and Rules; and

WHEREAS the disclosure proceedings are now complete, and the matter has been set down for trial by jury; and

WHEREAS in lieu of trial, the parties have proceeded to negotiate a monetary settlement of the Plaintiff's claims, which would result in a discontinuance of the action, with prejudice, and obtaining of a complete release by the Plaintiff for the benefit of the City; and

WHEREAS the City Council of the City of Watertown believes it to be in the best interests of the citizens of the City to settle the pending action short of trial, and that the proposed settlement amount is reasonable to that end,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes settlement of the case entitled Ryan Dorr v. City of Watertown, Index No. 2005-1648, RJI No. 22-05-007 by the payment from City funds in the total amount of \$600,000.00, payable to Ryan Dorr and his attorneys, Smith, Sovik, Kendrick & Sugnet, P.C., upon the express condition that the City shall receive in return a stipulation of discontinuance, with prejudice, of the action and shall further receive a complete general release from Ryan Dorr for the benefit of the City.

Seconded by

Res No. 6

September 30, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Accepting Bid for J.B. Wise Parking Lot Reconstruction,
Bat-Con, Inc.

The City Purchasing Department notified/advertised in the *Watertown Daily Times*, the Dodge Reports, Northern New York and Syracuse Builders' Exchanges for sealed bids for the reconstruction of the J.B. Wise Parking Lot, per City specifications. Plans were issued to twenty-seven (27) prospective bidders with a total of eight (8) sealed bids submitted to the City Purchasing Department where they were publicly opened and read on Wednesday, September 15, 2010, at 11:00 a.m.

Due to an error in the bid sheets, the City's Engineering Department issued a letter of clarification asking them to revise their bids in accordance with the corrected copy of the bid sheets. The original eight (8) bidders resubmitted their bids to the City Purchasing Department where they were publicly opened and read on Tuesday, September 28, 2010, at 11:00 a.m.

The base bid included the following three alternates:

- Alternate No. 1 - installation of Flexi Pave in lieu of asphalt
- Alternate No. 2 - installation of 12" HDPE Water Main in lieu of ductile iron pipe
- Alternate No. 3 - investigation/mitigation for special environmental conditions
(to be paid by National Grid)

City Purchasing Agent Robert J. Cleaver has reviewed the bids received with City Engineer Kurt W. Hauk and Superintendent of Water Gary E. Pilon, and it is their recommendation that the City Council accept the lowest qualifying bid submitted by Bat-Con, Inc., 4277 Slate Hill Road, Marcellus, New York, in the total amount of \$2,316,240. The alternate No. 3 cost of \$210,000 will be paid by National Grid. Mr. Hauk, Mr. Pilon and Mr. Cleaver agree that this bid should encompass Alternates Nos. 1 and 3 above. Mr. Cleaver's memorandum details all bids received on this project.

Attached for your review, is a sources and uses report for this project. As you can see from the report the estimated costs for this project have changed a number of times since 2006-2007. In October of 2009, we estimated the design, construction and inspection costs associated with this project to be between \$3.1 and \$2.9 million; by June of 2010 that estimate dropped to \$2.5 million, the final bid amount came in at \$2.3 million. The total cost to the City

for this project is \$1,570,875. In addition, the City and National Grid are reviewing a draft cost sharing agreement associated with this project to cover the cost of the MPG abatement. I anticipate having that agreement available for City Council consideration at the October 18th Council meeting.

Funding to support this project was included in the 2006-07, 2008-09, 2010-2011 Budget. The attached Resolution approving the bid is contingent on the City Council approving the Bond Ordinance to fund the \$1,570,875 in City funds needed to complete the project.

RESOLUTION

Page 1 of 1

Accepting Bid for J.B. Wise Parking Lot Reconstruction, Bat-Con, Inc.

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

Total

YEA	NAY

Introduced by

WHEREAS the City Purchasing Department has advertised and received sealed bids for the reconstruction of J.B. Wise Parking Lot, and

WHEREAS plan sets were issued to twenty-seven (27) prospective bidders, with eight (8) bids being received and publicly opened and read in the City Purchasing Department on Tuesday, September 28, 2010 at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bids received with City Engineer Kurt W. Hauk and Water Superintendent Gary E. Pilon, and it is their recommendation to accept of the bid submitted by Bat-Con, Inc. 4277 Slate Hill Road, Marcellus, New York, in the total amount of \$2,316,240 as the lowest qualifying bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby accepts the bid in the amount of \$2,316,240 submitted by Bat-Con, Inc. 4277 Slate Hill Road, Marcellus, New York, for the reconstruction of J.B. Wise Parking Lot per the City's specifications, and

BE IT FURTHER RESOLVED that acceptance of this bid is subject to City Council approval of a bond ordinance to fund this project, and

BE IT FURTHER RESOLVED that Mayor Jeffrey E. Graham is hereby authorized and directed to execute any documents necessary to accept this bid.

Seconded by

JB Wise Project Sources and Uses Report

Sources

	Original Project Budget 2006-07		Final Project Costs*** 28-Sep-10		Change from Project Budget 28-Sep-10	
2005 EPF	13.9%	\$ 309,125.00	13.3%	\$ 309,125.00	0.0%	\$ -
2007 EPF	22.7%	\$ 505,000.00	21.6%	\$ 505,000.00	0.0%	\$ -
Water Fund*	18.0%	\$ 400,000.00	7.0%	\$ 163,761.35	-226.3%	\$ (236,238.65)
City Match to EPF (GF)	36.5%	\$ 814,125.00	50.8%	\$ 1,184,004.80	354.3%	\$ 369,879.80
Sewer Fund**	9.0%	\$ 200,000.00	7.3%	\$ 170,753.85	-28.0%	\$ (29,246.15)
Total		\$ 2,228,250.00	Total	\$ 2,332,645.00	Total	\$ 104,395.00

*Water Fund total includes 7.0% of the cost of design and inspection.

**Sewer Fund total includes 7.3% of the cost of design and inspection.

***Does not include contingency and land acquisition costs

Uses

	Project Estimate 15-Oct-09		Project Estimate 27-Oct-09		Project Estimate 2-Jun-10		Final Bid Amounts 28-Sep-10	
Design	6.7%	\$ 215,405.00	7.4%	\$ 215,405.00	8.5%	\$ 215,405.00	9.2%	\$ 215,405.00
Construction								
Base Lot	42.8%	\$ 1,370,307.00	50.0%	\$ 1,450,810.00	45.8%	\$ 1,155,825.00	56.1%	\$ 1,308,432.00
Amenities	19.1%	\$ 611,513.00	21.8%	\$ 631,169.00	25.0%	\$ 631,169.00	17.1%	\$ 400,000.00
Sewer	10.9%	\$ 348,606.00	9.3%	\$ 269,173.00	8.4%	\$ 212,981.00	6.6%	\$ 154,181.00
Storm	3.1%	\$ 98,880.00	1.6%	\$ 45,523.00	1.3%	\$ 32,327.00	4.1%	\$ 95,714.00
Water	10.3%	\$ 328,892.00	6.3%	\$ 183,340.00	6.7%	\$ 168,717.00	6.3%	\$ 147,913.00
Inspection	7.0%	\$ 225,000.00	3.6%	\$ 105,000.00	4.2%	\$ 105,000.00	0.5%	\$ 11,000.00
Total		\$ 3,198,603.00	Total	\$ 2,900,420.00	Total	\$ 2,521,424.00	Total	\$ 2,332,645.00

Total cost does not include \$210,000 for MGP cleanup for National Grid or contingency and land acquisition



CITY OF WATERTOWN, NEW YORK

SUITE 205, CITY HALL, 245 WASHINGTON STREET

WATERTOWN, NEW YORK 13601

Tel. (315) 785-7749 • Fax (315) 785-7752

ROBERT J. CLEAVER
PURCHASING AGENT

September 29, 2010



To: Mary Corriveau
From: Robert J. Cleaver
Subject: J.B. Wise Parking Lot

The City's Purchasing Department advertised in the Watertown Daily Times on Tuesday, August 17, 2010 calling for sealed bids for the reconstruction of the J.B. Wise Parking Lot per City's specifications. The Dodge Reports, Northern N.Y. and Syracuse Builders' Exchanges were also notified of the pending bid.

Bid plans were issued to 27 prospective bidders and sub-contractors with a total of 8 sealed bids submitted to the Purchasing Department when they were publicly opened and read in the City Council Chambers on Wednesday, September 15th 2010 at 11:00 am local time.

Due to an error in the bid sheets the quantities listed were not a true reflection of the required quantities, therefore the City's Engineering Department issued a letter of clarification to each of the respective bidders asking them to revise their bids in accordance with the corrected copy of the bid sheets.

On Tuesday, September 28th at 11:00 a.m. local time 7 of the original 8 bidders resubmitted their bids to the Purchasing Office, where they were publicly opened and read. Results of those 7 bids are per the attached Bid Tabulation.

In addition to the base bid this project had 3 alternates and they are:

Alternate # 1 - +/- Installation of Flexi Pave in lieu of Asphalt

Alternate # 2 - +/- for installation of 12" HDPE Water Main in lieu of Ductile Iron Pipe

Alternate #3 - +/- Investigation/Mitigation for Special Environmental Conditions

I have reviewed the submittals with City Engineer, Mr. Kurt Hauk and Superintendent of Water Mr. Gary Pilon and it is my recommendation that we accept the lowest qualifying bid in the amount of \$2,316,240.00 submitted by Bat-Con Inc., 4277 Slate Hill Road, Marcellus, N.Y. that encompasses Alternates 1 and 3.

Bat-Con has performed various projects for the City since 2007, including but not limited to: Iroquois Ave sewer line replacement, Ontario Street N. & S. water main replacement, as well as the reconstruction Ten Eyck & Sherman Street. All projects were completed in a timely fashion and without major issues.

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

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

cc: Kurt Hauk, P.E., City Engineer
Jim Mills, City Comptroller
Gary Pilon, Water Superintendent
file

attach: bid tabulation
recommendation – Gary Pilon, Water Superintendent

**J.B. WISE PARKING LOT RECONSTRUCTION
 BID TABULATION**

City of Watertown, N.Y.
 245 Washington St. 11:00 A.M. EDT
 Purchasing Dept, Suite 205, City Hall

September 28, 2010

<u>Company</u>	<u>Bid Price</u>
Bat-Con, Inc.	Base bid - \$ 2,088,000.00
P.O Box 155	Alt. #1 - \$ 18,240.00 add-on
Marcellus, NY 13108	Alt. #2 - \$ 0.00
	Alt. #3 - \$ 210,000.00 add-on
Barber Corp.	Base bid - \$ 2,239,301.50
22622 Murrock Circle	Alt. #1 - \$ 30,522.50
Watertown, NY 13601	Alt. #2 - \$ 24,868.05 add-on
	Alt. #3 - \$ 179,610.00
CCI Companies, Inc.	Base bid - \$ 2,241,607.20
7138 Mt. Pleasant Road	Alt. #1 - \$ 100,960.00 add-on
Canastota, NY 13032	Alt. #2 - \$ 4,825.00 add-on
	Alt. #3 - \$ 181,100.00 add-on
North Country Contractors	Base bid - \$ 2,275,300.00
P.O. Box 390	Alt. #1 - \$ 10,150.00 add-on
Henderson, NY 13650	Alt. #2 - \$ 9,650.00 deduct
	Alt. #3 - \$ 128,400.00 add-on
Luck Brothers	Base bid - \$ 2,282,047.80
73 Trade Road	Alt. #1 - \$ 104,300.00 add-on
Plattsburgh, NY 12901	Alt. #2 - \$ 13,510.00 deduct
	Alt. #3 - \$ 173,730.00 add-on
A.J. Montclair, Inc.	Base bid - \$ 2,342,749.50
18 Corporate Park Drive	Alt. #1 - \$ 109,900.00 add-on
Central Square, NY 13036	Alt. #2 - \$ 15,922.50 deduct
	Alt. #3 - \$ 125,250.00 add-on
Villager Construction	Base bid - \$ 2,935,239.20
425 Old Macedon Center Rd.	Alt. #1 - \$ 105,050.00 add-on
Fairport, NY 14450	Alt. #2 - \$ 10,615.00 add-on
	Alt. #3 - \$ 170,000.00 add-on

Watertown Water Department

Inter-office Memo

DATE: September 29, 2010

TO: Mary Corriveau, City Manager
Bob Cleaver, Purchasing Agent
Kurt Hauk, City Engineer
Ken Mix, Planning and Community Development Director

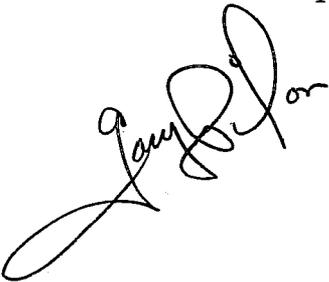
FROM: Gary Pilon, Supt. of Water

SUBJECT: JB Wise Parking Lot Bids

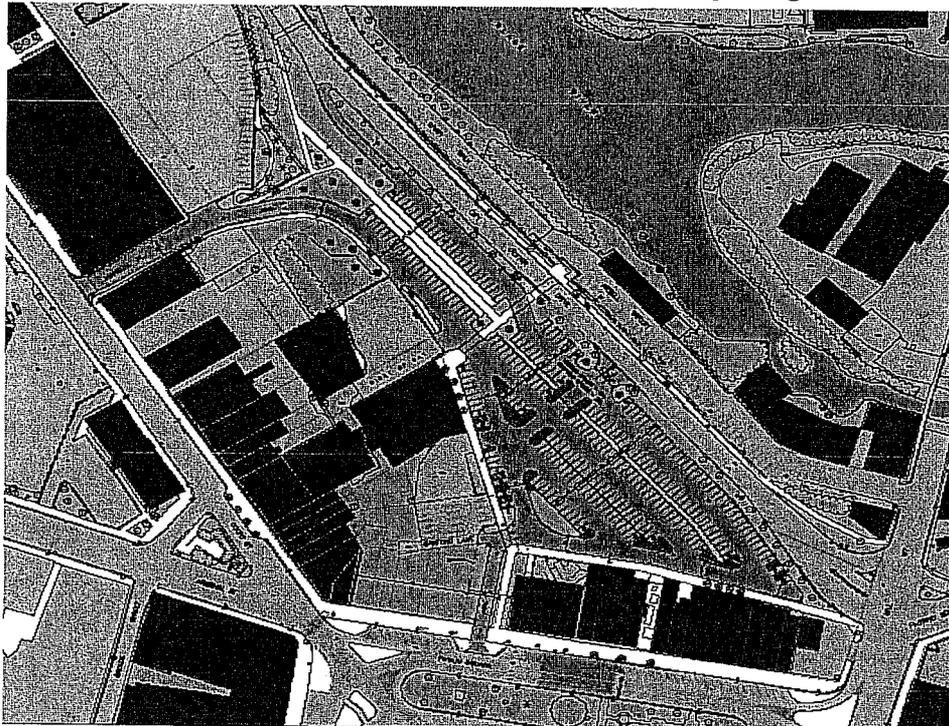
I have reviewed the bids for the JB Wise Project relative to the water main reconstruction and related work.

It is my recommendation to accept the bid of Bat-Con, Inc., Marcellus, New York.

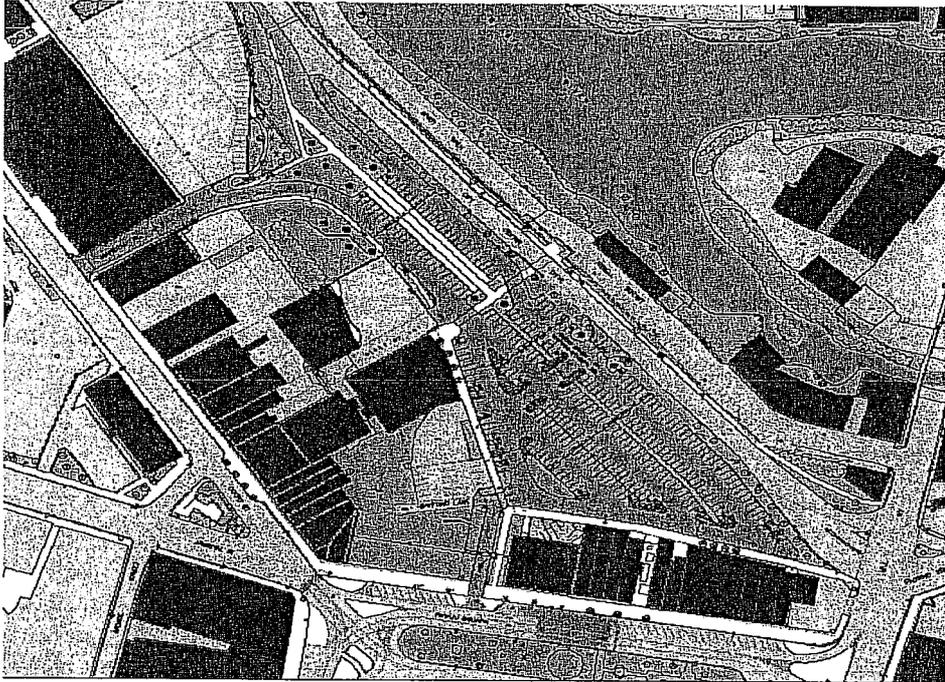
I would further recommend that Alternate #2 be rejected and that the contractor be directed to install Ductile Iron Pipe, poly-wrapped, as specified. Standard City of Watertown specifications shall be followed for all items on this project.



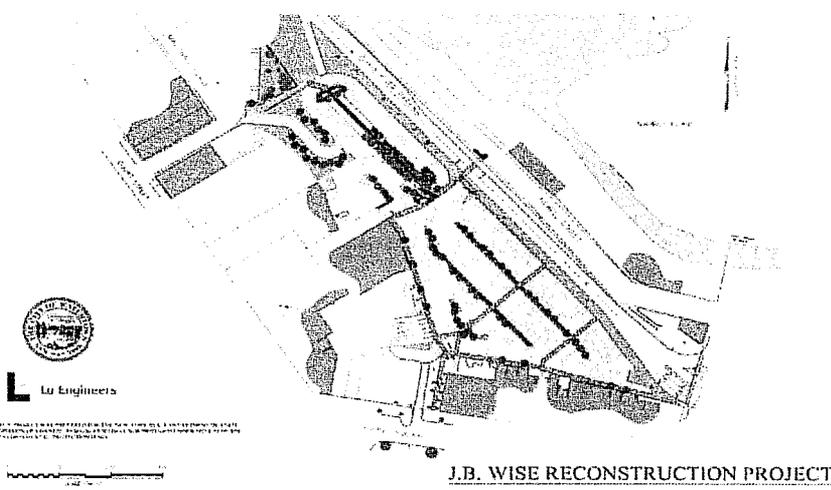
FISCAL YEAR 2006-2007
CAPITAL BUDGET
FACILITY IMPROVEMENTS
J. B. WISE PARKING LOT IMPROVEMENTS

PROJECT DESCRIPTION	COST
<p>Design and construct a covered pedestrian connection through the parking lot from Public Square to the Riverwalk, new vehicle drives from Public Square, Court Street and City Center Drive, and related signage, landscaping, and lighting.</p>  <p>This project is dependent on receiving an Environmental Protection Fund Grant, which will pay \$310,000 toward the project.</p> <p style="text-align: right;">10 years - \$66,000</p>	<p>\$ 620,000</p>
Total	\$620,000

FISCAL YEAR 2007-2008
 CAPITAL BUDGET
 FACILITY IMPROVEMENTS
 J. B. WISE PARKING LOT IMPROVEMENTS

PROJECT DESCRIPTION	COST						
<p>J. B. Wise Parking Lot Improvements</p> <p>Design and construct a covered pedestrian connection through the parking lot from Public Square to the Riverwalk, new vehicle drives from Public Square, Court Street and City Center Drive, and related signage, landscaping, and lighting. This project was partially funded in the 2006/07 Capital Budget in the amount of \$1,020,000. A pending Environmental Protection Fund grant is expected to provide \$500,000 of funding for the project.</p>	\$1,200,000						
							
<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">GENERAL FUND</td> <td style="width: 20%;">\$ 1,000,000</td> <td style="width: 50%;">10 years - \$ 73,750</td> </tr> <tr> <td>SANITARY SEWER</td> <td>\$ 200,000</td> <td>15 years - \$ 22,833</td> </tr> </table>	GENERAL FUND	\$ 1,000,000	10 years - \$ 73,750	SANITARY SEWER	\$ 200,000	15 years - \$ 22,833	
GENERAL FUND	\$ 1,000,000	10 years - \$ 73,750					
SANITARY SEWER	\$ 200,000	15 years - \$ 22,833					
TOTAL	\$1,200,000						

**FISCAL YEAR 2010-2011
CAPITAL BUDGET
FACILITY IMPROVEMENTS
J. B. WISE PARKING LOT**

PROJECT DESCRIPTION	COST																				
<p>Design and reconstruct the parking lot with a partially covered pedestrian connection from Public Square to the Riverwalk, new vehicle drives from Public Square, Court Street and Black River Parkway, and related signage, landscaping, and lighting. The project also includes the replacement of 1,100 l.f. ± of 100+ year old 16" water main and will eliminate one of the City's combined sewer overflows through the construction / separation of a storm and sanitary sewer.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left;">Source of Funds</th> </tr> </thead> <tbody> <tr> <td>2005 NYS EPF grant</td> <td style="text-align: right;">\$310,000</td> </tr> <tr> <td>2007 NYS EPF grant</td> <td style="text-align: right;">\$500,000</td> </tr> <tr> <td>2006/07 General Fund Capital Budget</td> <td style="text-align: right;">\$310,000</td> </tr> <tr> <td>2008/09 General Fund Capital Budget</td> <td style="text-align: right;">\$500,000</td> </tr> <tr> <td>2010/11 General Fund Capital Budget</td> <td style="text-align: right;">\$775,000</td> </tr> <tr> <td>2006/07 Water Fund Capital Budget</td> <td style="text-align: right;">(*) \$200,000</td> </tr> <tr> <td>2008/09 Sewer Fund Capital Budget</td> <td style="text-align: right;">\$200,000</td> </tr> <tr> <td>2010/11 Sewer Fund Capital Budget</td> <td style="text-align: right;">\$105,000</td> </tr> <tr> <td>(*) Amount adopted was \$400,000 but current cost estimate is only \$ 200,000</td> <td style="text-align: right;">\$2,900,000</td> </tr> </tbody> </table>	Source of Funds		2005 NYS EPF grant	\$310,000	2007 NYS EPF grant	\$500,000	2006/07 General Fund Capital Budget	\$310,000	2008/09 General Fund Capital Budget	\$500,000	2010/11 General Fund Capital Budget	\$775,000	2006/07 Water Fund Capital Budget	(*) \$200,000	2008/09 Sewer Fund Capital Budget	\$200,000	2010/11 Sewer Fund Capital Budget	\$105,000	(*) Amount adopted was \$400,000 but current cost estimate is only \$ 200,000	\$2,900,000	<p>\$ 880,000</p>
Source of Funds																					
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2010/11 Sewer Fund Capital Budget	\$105,000																				
(*) Amount adopted was \$400,000 but current cost estimate is only \$ 200,000	\$2,900,000																				
 <p style="text-align: center;">J.B. WISE RECONSTRUCTION PROJECT</p>																					
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Fund	Debt to be Issued	Term	Estimated FY 2011/12 Debt Service																		
General Fund	\$1,579,313	10 years	\$222,683																		
Water Fund	\$205,768	15 years	\$22,154																		
Sewer Fund	\$301,214	15 years	\$32,431																		

Res No. 7

September 29, 2010

To: The Honorable Mayor and City Council

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

Subject: Authorizing the Sale of Real Property Known as a Former Portion of Massey Street North Adjacent to 229 Massey Street North to Stewart's Shops Corp., Saratoga Springs, New York 12866

Stewart's Shops Corp. has offered to purchase a 0.123 acre portion of the Massey Street North right-of-way adjacent to its store at 229 Massey Street North for \$2,500. The City Council abandoned that portion of the right-of-way at its September 20, 2010 meeting. Stewart's wishes to use the property to realign its fuel pumps and expand the parking area.

The attached resolution accepts Stewart's offer of \$2,500 and authorizes the sale with the conditions that the parcel is combined with its existing property and easements for the existing sewer lines and a fire hydrant are included in the deed.

RESOLUTION

Page 1 of 2

Authorizing the Sale of Real Property Known as a Former Portion of Massey Street North Adjacent to 229 Massey Street North to Stewart’s Shops Corp., Saratoga Springs, New York 12866

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

Total

YEA	NAY

Introduced by

WHEREAS the City of Watertown owns a certain lot of land known as Massey Street North, and

WHEREAS the City Council abandoned a 0.123 acre portion of said street adjacent to 229 Massey Street North on September 20, 2010 as described as Exhibit A, which is attached to and made part of this resolution, and therefore the described parcel is no longer assigned a public purpose by the City Council, and

WHEREAS the Stewart’s Shops Corp. has made an offer of \$2,500 to purchase said property,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1 of 1985, adopted December 3, 1984, effective January 17, 1985, and the Ordinance, Municipal Code, Chapter 16 adopted by the City Council on June 6, 1977 that the offer of \$2,500 submitted by Stewart’s Shops Corp. for the purchase of the former portion of Massey Street North adjacent to 229 Massey Street North as described by Exhibit A is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the deed issued by the City shall contain a provision that if the buyer does not combine the property sold with all other adjacent parcels owned by the buyer by filing a new deed in the County Clerk’s office, the City shall have the right to seek reversion of the title to the City, and

RESOLUTION

Page 2 of 2

Authorizing the Sale of Real Property Known as a Former Portion of Massey Street North Adjacent to 229 Massey Street North to Stewart's Shops Corp., Saratoga Springs, New York 12866

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

Total

YEA	NAY

BE IT FURTHER RESOLVED that the deed issued by the City shall contain easements for the existing sewer mains across the property and the fire hydrant located on the property, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute a Quit Claim Deed of said real property to Stewart's Shops Corp. upon the receipt of the above mentioned sum of money in cash only by the City Comptroller.

Seconded by

Exhibit A

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

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

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

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

S 52° 54' 01" E 24.25' to a point;

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

S 01° 52' 25" E 9.60' to a point;

S 20° 04' 42" W 5.65' to a point;

S 30° 30' 58" W 42.60' to a point;

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

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

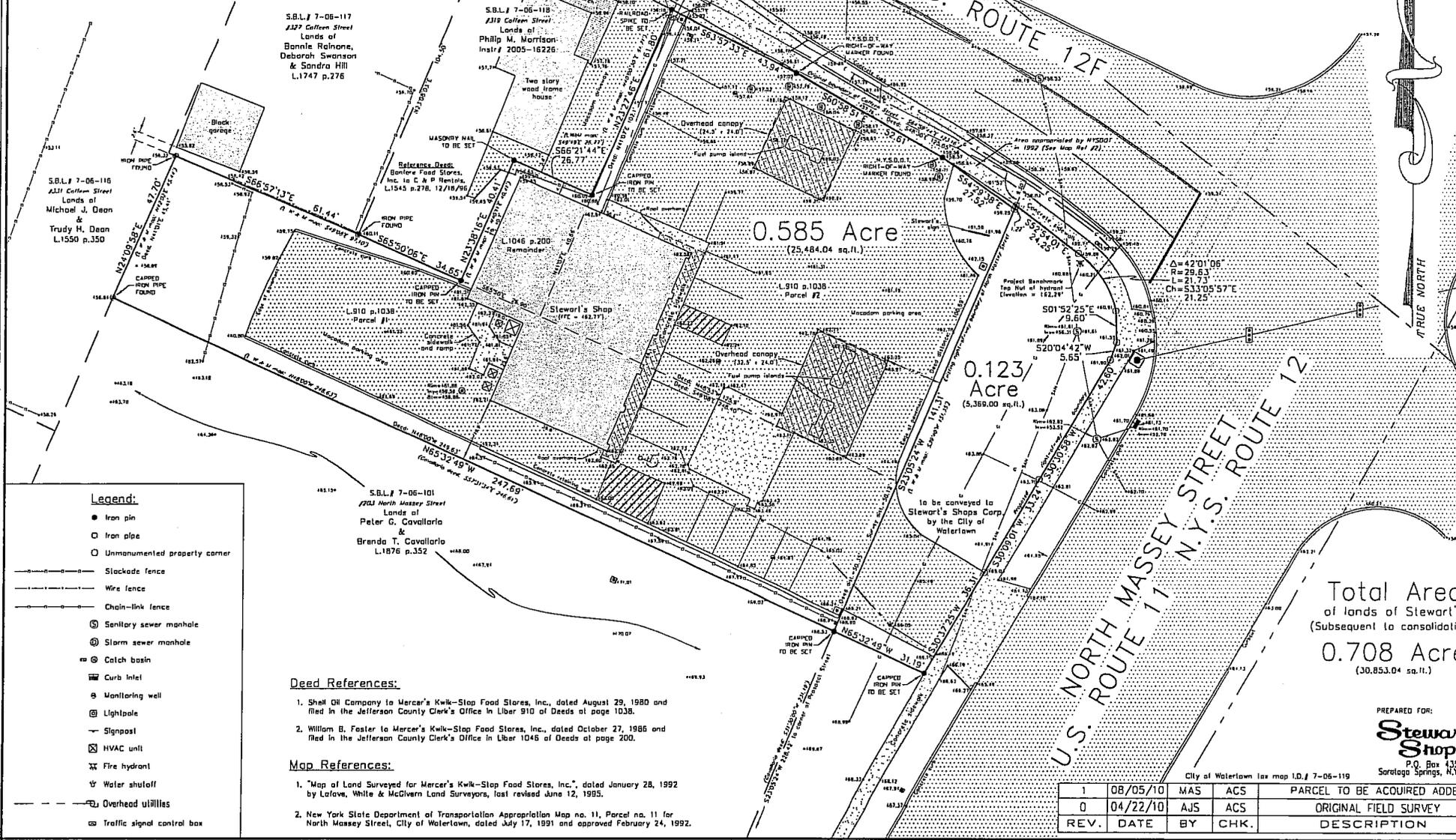
thence continuing through lands of the City of Watertown on an extension of the division line between lands of Stewart's Shops Corp. to the north and the aforementioned lands of Peter G. Cavallario and Branda T. Cavallario to the south

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

Notes:

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

- G — Underground gas line (as marked)
- W — Water line (as marked)
- S — Sanitary sewer line (as marked)
- E — Underground electric line (as marked)



S.B.L. # 7-06-117
2327 Coffeen Street
Lands of
Bonnie Rahnone,
Deborah Swanson
& Sandra Hill
L.1747 p.276

S.B.L. # 7-06-116
2311 Coffeen Street
Lands of
Michael J. Dean
&
Trudy H. Dean
L.1590 p.350

S.B.L. # 7-06-101
2203 North Massey Street
Lands of
Peter G. Cavallario
&
Brenda T. Cavallario
L.1876 p.352

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

Deed References:

- Shell Oil Company to Mercer's Kwik-Stop Food Stores, Inc., dated August 29, 1980 and filed in the Jefferson County Clerk's Office in Liber 910 of Deeds at page 1036.
- William B. Foster to Mercer's Kwik-Stop Food Stores, Inc., dated October 27, 1986 and filed in the Jefferson County Clerk's Office in Liber 1046 of Deeds at page 200.

Map References:

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

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

PREPARED FOR:
Stewart's Shops
P.O. Box 439
Saratoga Springs, N.Y. 12858

City of Watertown last map I.D. # 7-06-119

REV.	DATE	BY	CHK.	DESCRIPTION
1	08/05/10	MAS	ACS	PARCEL TO BE ACQUIRED ADDED
0	04/22/10	AJS	ACS	ORIGINAL FIELD SURVEY

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

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

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

SANTO ASSOCIATES
LAND SURVEYING AND ENGINEERING, P.C.

1 BARNEY ROAD • SUITE 109 • CLIFTON PARK, NY 12065
PHONE: (518) 383-8001 • FAX: (518) 383-8026

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"Unauthorized Duplication is a Violation of Applicable Laws."

JAMES E. SCHAEFFER, L.S. LICENSE NO. 019991

TOPOGRAPHIC SURVEY MAP OF LANDS OF
**MERCER'S KWIK-STOP
FOOD STORES, INC.**
AT 229 NORTH MASSEY STREET, WATERTOWN, N.Y. 12891

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

Stewart's



Mr. Ken Mix
City of Watertown
245 Washington Street Suite 302
Watertown, NY 13601

July 26, 2010

Dear Mr. Mix,

As per your request in your July 7th letter, Stewart's Shops Corp. is offering \$2500.00 to purchase the property.

The cost of the survey, parcel descriptions and utility easements will add quite a few thousand over and above that number.

We understand the City's Planning Board will have to approve the Subdivision. We will combine the lots as a condition of the approval.

Please let me know the next step to start this process.

Sincerely,

A handwritten signature in cursive script that reads "Tom L. Lewis".

Tom L. Lewis
Real Estate Representative
518-581-1201 ext. 4420
tlewis@stewartsshops.com

TOM LEWIS1@GMAIL.COM

September 27, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Approving Settlement Agreement, National Grid,
Utility Gross Receipts Tax

On December 26, 2008, City Comptroller James E. Mills received letters from National Grid stating that Niagara Mohawk Power Corporation (NIMO) had erroneously included revenues from electric transmission and distribution service and gas transportation service which did not “originate within the geographic boundaries of the City of Watertown” in its calculation of taxable gross receipts. The total amount that National Grid claimed it paid erroneously to the City of Watertown is \$184,430.99. The payments were made to the City over a three year period beginning in December 2005 and ending in September 2008.

The City of Watertown was one of roughly 150 cities and villages across central and northern New York to receive these letters from National Grid. Since receiving these letters, the cities and villages across the state have been working with the New York Conference of Mayors on this issue. In July 2009, NYCOM notified the impacted municipalities that they had obtained an Advisory Opinion from the NYS Department of Taxation and Finance and since have been working with National Grid to abide by the opinion and settle this matter with the impacted communities.

In June of this year, a draft proposed Settlement Agreement from National Grid was presented to the impacted communities for consideration. After several exchanges with National Grid, which resulted in modifications to the proposed Agreement, City Staff is now in a position to recommend that the City Council consider that attached Settlement Agreement.

In summary, the Settlement Agreement provides for the City to keep the funds that National Grid claimed were owed to them in their December 2008 letter; National Grid does not remit any gross receipts tax for sales between December 2008 and November 30, 2009, as it did not collect any; and based on new tariff leaves filed at the PSC, National Grid will collect and pay local GRT on all transactions.

RESOLUTION

Page 1 of 1

Approving Settlement Agreement,
National Grid, Utility Gross Receipts Tax

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

Total

YEA	NAY

Introduced by

WHEREAS the City of Watertown has enacted legislation that authorizes the collection of Utility Gross Receipts Taxes pursuant to General Municipal Law §20-b on the purchase of certain commodities, and

WHEREAS National Grid provides businesses and residences within the City of Watertown with electric transmission and distribution service and gas transportation services, and

WHEREAS in December 2008 National Grid notified the City that it had included revenues from electric transmission and distribution service and gas transportation service which did not “originate within the geographic boundaries of the City of Watertown” in payments to the City, and

WHEREAS National Grid claimed that the City of Watertown owed National Grid \$184,430.99 for amounts they believe were erroneously paid to the City, and

WHEREAS since that time Watertown, along with the other impacted villages and cities across New York State have with the help of the New York State Conference of Mayors reached a Settlement Agreement with National Grid on the collection of gross receipts taxes on the delivery portion of energy supply company (ESCO) transactions,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Settlement Agreement between the City of Watertown and National Grid, a copy of which is attached and made a part of this resolution, and

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

Seconded by

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into by and between Niagara Mohawk Power Corporation d/b/a National Grid (hereinafter “National Grid”) and City of Watertown(hereinafter “Settling Municipality):

WHEREAS, Settling Municipality’s code contains a provision imposing local Gross Receipts Taxes (“Local GRT”) pursuant to General City Law §20-b or Village Law §5-530 on certain purchases of certain commodities; and

WHEREAS, when a customer purchases the commodity from an Energy Supply Company (“ESCO”), the commodity is sold by an ESCO, whereas the delivery service is provided by National Grid; and

WHEREAS, in every electric ESCO transaction and in almost every natural gas ESCO transaction, it is National Grid’s position that the sale of the commodity to the consumer occurs outside the municipal boundaries; and

WHEREAS, National Grid and Settling Municipality dispute whether Local GRT applies to the delivery portion of ESCO transactions; and

WHEREAS, in December of 2008 National Grid requested refunds of what National Grid considers to be improperly remitted Local GRT which was attributable to delivery of commodities purchased from ESCOs; and

WHEREAS, effective December 2008, National Grid recalculated its reportable revenues and discontinued what National Grid considers to be mistaken and improper payment of Local GRT on the delivery portion of ESCO transactions; and

WHEREAS, National Grid’s Tariff leaves in effect in December 2008 did not permit National Grid to recover taxes on the delivery portion of ESCO transactions and, as such, did not remit such payments to local municipalities; and

WHEREAS, National Grid’s Amended Tariff leaves were approved effective December 1, 2009, permitting National Grid to collect Local GRT on the delivery portion of ESCO transactions; and

WHEREAS, effective December 1, 2009, National Grid’s Electric and Gas tariffs permit it to collect Local GRT on the delivery portion of ESCO transactions. National Grid is currently collecting such taxes and National Grid is subsequently remitting such taxes “under protest” beginning with the first quarterly payment due in 2010; and

WHEREAS, the Parties hereto seek to resolve all issues concerning the applicability, assessment, collection and/or payment of Settling Municipality’s

assessment of Local GRT on the delivery portion of natural gas and electricity ESCO transactions.

NOW, THEREFORE, in consideration of the mutual promises and agreements made by the Parties herein and other good and valuable consideration, including, but not limited to, the surrender of rights which the Parties may have against each other as set forth herein, the Parties hereby agree as follows:

A. SETTLEMENT TERMS.

1. Subject to the provisions set forth in Section B of this Agreement, National Grid agrees to pay Settling Municipality's Local GRT on the delivery portion of natural gas and electricity ESCO transactions prospectively and agrees not to commence a proceeding to challenge the validity and applicability of Settling Municipality's assessment of Local GRT on the delivery portion of natural gas and electricity ESCO transactions;

2. National Grid agrees to waive its claim for a refund of Local GRT on the delivery portion of any natural gas and electricity ESCO transactions paid to Settling Municipality for the period from September 1, 2005 to August 31, 2008;

3. Settling Municipality agrees to waive its claim to any payments of Local GRT on the delivery portion of any natural gas and electricity ESCO transactions for the period prior to December 1, 2009; and

4. ~~Subject to the provisions set forth in Section B~~ of this Agreement, National Grid and Settling Municipality agree to mutually release, defend, indemnify and hold each other harmless from and against any and all claims relating to the applicability, assessment, collection and/or payment of Settling Municipality's Local GRT on the delivery portion of natural gas and electricity ESCO transactions prior to December 1, 2009. Except in the circumstances described at Sections B(1) and B(2)

5. National Grid agrees, to the extent possible, and to the extent permitted by law, statute, rule, regulation, judicial decision, or administrative determination or order, that any amendment or modification of its Electric and Gas tariffs effective December 1, 2009, which permit National Grid to collect Local GRT on the delivery portion of ESCO transactions, will be communicated to any affected municipality by National Grid.

B. CONDITIONS SUBSEQUENT.

1. Should any municipality seek to enforce the applicability of its Local GRT (including, but not limited to, Settling Municipality's Local GRT) to the delivery portion of natural gas and electricity ESCO transactions, National Grid reserves its rights to defend fully against such actions, including, but not limited to, the right to challenge the applicability of Local GRT to the delivery

service provided by gas and electric utilities to customers obtaining energy commodities from another supplier.

2. Should Settling Municipality breach this Agreement or otherwise act in contravention of the terms of this Agreement, National Grid reserves its rights to enforce this Agreement and to challenge the applicability of Local GRT (including, but not limited to, Settling Municipality's Local GRT) to the delivery service provided by gas and electric utilities to customers obtaining energy commodities from another supplier. Additionally, should National Grid breach this Agreement or otherwise act in contravention to the terms of this Agreement, Settling Municipality reserves its rights to enforce this Agreement and to defend the applicability of Local GRT (including, but not limited to, Settling Municipality's Local GRT) to the delivery service provided by gas and electric utilities to customers obtaining energy commodities from another supplier.

3. In the event a judicial decision, administrative determination or order, regulation, statute, or local law, or other provision is issued or otherwise becomes effective after the execution of this Agreement by all parties, providing and/or determining that Local GRT is not applicable to delivery service provided by gas and electric utilities to customers obtaining energy commodities from another supplier, or should the PSC otherwise deny National Grid recovery of the cost of Local GRT that it pays to a municipality, National Grid reserves the right to challenge the validity and applicability of Local GRT (including, but not limited to, Settling Municipality's Local GRT) on the delivery portion of natural gas and electricity ESCO transactions of any settling municipality, and the municipality reserves its right to defend the applicability of its Local GRT, retroactive to December 1, 2009.

C. GOVERNING LAW. This Agreement is governed by and shall be construed in accordance with the laws of the State of New York.

D. BINDING EFFECT. The Parties acknowledge and agree that this Agreement shall be binding upon, inure to the benefit of, and be enforceable against the parties and their respective successors, assigns, affiliates, parents, subsidiaries, agents, servants, officers, directors, employees, and representatives.

E. MISCELLANEOUS.

1. Entire Agreement; Modifications. This Agreement constitutes the entire understanding of the Parties with respect to the matters set forth herein and supersedes all prior and contemporaneous written or oral understandings between the Parties with respect thereto. No amendment, modification, or waiver of any of the provisions of this Agreement shall be valid unless set forth in a written instrument signed by all the Parties hereto.

September 29, 2010

To: The Honorable Mayor and City Council

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

Subject: Finding That Changing the Approved Zoning Classification of the Rear Portion of 420 State Street, Parcel No. 12-3-220 From Residence C to Commercial Will Not Have a Significant Impact on the Environment

The City Council has before it an Ordinance which will change the zoning classification of the rear portion of 420 State Street from Residence C to Commercial.

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

RESOLUTION

Page 1 of 2

Finding That Changing the Approved Zoning Classification of the Rear Portion of 420 State Street, Parcel No. 12-03-220, From Residence C to Commercial Will Not Have a Significant Impact on the Environment

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

Total

YEA	NAY

Introduced by

WHEREAS the City Council of the City of Watertown, New York, has before it an Ordinance for changing the zoning for the rear portion of 420 State Street from Residence C to Commercial, and

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

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

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

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

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

RESOLUTION

Page 2 of 2

Finding That Changing the Approved Zoning Classification of the Rear Portion of 420 State Street, Parcel No. 12-03-220, From Residence C to Commercial Will Not Have a Significant Impact on the Environment

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

Total

YEA	NAY

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

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

Seconded by

SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

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

1. APPLICANT / SPONSOR Route 57 Development, LLC	2. PROJECT NAME Route 57 Development LLC
3. PROJECT LOCATION: Watertown, NY Municipality	Jefferson County
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map 426 State Street, City of Watertown, NY	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY: Currently this parcel falls in two different zoning districts, Residence C and Commercial. All road frontage is in Commercial District, back portion of easterly two thirds of property is zoned Residence C. This action will amend the Zoning districts to add the portion of the property currently zoned Residence C to the Commercial Zoned District, with the end result that the entire property would fall under Commercial zoning regulations and be consistent with the current and former use of the property.	
7. AMOUNT OF LAND AFFECTED: Initially 0.3 acres Ultimately 1.26 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly:	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input checked="" type="checkbox"/> Other (describe) Premises has been subdivided into 3 lots, one lot is currently occupied and used in a commercial enterprise, Lot 3 is currently vacant, Lot 2 has a building located on it.	
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 name and permit / approval:	
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 name and permit / approval:	
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	Date:
Route 57 Development LLC by: Philip J. Simao	7/9/10
Signature 	

If the action is a 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:

[Empty text box for C1 response]

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

[Empty text box for C2 response]

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

[Empty text box for C3 response]

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:

[Empty text box for C4 response]

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

[Empty text box for C5 response]

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

[Empty text box for C6 response]

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

[Empty text box for C7 response]

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly: Yes No

[Empty text box for D response]

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

[Empty text box for E response]

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

September 30, 2010

To: The Honorable Mayor and City Council
From: James E. Mills, City Comptroller
Subject: Bond Ordinance Amendment – JB Wise Parking Lot Reconstruction

Included in tonight's agenda was a resolution to approve a bid submitted by Bat-Con to reconstruct the J.B. Wise parking lot. This project was included in the FY 2006-07, 2008-09 and 2010-11 Capital Budgets in the amount of \$2,900,000. On June 18, 2007 City Council approved a bond ordinance in the amount of \$1,020,000 based on the Fiscal Year 2006-07 Capital Budget of \$620,000 to reconstruct the parking lot and \$400,000 to replace the water main. If the agreement with Bat-Con was approved City Council should also consider the following bond ordinance amendment to fund the project.

Lu Engineers – Design services	\$ 215,405	
Contingency for additional services	<u>11,000</u>	\$ 226,405
Bat-Con – Construction base bid	\$ 2,088,000	
Alternate #1	18,240	
Alternate #3	<u>210,000</u>	2,316,240
Bonding fees and land acquisition contingency		<u>52,355</u>
Total Estimated Project Cost		<u>\$2,595,000</u>

However due to the grants that have been awarded to the City for this project and the reimbursements to be received from National Grid for the environmental clean-up costs the ultimate amount to be borrow is less based on the following summary.

Total estimated project cost	\$2,595,000
Less: 2005 Environmental Protection Fund grant	(\$ 309,125)
2007 Environmental Protection Fund grant	(\$ 505,000)
National Grid environmental cost reimbursements	<u>(\$ 210,000)</u>
Net Amount to be borrowed	<u>\$ 1,570,875</u>

ORDINANCE

An Ordinance Amending the Ordinance Dated June 18, 2007, Authorizing the Issuance of \$1,020,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Improvements to the J.B. Wise Parking Lot, Including the Replacement of Water Mains and Sanitary Sewers and the Construction of a Storm Water Drainage System, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$2,595,000

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

YEA	NAY

Introduced by

At a regular meeting of the Council of the City of Watertown, Jefferson County, New York, held at the Municipal Building, in Watertown, New York, in said City, on October 4, 2010, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, the following were

PRESENT:

ABSENT:

The following ordinance was offered by Councilman _____, who moved its adoption, seconded by Councilman _____, to wit:

WHEREAS, by ordinance dated June 18, 2007, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$1,020,000 bonds of said City to pay the cost of the (a) improvements to the J.B. Wise Parking Lot, at an estimated maximum cost of \$620,000, a specific object or purpose, and (b) the replacement of water mains and sanitary sewers and the construction of a storm water drainage system in connection with the making of improvements to the J.B. Wise Parking Lot, a specific object or purpose, at an estimated maximum cost of \$400,000, in and for the City of Watertown, Jefferson County, New York, including, in each instance, incidental expenses in connection therewith, at an estimated maximum cost of \$1,020,000; and

WHEREAS, the Council now wishes to increase the estimated maximum cost of the aforesaid specific object or purpose from \$1,020,000 to \$2,595,000, an increase of \$1,575,000 over that previously authorized; NOW, THEREFORE,

ORDINANCE

An Ordinance Amending the Ordinance Dated June 18, 2007, Authorizing the Issuance of \$1,020,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Improvements to the J.B. Wise Parking Lot, Including the Replacement of Water Mains and Sanitary Sewers and the Construction of a Storm Water Drainage System, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$2,595,000

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

YEA	NAY

BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section A. The title and Sections 1 and 2 of the ordinance of this Council dated and duly adopted June 18, 2007, authorizing the issuance of \$1,020,000 bonds to pay the cost of the (a) improvements to the J.B. Wise Parking Lot, at an estimated maximum cost of \$620,000, a specific object or purpose, and (b) the replacement of water mains and sanitary sewers and the construction of a storm water drainage system in connection with the making of improvements to the J.B. Wise Parking Lot, a specific object or purpose, at an estimated maximum cost of \$400,000, in and for the City of Watertown, Jefferson County, New York, including, in each instance, incidental expenses in connection therewith, is hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,595,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COST OF IMPROVEMENTS TO THE J.B. WISE PARKING LOT, INCLUDING THE REPLACEMENT OF WATER MAINS AND SANITARY SEWERS AND THE CONSTRUCTION OF A STORM WATER DRAINAGE SYSTEM, IN AND FOR SAID CITY.

“

“Section 1. To pay the cost of (a) improvements to the J.B. Wise Parking Lot, at an estimated maximum cost of \$2,150,000, a specific object or purpose, and (b) the replacement of water mains and sanitary sewers and the construction of a storm water drainage system in connection with the making of improvements to the J.B. Wise Parking Lot, a specific object or purpose, at an estimated maximum cost of \$445,000, in and for the City of Watertown, Jefferson County, New York, and incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$2,595,000 bonds of said City pursuant to the provisions of the Local Finance Law.

“Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific objects or purposes is \$2,595,000 and that the plan for the financing thereof is by the issuance of the \$2,595,000 bonds of said City authorized to be issued pursuant to this bond ordinance.”

ORDINANCE

An Ordinance Amending the Ordinance Dated June 18, 2007, Authorizing the Issuance of \$1,020,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Improvements to the J.B. Wise Parking Lot, Including the Replacement of Water Mains and Sanitary Sewers and the Construction of a Storm Water Drainage System, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$2,595,000

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

YEA	NAY

Page 3 of 5

Section B. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section C. Upon this ordinance taking effect, the same shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section D. This resolution is effective immediately.

Unanimous consent moved by Councilman _____, seconded by Councilman _____, with all voting "AYE".

The question of the adoption of the foregoing ordinance was duly put to a vote on roll call, which resulted as follows:

_____ VOTING _____
 _____ VOTING _____
 _____ VOTING _____
 _____ VOTING _____
 _____ VOTING _____

The ordinance was thereupon declared duly adopted.
 * * *

ORDINANCE

An Ordinance Amending the Ordinance Dated June 18, 2007, Authorizing the Issuance of \$1,020,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Improvements to the J.B. Wise Parking Lot, Including the Replacement of Water Mains and Sanitary Sewers and the Construction of a Storm Water Drainage System, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$2,595,000

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

YEA	NAY

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Noticed Date of Posting

Regular meeting of the City Council held in accordance with Section 14-1 of the Municipal Code

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City on October _____, 2010.

 City Clerk

(CORPORATE
 SEAL)

Public Hearing – 7:30 p.m.

September 29, 2010

To: The Honorable Mayor and City Council

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

Subject: Approving the Zone Change Request Submitted by Daren L. Morgan, P.L.S. of LaFave, White & McGivern, on behalf of Route 57 Development LLC to Change the Approved Zoning Classification of the Rear Portion of 420 State Street, Parcel No. 12-03-220, From Residence C to Commercial

The City Council scheduled a public hearing on the above described Zone Change Request for 7:30 p.m. on Monday, October 4, 2010.

The Planning Board reviewed the request at its September 7, 2010 meeting and adopted a motion recommending that the City Council approve the zone change. Attached is a report on the Zone Change Request prepared for the Planning Board and an excerpt from its Minutes.

The City Council must also approve the SEQRA resolution pertaining to this proposal before voting on the attached Ordinance.

ORDINANCE

Page 1 of 2

Approving the Zone Change Request Submitted by Daren L. Morgan, P.L.S. of LaFave, White & McGivern on Behalf of Route 57 Development to Change the Approved Zoning Classification of the Rear Portion of 420 State Street, Parcel No. 12-03-220 from Residence C to Commercial

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

Table with 2 columns: YEA, NAY. It contains empty rows for each council member and a total row.

Introduced by

Council Member Jeffrey M. Smith

BE IT ORDAINED where Daren L. Morgan, P.L.S. of LaFave, White & McGivern, L.S., P.C., on behalf of Route 57 Development LLC, has made application by petition filed with the City Clerk, pursuant to Section 83 of the New York General City Law to change the approved zoning classification of the rear portion of Parcel Number 12-03-220 located at 420 State Street from Residence C to Commercial, and

WHEREAS the area of the proposed zone change is more specifically described as follows:

All that parcel of land located in the City of Watertown, County of Jefferson and State of New York, bounded and described as follows:

Beginning at the southwest corner of the parcel described here in, a point in the southwest line of lands conveyed from Dealmaker Dodge, LLC to Route 57 Development by Instrument 2009-00001930 dated December 12, 2008 and recorded in the Jefferson County Clerk's Office February 10, 2009, said point further being S 33 degrees 43 minutes 00 seconds W, 208.56 feet and S 57 degrees 05 minutes 02 seconds E, 100.01 feet from the intersection of the southeast margin of Parker Street with the southwest margin of State Street and runs thence from the point of beginning, through the aforementioned lands conveyed to Route 57 Development, LLC, the four following courses and distances: N 33 degrees 43 minutes 00 seconds E, 80.43 feet to a point; thence S 48 degrees 00 minutes 00 seconds E, 95.19 feet to a point; thence N 42 degrees 00 minutes 00 seconds E, 16.00 feet to a point; thence S 48 degrees 00 minutes 00 seconds E, 100.00 feet to a point in the southeast line of the aforementioned lands conveyed to Route 57 Development LLC and the northwest line of lands conveyed to James C. Ives and Sue Ann Ives (Liber 1173 Page 190); thence along said line S 38 degrees 39 minutes 56 seconds W, 65/74 feet to the southeast corner of lands of Route 57 Development LLC; thence along the southwest line thereof and the northwest line of lands of The Church of the Holy Family (Liber 377 Page 547), 189.81 feet to the place of beginning, containing 0.3 Acres of land, more or less,

And,

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its meeting held on September 7, 2010, and adopted a motion recommending that the City Council approve the zone change as requested, and

ORDINANCE

Page 2 of 2

Approving the Zone Change Request Submitted by Daren L. Morgan, P.L.S. of LaFave, White & McGivern on Behalf of Route 57 Development to Change the Approved Zoning Classification of the Rear Portion of 420 State Street, Parcel No. 12-03-220 from Residence C to Commercial

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

YEA	NAY

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

WHEREAS a public hearing was held on the proposed zone change on October 4, 2010, after due public notice, and

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

NOW THEREFORE BE IT ORDAINED that the zoning classification shall be changed for the rear portion of Parcel Number 12-03-220 located at 420 State Street as described above, from Residence C to Commercial, and

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

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

Seconded by Council Member Joseph M. Butler Jr.



MEMORANDUM

City of Watertown Planning Office

245 Washington Street, Room 304

Watertown, New York 13601

315-785-7730

Fax: 315-782-9014

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

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

SUBJECT: Zone Change Request – 420 State Street KAM

DATE: September 1, 2010

Request: To change the approved zoning classification of the rear portion of 420 State Street, Parcel Number 12-03-220 from Residence "C" to Commercial.

Applicant: Daren L. Morgan, P.L.S. of LaFave, White & McGivern on behalf of Route 57 Development LLC.

Property Owner: Route 57 Development LLC.

SEQRA: Unlisted Action.

County Planning Board review required: No

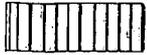
Comments: The proposed zone change is being requested per the attached documents and will bring the entire lot into one zoning designation. Currently the rear portion of the parcel is zoned Residence C. A portion of the Residence C zoning district extends through the existing garage building located at the rear of the site.

Staff has had preliminary discussions with a Syracuse based developer about a proposal to construct a Dunkin' Donuts building on the east side of the property. If that project materializes, a site plan will be submitted to the City for consideration.

Part I of the Short Environmental Assessment Form has been completed and submitted as part of the application. The Land Use Plan calls for Commercial use in this area.

cc: Planning Board Members
City Council Members
Robert J. Slye, City Attorney
Justin Wood, Civil Engineer II
Daren L. Morgan, P.L.S.

LAND USE PATTERNS AND FUNCTIONS SHOWN ON THE PLAN SHOULD BE PROTECTED AND PROMOTED THROUGH THE ZONING ORDINANCE AND OTHER LAND USE AND DEVELOPMENT CONTROLS.



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



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



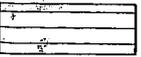
LOW DENSITY RESIDENTIAL: PREDOMINANT USE FOR ONE-FAMILY DWELLINGS.



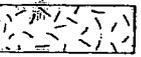
MEDIUM DENSITY RESIDENTIAL: SUBSTANTIAL USE FOR ONE- AND TWO-FAMILY DWELLINGS.



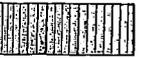
HIGH DENSITY RESIDENTIAL: CONCENTRATIONS OF MULTI-FAMILY DWELLINGS, MAY HAVE OTHER DWELLINGS.



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



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



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



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



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



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



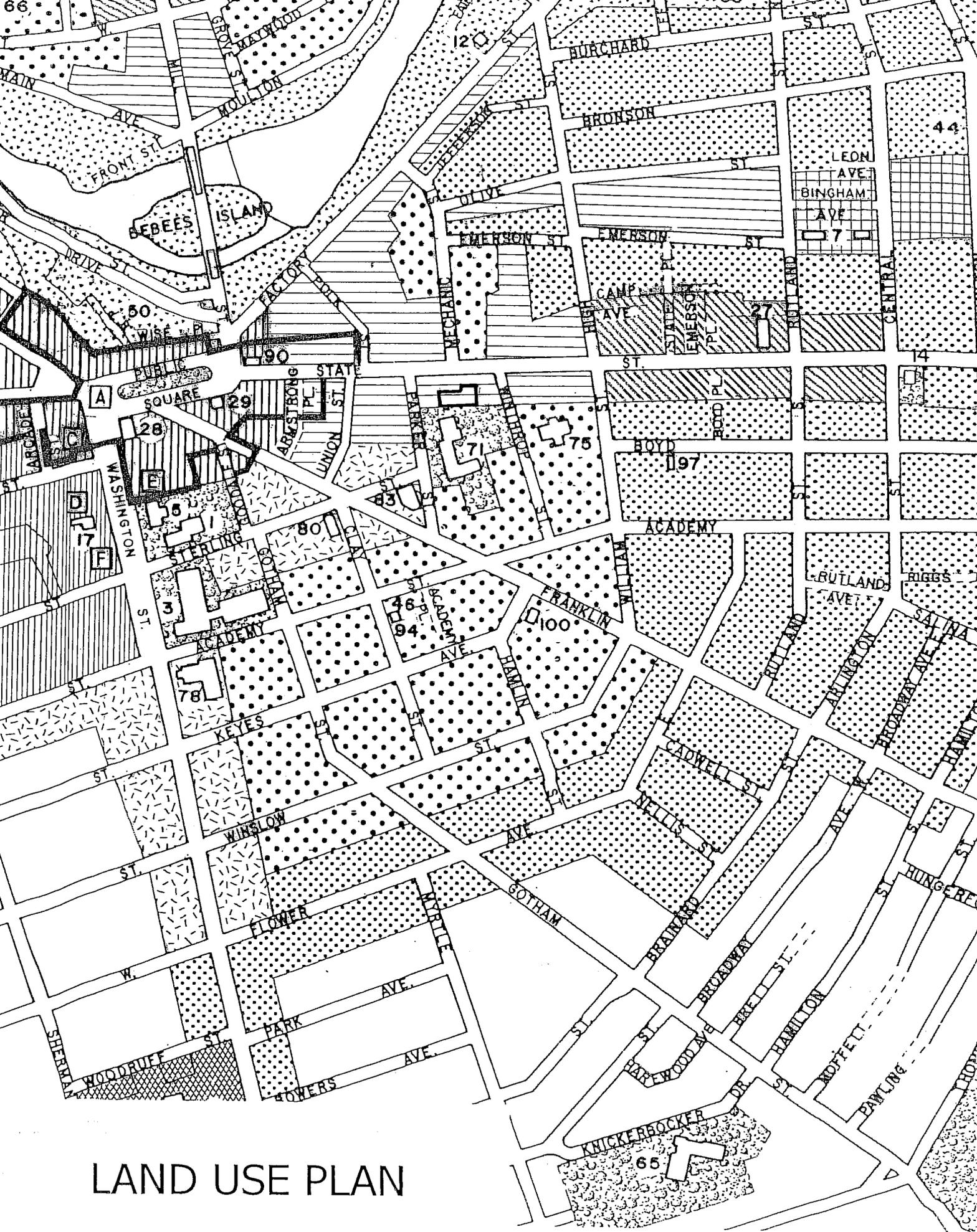
INDUSTRY: PERMITTED MANUFACTURING AND OTHER INDUSTRIAL USES.



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

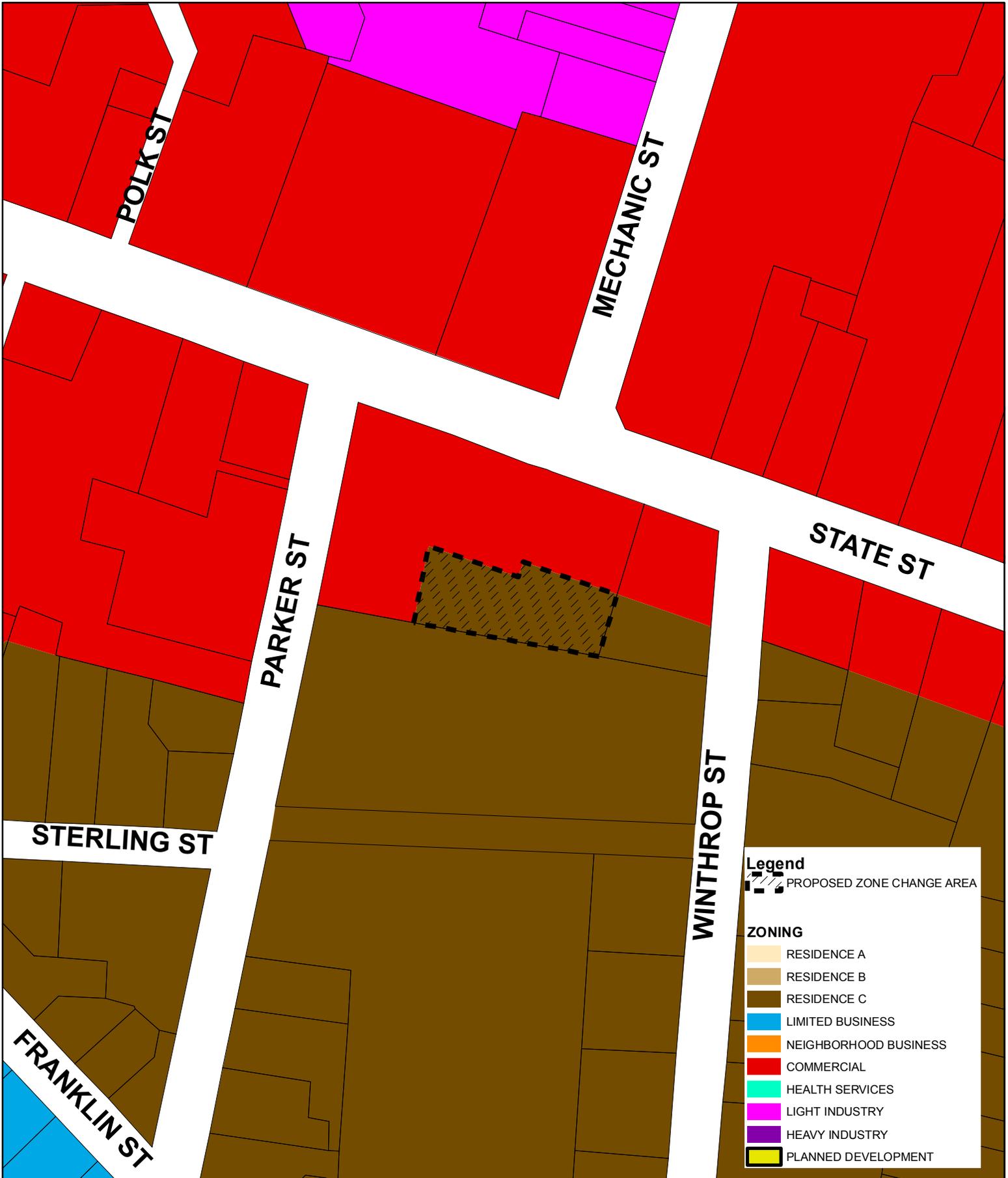


MAJOR HIGHWAY SYSTEM IMPROVEMENT.



LAND USE PLAN

PROPOSED ZONE CHANGE
REAR PORTION of 420 STATE STREET
RESIDENCE C to COMMERCIAL



Legend

PROPOSED ZONE CHANGE AREA

ZONING

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

0 100 200 Feet



LaFave, White & McGivern, L.S., P.C.
LAND SURVEYORS & PHOTOGRAMMETRISTS

THERESA - BOONVILLE - ROME

August 6, 2010

Honorable Mayor and City of Council
City of Watertown
Washington Street
Watertown, NY 13601



Subject: Route 57 Development, LLC Request for Zoning Change/Amendment
426 State Street, Tax Parcel No. 1203220

On behalf of Route 57 Development LLC, owners of the subject property at the corner of State and Parker Street, site of the former Dodge Dealership, we are requesting an amendment to the current Zoning Classification of a portion of their property.

The property currently has two zoning classifications. The entire street frontage on Parker and State Streets is zoned Commercial; however, a portion of the back of the property is zoned Residence C.

On July 7, 2009, the City of Watertown Planning Board recommended approval of a three lot subdivision of the property with the understanding that application to amend the zoning ordinance to make the entire property Commercial Zoning would be submitted.

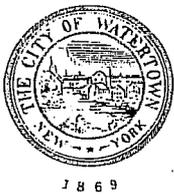
Route 57 Development LLC is hereby requesting the amendment of the zoning for a 0.3 acre portion of the subject property from Residence C to Commercial to facilitate future sale and development of the three lot subdivision as previously approved.

Enclosed for your review are 16 submittal packages consisting of copies of the subdivision map with the requested zoning amendment area delineated, metes and bounds description of the area to be amended, and a completed SEAF. Also enclosed is our firm check in the amount of \$100.00 for the application fee for the requested modification of the zoning.

Sincerely,
LaFave White & McGivern LS PC

Daren L. Morgan, P.L.S.
DLM/per

cc: PJ Simao, Jan Kublick, Esq.



CITY OF WATERTOWN, NEW YORK

CITY PLANNING BOARD

ROOM 302, WATERTOWN CITY HALL
245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601-3380
(315) 785-7730

Meeting: September 7, 2010

Present:

Norman J. Wayte II, Chairman
Lori Gervera
Randy Fipps
Lawrence Coburn
Sara Freda

Also:

Kenneth A. Mix, Planning & Community
Development Coordinator
Michael A. Lumbis, Planner
Dale Herman, Fire Chief

Absent:

Sarah Warner
Alan Harris

The September 7, 2010 Planning Board meeting was called to order at 4:00 p.m. by Chairman Norman Wayte. Mr. Wayte called for a reading of the Minutes from the August 3, 2010 Planning Board Meeting. Mrs. Freda moved to accept the Minutes as written. The motion was seconded by Mrs. Gervera and all voted in favor.

ZONE CHANGE – 420 STATE STREET, PARCEL NO. 12-03-220

The Planning Board then considered a Zone Change Request submitted by Daren L. Morgan, P.L.S. of LaFave, White & McGivern on behalf of Route 57 Development LLC to change the approved zoning classification of the rear portion of 420 State Street, Parcel No. 12-03-220 from Residence C District to Commercial District. In attendance to represent the Zone Change Request was Daren L. Morgan.

Mr. Morgan began by stating that approximately one year ago he approached the Planning Board to subdivide the 420 State Street property, which was subsequently approved by the Planning Board. During the review of the subdivision request, it was noted that the rear portion of the property was actually in a Residence C zone, and the Planning Board recommended that at some point in the future it be changed so that the entire property was in one classification. On behalf of Route 57 Development, he is now here to make the application to change the zoning from Residence C to Commercial District.

Mr. Wayte stated that it was a straightforward application and that he had no issues with the proposal. He asked the Planning Board if they had any other questions or concerns. Hearing no concerns, Mr. Wayte asked for a motion.

Mrs. Freda moved to recommend that the City Council grant the Zone Change Request submitted by Daren L. Morgan, P.L.S. of LaFave, White and McGivern on behalf of Route 57 Development LLC to change the approved zoning classification of the rear portion of 420 State Street, Parcel No. 12-03-220 from Residence C to Commercial. The motion was seconded by Mrs. Gervera and all voted in favor.

Public Hearing – 7:30 p.m.

September 27, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

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

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

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

A Public Hearing has been scheduled for October 4, 2010 at 7:30 p.m. to allow City Engineer Kurt Hauk to make a presentation regarding the proposed condemnation proceedings in the Gaffney Drive/Commerce Park Drive area. Following Mr. Hauk's presentation, the City Council will provide the public with an opportunity to be heard on this proposed action.

Tabled

September 29, 2010

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

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

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

At the September 7, 2010 meeting, Staff presented the attached resolution for Council consideration and approval. At that time, we were asked to research to see if a sunset provision can be added to the language incorporating these proposed plan amendments.

After talking with POMCO regarding the proposed sunset provision, they have indicated that from a claims payment and compliance perspective the City can implement a sunset provision. However, from a health care reform standpoint, the regulations do not specifically address if providers are allowed to increase benefits and then reduce these benefits at a later date (even though we would be offering the same level of benefits in place today, following the sunset).

The clause in the reform act that causes a specific conflict is that a plan cannot implement changes that result in the "Elimination of all or substantially all benefits to diagnose or treat a particular condition." Under this clause, revoking cardiac rehab, once implemented could cause an issue relative to grandfather status; this is the one change that is being proposed which is specifically addressed in the new health care legislation.

Overall, increasing benefits for a period of time, and then reverting back to the benefits in place today does not align completely with the intent of health care reform. Further clarification is needed on this topic from the government to determine if revoking benefits as part of a sunset provision would be acceptable.

It is possible to move forward with the amendment including a sunset provision; one option is to extend the sunset provision to 2014, when losing grandfather status becomes irrelevant. If the Council wants to implement an earlier sunset date, then the safest way to move forward would be to have the sunset provision apply to all of the changes except cardiac rehab. However, there is no guarantee that our grandfathering status would not be in jeopardy. If we lose our grandfathering status, we will be required to:

Add coverage for the following: Routine Colonoscopy, Immunizations for both adults and children, Routine Vision Care

Increase coverage for the following to pay in full at the In-Network Level, all currently take deductible and copayment: Routine Adult Physical, Routine Well-Child, Routine Well-Woman, Routine Labs, Routine Mammography, Routine Prostate, Routine Vision Benefit

Increase Out-of-network Physician ER to the same level as in-network: In-network currently pays in full, Out-of-network pays at 80% subject to deductible

The annual estimated cost associated with providing these increased benefits due to the loss of grandfathered status is approximately \$100,000.

Staff is prepared to move forward with whatever changes the City Council wishes to implement. If the City Council wishes to implement a sunset provision, I would recommend that this modification in the proposal presented be taken back to the Health Insurance Committee to determine if, based on the proposed changes they are still recommending implementation of the proposed plan design changes.

September 7, 2010

RESOLUTION

Page 1 of 1

Approving Amendments to the City of Watertown Health Insurance Plan Design

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

Total

Table with 2 columns: YEA, NAY. It contains empty rows for each council member and a total row.

Introduced by

Council Member Roxanne M. Burns

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

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

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

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

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

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

Seconded by Council Member Teresa R. Macaluso

PROPOSED PLAN DESIGN CHANGES

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

Presented by:

City of Watertown Health Insurance Committee

Executive Summary

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

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

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

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

National Provider Network

Current Network

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

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

Proposed Additional Network

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

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

Cardiac Rehabilitation

Current Plan Benefits

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

Proposed Benefit

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

Multiple Surgeries

Current Plan Benefits

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

Proposed Plan Language

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

Air Ambulance

Current Plan Benefits

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

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

Proposed Benefit

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

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

September 30, 2010

To: The Honorable Mayor and City Council
From: James E. Mills, City Comptroller
Subject: 451 and 465 Martin Street Tax Sale Certificate Assignment

On September 20th City Council approved the bids submitted by Rubina Khatoon to be assigned the City's tax sale certificates on 451 and 465 Martin Street. On September 24th Ms. Khatoon faxed me notification that she wishes to withdraw from closing on the tax sale certificate assignments. She understands that she forfeits her deposit.

Fax = 315-785-7826

ATT: JIM

I RUBINA KHATOON would
like to withdraw from closing of the
water town properties 451 Martin Street and
465 Martin Street - I understand my
payment is non-refundable -

Reason being cant be zoned for

Residential as per code inspector.

I am v. sorry for inconvenience.

Thanks -

Rubina

September 29, 2010

To: The Honorable Mayor and City Council

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

Subject: Black River Watershed Management Plan – Memorandum of Understanding

Attached is an invitation from the Lewis County Soil and Water Conservation District to join the Inter-municipal Coordinating Organization for the Black River watershed by adopting the enclosed Memorandum of Understanding (MOU).

The Black River Watershed Management Plan was prepared with funding from the New York State Department of State and covers 1.2 million acres. The City of Watertown is partially within the Lower Black River Sub-watershed. Sections of the plan pertaining to that sub-watershed are enclosed. A copy of the Executive Summary is also included within each Council Member's agenda package. A complete copy of the plan on CD can be made available upon request.

The MOU establishes the Inter-municipal Coordinating Organization for the watershed. Its other purposes are described in the cover letter.

Advantage Watertown has reviewed the request and adopted a motion endorsing the Watershed Management Plan and is recommending that the City Council enter into the MOU.

If the City Council wishes to consider signing on to the MOU, a resolution can be prepared for the next meeting. If adopted, the Council should also appoint a designee to attend the organization's meetings.



Lewis County

Soil and Water Conservation District

5274 Outer Stowe St., Suite 1 Lowville, NY 13367 Phone (315)376-6122 Fax (315) 376-8717

Dear Community,

The Black River Watershed Management Plan (Plan) is now complete and is enclosed in this envelope on cd. Also included in this mailing are findings and recommendations tailored for each municipality and the subwatershed(s) the municipality resides within. We are writing you today to request that you sign on to the enclosed Memorandum of Understanding (MOU), which establishes an Intermunicipal Coordinating Organization (ICO) for the Black River Watershed.

The MOU is meant to both raise community awareness about the Plan's existence and to establish that each community in the ICO agrees to work within its' own boundaries to protect and restore water quality in the Black River Watershed, as outlined in the Plan. The purpose of the ICO is to facilitate communication and cooperation of the involved local governments, which is essential to implementing the Plan's recommendations. The goals of the ICO are to:

- Ensure that communities take a holistic approach to addressing watershed issues
- Achieve the highest and best results for water quality projects by taking a comprehensive approach to addressing issues
- Generate opportunities for additional project funding to the communities that have signed-on

For purposes of this MOU, the relationship among the municipalities will be cooperative and advisory only. The municipalities within each of Counties will share information about activities that affect water and work together on activities that affect water quality. It also asks that the Counties each designate one or more Official County representatives to assist with implementation of the Black River Watershed Management Plan.

In December of 2009, a copy of the MOU and a letter explaining the MOU were mailed to every municipality within the Watershed. So far, 26 of the Watershed communities have signed and returned their MOUs to the Lewis County Soil and Water Conservation District. Since we have not received your response, we are enclosing another copy of the MOU, a copy of the Plan and excerpts from the Plan specific to your town. Again, we urge you to look over these documents, to contact me at the Lewis County SWCD with any questions, and to sign and return the MOU.

Thank you for your time and attention on this matter.

Sincerely,

Nichelle Billhardt
District Manager



Intermunicipal Memorandum Of Understanding

Intermunicipal Memorandum Of Understanding (MOU) among Lewis, Jefferson, Oneida, Herkimer and Hamilton Counties (hereinafter referred to as the Counties), Soil and Water Conservation Districts in the Counties (hereinafter referred to as the Districts), City, Towns and Villages in the Counties (listed below and hereinafter referred to as the City, Towns and Villages) regarding water quality in the Watershed of the Black River.

Hamilton County

Town of Arietta
Town of Inlet
Town of Lake Pleasant
Town of Long Lake
Town of Morehouse
Village of Speculator

Herkimer County

Town of Ohio
Town of Russia
Town of Webb

Jefferson County

City of Watertown
Town of Brownville
Town of Champion
Town of Hounsfield
Town of LeRay
Town of Pamela
Town of Rutland
Town of Watertown
Town of Wilna
Town of Worth
Village of Black River
Village of Brownville
Village of Carthage
Village of Deferiet
Village of Dexter
Village of Glen Park
Village of Herrings
Village of West Carthage

Lewis County

Town of Croghan
Town of Denmark
Town of Greig
Town of Harrisburg
Town of Lewis
Town of Leyden
Town of Lowville
Town of Lyonsdale
Town of Martinsburg
Town of Montague
Town of New Bremen
Town of Pinckney
Town of Turin
Town of Watson
Town of West Turin
Village of Castorland
Village of Constableville
Village of Copenhagen
Village of Croghan
Village of Lowville
Village of Lyons Falls
Village of Port Leyden
Village of Turin

Oneida County

Town of Ava
Town of Boonville
Town of Forestport
Town of Remsen
Town of Steuben
Village of Boonville
Village of Remsen

WHEREAS, the Counties, Districts, City, Towns and Villages recognize the benefits of cooperating to achieve improved water quality in the Black River watershed; and

WHEREAS, the Counties coordinate water quality management activities through their Districts, Water Quality Coordinating Committees and Planning Departments; and

WHEREAS, in 2007, the Town of Greig received two grants (Phase I and Phase II) totaling \$160,000 from New York State Department of State Division of Coastal Resources with funds provided under Title 11 of the Environmental Protection Fund Black River Watershed Management Plan; and

WHEREAS, in 2007, the Lewis County Soil and Water Conservation District became the community contact and project manager for the Black River Watershed Management Plan project, and

WHEREAS, the Counties, Districts, City, Towns and Villages recognize that the Black River watershed encompasses all or part of the communities in the table above and that the land uses in these jurisdictions have an impact on water quality within the Black River Watershed,

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the Counties, Districts, City, Towns and Villages hereto mutually agree as follows:

1. The term of this MOU shall be from, 2010 through December 31, 2015. At such time, this MOU may be renewed, amended, or terminated. Any party may terminate this MOU upon 60 days written notice to the other parties.
2. The goals to be accomplished pursuant to this agreement are as follows:
 - a. Ensure the completion, publication and distribution of the Black River Watershed Management Plan.
 - b. Assist the Project Manager in gathering data and information.
 - c. Encourage participation by all Black River watershed Counties, Districts, City, Towns and Villages, as well as participation by environmental organizations, economic interests, and citizens.
 - d. Establish and encourage participation in an Annual Conference to provide all who live, work, recreate, or have an interest in the Black River Watershed, an opportunity to learn about and discuss issues that face the Black River, as well as how to become better stewards of the Black River. The Annual Conference will cover an array of issues ranging from such topics as storm water management, invasive species, and water-based recreation to water quality and watershed protection. This Annual Conference may also offer local planning and zoning board members the opportunity to partake in newly identified annual training requirements.
 - e. Educate the public within the Black River watershed about the Black River Watershed Management Plan and water quality management principles and programs.
 - f. Work cooperatively to protect and restore water quality in the Black River watershed and to meet federal, state, and local regulations pertaining to water quality.
3. The working relationship among the participating agencies is to be based on the following principles:
 - a. For purposes of this MOU, the relationship among the Counties, Districts, City, Towns and Villages is cooperative and advisory.
 - b. The Counties, Districts, City, Towns and Villages will share information about activities that affect water and work together on activities that affect water quality.
4. The Counties will each designate one or more Appointed Designees to assist with review and implementation of the Black River Watershed Management Plan. Any City, Town or Village may also sign on to this MOU and designate an Appointed Designee to assist with review and implementation

5. This MOU may be modified or amended only in writing duly executed by all parties, which shall be attached to and become a part of this MOU.
6. If any of the Counties, Districts, City, Towns or Villages in the Black River Watershed who are not currently a party to this MOU chooses to become a party to this MOU, they can do so upon notice to all the Counties, Districts, City, Towns and Villages.
7. This MOU constitutes the entire agreement among the Counties, Districts, City, Towns and Villages. The MOU shall be governed by and, construed in accordance with the laws of New York State without regard or reference to its conflict of laws and principles.
8. Each signatory to this MOU will be responsible for its own acts and omissions, and shall not be responsible for the acts or omissions of any other party. Further, each signatory to this MOU specifically reserves its rights to seek relief in the appropriate forum for any loss or damage incurred as a result of the acts or omissions of others, whether or not they are a party to this agreement.

SIGNATURE PAGE

OFFICIAL SIGNATORY TO THE MOU

Signature

Printed Name

Title

Name of Municipality or Organization

Email Address

Phone Number

Mailing Address

Date

APPOINTED DESIGNEE (If different than the above Official Signatory)

Printed Name of Appointed Designee

Title of Appointed Designee

Email Address of Appointed Designee

Agency, Club, Group, other, etc.
represented by the Appointed Designee

Mailing Address of Appointed Designee

Phone Number of Appointed Designee

5 Subwatershed Recommendations and Implementation

5.1 Introduction

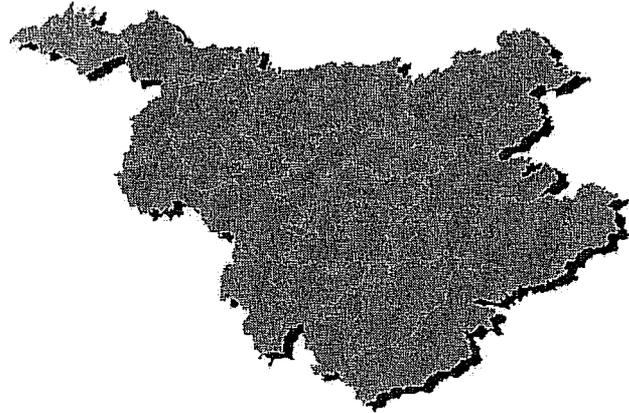
The following are the subwatershed-specific recommendations for each of the 19 subwatershed comprising the Black River subwatershed. These recommendations and strategies were developed according to the characterizing features of each subwatershed as identified in Sections 2 and 3, particularly those features that have the greatest impact on water quality. These are intended to build upon the general recommendations provided in Section 4 and provide the second level of recommendations for the watershed. The discussion of each subwatershed begins with a list of the issues affecting water quality in that specific drainage basin, followed by those recommendations and best management practices (BMPs) identified as being most appropriate for addressing those issues. Subwatersheds are organized in order of their priority ranking as developed in Section 3.2.

The recommendations identified below focus on the key issues facing each subwatershed and are not intended to provide a comprehensive list of everything that could be done. These recommendations were prioritized within each subwatershed based on the level of impact of a given key issue (e.g.; limiting nutrient runoff from developed lands is more important in the Lower Black River subwatershed than it is in the Moose River subwatershed). This is not meant to imply that other recommendations or Best Management Practices (BMPs) cannot be used, but that those listed below serve to remediate some of the higher priority issues at the subwatershed level.

In addition to the recommendations provided in the sections below, many, if not all of the General Recommendations for Watershed Health discussed in Section 4 also apply to these subwatersheds.

LOWER BLACK RIVER SUBWATERSHED (105.5)

The following 11 municipalities are wholly or partially located within the Lower Black River subwatershed:



- City of Watertown
- Town of Brownville
- Town of Hounsfield
- Town of LeRay
- Town of Pamelaia
- Town of Rutland
- Town of Watertown
- Village of Black River
- Village of Brownville
- Village of Dexter
- Village of Glen Park

Summary of Key Characteristics

Key characteristics of the Lower Black River subwatershed:

- Almost 40 percent of the total population of the Black River watershed resides in this subwatershed.
- Almost 19 percent of this subwatershed is characterized by urban development, most of which is associated with the City of Watertown and its surrounding communities. This is the largest amount of urban development of all 19 subwatersheds.
- Approximately 40 percent of the lands in this subwatershed are in agricultural production, three-quarters of which are classified as hay/pasture lands.
- Less than 17 percent of this subwatershed is classified as forest.
- Only 40 percent of the riparian areas in this subwatershed are naturally vegetated (i.e., forests, scrub/shrub, or grasslands).
- There are very few publicly-owned lands within this subwatershed.

Summary of Key Issues

Key issues affecting water quality in the Lower Black River subwatershed:

- *Total Nitrogen Load* – This subwatershed realizes a total nitrogen load of 3.25 kilograms per acre. This is slightly lower than the impairment threshold value of 3.49 kilograms per acre identified in Section 2.5.4. Of the total nitrogen load, 54 percent comes from hay/pasture lands and 24 percent from developed lands. This subwatershed also realizes relatively high loads from on-site septic systems.
- *Total Phosphorus Load* – This subwatershed realizes a total phosphorus load of 0.21 kilograms per acre. This is almost double the impairment threshold value of 0.12 kilograms per acre

identified in Section 2.5.4. Of the total phosphorous load, 55 percent comes from hay/pasture lands and 20 percent from developed lands.

- *High Erosion Areas* – This subwatershed is characterized by a large amount of erodible soils located in areas of steep slopes. Based on the results of the AVGWLF model, 38 percent of the total sediment load in this subwatershed results from croplands, 31 percent from streambanks, and 21 percent from hay/pasture lands.
- *NYSDEC Stream Impairment* – All of the assessed streams within this subwatershed are considered to be *Impaired Waters, Waters with Minor Impacts, Waters Needing Verification, or Threatened Waters*.
- This subwatershed has a large number of potential and documented occurrences of threatened and endangered species. While this does not directly affect water quality, it does indicate the need for habitat preservation.

Priority Recommendations

Key recommendations for the Lower Black River subwatershed:

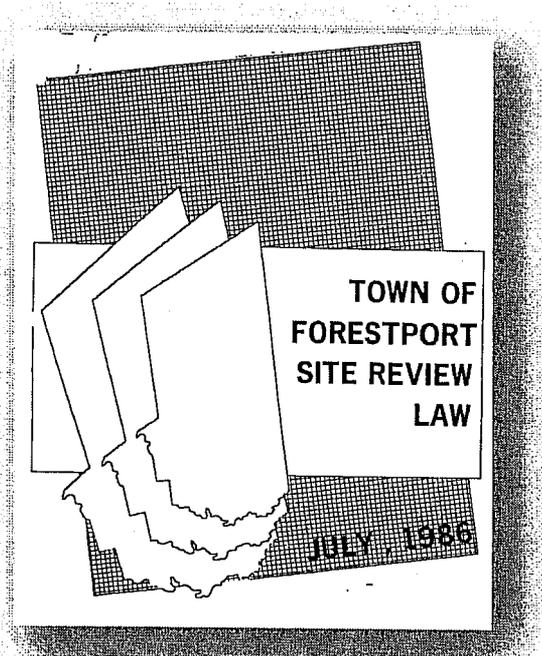
- Agricultural landowners should work with their County SWCD to enact hay/pasture land Best Management Practices (BMPs) to reduce the amount of nutrients and sediment entering local waterbodies from their lands (see Sections 4.5 and 8.4).
- Incorporate effective stormwater management practices into new construction and existing developments. Potential stormwater management techniques include improved detention basin design, infiltration trenches and basins (e.g., under parking lots), use of pervious pavement, and/or green roofs and roof water diversion systems (see Sections 4.3 and 4.9).
- Improve stormwater management on paved and unpaved roads (see Sections 4.3 and 4.9).
- Adopt and administer a local soil erosion and sedimentation control ordinances in which topsoil stripping and excavation is addressed (see Sections 4.3 and 4.9).
- Monitor stormwater and sediment control during construction activities (see Sections 4.3 and 4.9).
- Make necessary improvements to existing municipal wastewater treatment systems (see Section 4.4).
- Restore unstable streambanks, particularly in areas characterized by steep slopes and highly erodible lands. This should be accomplished using BMPs based on in-field conditions.
- Local counties, municipalities, and land trusts should work with local landowners to increase the amount of naturally vegetated riparian areas throughout the watershed (see Sections 4.9 and 4.11).
- The subwatershed has relatively little public land, despite the occurrence of important habitats (e.g., grasslands). Local counties, municipalities, and land trusts should work with landowners to acquire conservation easements on environmentally sensitive lands in this subwatershed (see Section 4.9).

6.2 Local Planning and Regulations

6.2.1 Overview

As the New York State Constitution provides for home rule, the primary authority for guiding community planning and development is vested in cities, towns and villages. This provides local municipalities with the power to define how their community grows, or doesn't grow. Confronted with both the opportunities and challenges of development, communities are recognizing that local planning and zoning laws are valuable tools that can be used to ensure the vision for their community is fulfilled. Tables 6.2 through 6.6 provide a summary of the basic land use planning and regulatory tools used by the city, town, and village governments within the watershed, organized by County.

These land use planning tools may include comprehensive plans, zoning and subdivision regulations, site plan review regulations, and the creation of planning boards/commissions. While some municipalities in the watershed have a comprehensive set of land use regulations and guidelines, other communities have zoning but lack other planning tools. They may have no comprehensive plan to provide an overall vision for future land use and/or no planning board or commission to assist in the decision-making process with regards to new development and other activities that can influence the character of the community. This is important to a watershed planning project because land uses can have a direct impact on water quality within the watershed. Understanding existing land use regulations and the tools that are in place in each of the municipalities is important as considerations are given to how land use changes and development has the potential to influence water quality within the watershed.



Many municipal ordinances in the Black River watershed may require updating

Table 6.2 lists each of the municipalities within Jefferson County that are wholly or partially within the Black River Watershed. The land use regulations and tools currently in place for each are identified.

6.2.3 Recommended Changes to Local Laws, Programs, and Practices

This section provides the municipal-level recommendations based on the results of the analysis of local laws, programs, and practices for each of the 56 municipalities located in the Black River watershed. Given that each subwatershed encompasses several sets of regulations, a review for any regulatory gaps that might exist in regards to the 20 review factors was conducted at the municipal level. Generally, a regulatory gap was determined to exist if a given municipality failed to address a particular factor at a level of 3 or 4. A discussion of each municipality can be found below (organized by county) and includes the following:

- The regulatory tools currently in place;
- The subwatersheds located within each municipality; and
- Recommendations as to which of the 20 review factors should be addressed to improve and protect water quality.

To determine how the identified review factors should be addressed, Table 6.7 provides those recommendations developed in Section 4 that correspond to each of the 20 review factors noted in Table 6.7. Additionally, the identification of the subwatersheds located within each municipality provides a link to the subwatershed-specific recommendations developed in Section 5.

- South Branch Moose River subwatershed
- Stillwater Reservoir subwatershed
- Woodhull Creek subwatershed

In addition to implementing all four land use regulatory tools noted in Section 6.2.2, the Town of Webb is also located entirely within the Adirondack Park and thus subject to its regulatory program. As such, the APA regulatory tools provide considerable protection to the natural environment. Thus, no additional regulatory elements are required for water quality protection in this municipality.

JEFFERSON COUNTY

City of Watertown

The City of Watertown, the only city in the watershed, is the regional population center and is located along the Black River near its mouth at Lake Ontario. This municipality traverses only one subwatershed – the Lower Black River subwatershed.

To regulate land use and development activities within its boundaries, the City of Watertown has enacted the following regulatory tools:

- Zoning;
- Comprehensive Plans and other relevant planning efforts including a Local Waterfront Revitalization Plan and the *Erosion Management Plan for the Black River Corridor*;
- Subdivision Regulations; and
- Site Plan Review.

Based on a review of these regulatory tools, the City of Watertown should focus efforts to improve its land use regulatory tools by addressing the following topics:

- Environmental Impacts of Accessory Structures
- Environmental Impacts of Impervious Surfaces
- Environmental Impacts of Junkyards
- Environmental Impacts of Roads/Sidewalks
- Floodplain Protection
- Unique Natural Areas Protection
- Limit Development on Steep Slopes
- Allow Cluster Development

Town of Brownville

Located at the mouth of the Black River, the Town of Brownville traverses only one subwatershed – the Upper Black River subwatershed. While the Town has implemented all four land use regulatory tools noted in Section 1.3.1, none were available for review at the time of analysis.

Town of Champion

Located along the Black River between the Town of Rutland and the Jefferson-Lewis County line, the Town of Champion falls within the boundaries of the Lower Middle Black River subwatershed. To regulate land use and development activities within its boundaries, the Town has enacted the following regulatory tools:

September 30, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: EPA Superfund Designation of Site on
The Black River, Carthage New York

Attached for City Council review is a report prepared by Water Superintendent Gary E. Pilon regarding the USEPA designation of a site on the Black River in the villages of Carthage and West Carthage New York as a Superfund site. As this area is upriver from the City of Watertown's water treatment plant, I wanted the City Council be aware of the issue and understand that, at this time, there is no indication that drinking water sources have been impacted.

Watertown Water Department

Inter-office Memo

DATE: September 28, 2010

TO: Mary Corriveau, City Manager

FROM: Gary Pilon, Supt. of Water 

SUBJECT: EPA Superfund Designation of the Black River
At Carthage, New York



The following release was received yesterday:

(New York, N.Y. - Sept. 27, 2010) Today, the U.S. Environmental Protection Agency (EPA) placed a section of the Black River, which runs through the villages of Carthage and West Carthage in Jefferson County, NY, on its Superfund National Priorities List of the country's most hazardous waste sites. The Black River empties into the eastern end of Lake Ontario.

Sediment in the river and along its banks is contaminated with polychlorinated biphenyls (PCBs) and other chemicals. PCBs, which can accumulate in the tissue of fish, may cause cancer and can affect the immune, reproductive, nervous and endocrine systems. The Black River is a popular location for recreation and fishing and people often eat the fish caught in the river.

The Superfund designation will allow us to fully investigate the contaminated sediment in the river and take actions to address PCB and dioxin contamination, said EPA Regional Administrator Judith Enck. Working closely with the communities along the river, which is a major recreational and economic resource, EPA will make every effort to see that the health of the Black River is restored."

Active and inactive paper mills, a machine shop, the Carthage/West Carthage sewage treatment plant, and a hydroelectric power plant are currently located along the Black River in the villages of Carthage and West Carthage. In February 2000, the New York State Department of Environmental Conservation (NYSDEC) issued a report that evaluated the sediment in the Black River, its tributaries, and other tributaries discharging directly into the Eastern Lake Ontario drainage basin. The report identified the presence of PCB-contaminated sediment immediately downstream of the Carthage/West Carthage sewage treatment plant. As a follow-up to this study, NYSDEC issued another report that focused on the sediment contamination in the Black River and confirmed the presence of elevated levels of PCBs.

The state referred the site to EPA for further investigation in 2006, and the Agency subsequently collected sediment samples from the Black River, as well as along the

banks. Results confirmed the presence of elevated levels of PCBs downstream of the historical and present locations of paper mills and other industrial facilities. In addition to PCBs, polychlorinated dibenzo-p-dioxins, and polychlorinated dibenzofurans were found in river sediments. The segment of the Black River that is being included on the Superfund list starts near the former and existing paper mills and continues downstream. A full investigation will now be conducted to determine the nature and extent of the contamination.

To date, there have been 1,627 sites listed on the Superfund National Priorities List. Of these sites, 345 sites have been deleted resulting in 1,282 sites currently on the NPL, including the seven new sites added today across the country. There are 61 proposed sites awaiting final agency action: 56 in the general Superfund section and five in the federal facilities section. There are a total of 1,343 final and proposed sites.

EPA today also added Newtown Creek in New York City to the Superfund National Priorities List, bringing the number of Superfund sites in New York state to 86. Two other sites in New York had previously been proposed for listing, and 26 sites across the state have been cleaned up and deleted from the Superfund list.

For more information about the site, visit:

<http://www.epa.gov/region02/superfund/npl/blackriver/index.html> . For more information on Superfund sites in New York State, visit <http://www.epa.gov/region02/cleanup/sites/> .

To find out more about the EPA's Superfund Process, visit:

http://www.epa.gov/superfund/sites/npl/npl_hrs.htm .

In response to the receipt of this information, I contacted Brian Gaffney, our Chief Water Treatment Plant Operator, to see if he had any knowledge of any specific measures that needed to be taken on our part. Brian had already contacted Mike Tracy of the New York State Department of Health. Mike had no further knowledge on this specific site, but said at this point it appears that the EPA is only in the investigative stage. He did not feel that we had anything to be concerned with unless a determination is made to dredge or otherwise disturb the contaminated sediment in the river bed, which might free the trapped contaminants.

We are currently required by the EPA and DOH to sample and test regularly for 52 principal organic chemicals (POCs), vinyl chloride, and MTBE, synthetic organic chemicals (SOCs), and inorganic chemicals, in addition to other potential contaminants. Our latest round of sampling for POCs occurred in July of 2010, the last round of sampling for SOC's was done in August of 2009, and in July of 2008 we tested for dioxins.. The levels of the contaminants in our samples were either non-detectable or lower than the EPA set maximum contaminant levels (MCLs) or reporting limits..

I have attached two (2) pages from the EPA web site pertaining to this particular Superfund site. They indicate that the contaminants of greatest concern are PCBs, dioxins, and benzofurans.. A statement on the first of these pages states; **"At this time, there is no indication that drinking water sources have been impacted."**

Also attached are copies of the latest test reports for PCBs and Dioxins. The designated "result" for PCBs at <0.0001 indicates that there were no detectable levels in our water supply. The "results" designation of BRL on the Dioxins report indicates that the level was less than the "reportable" limit. We have not yet been required to test for the polychlorinated dibenzofurans.

We will continue to monitor for contaminants in our water supply in accordance with the requirements of the EPA and the NYS DOH. I have to believe that, when further investigation indicates that additional sampling and testing will be required that the EPA and DOH will notify us accordingly.

cc: Brian Gaffney, Chief WTP Operator
Larry Zajas, WTP Lab Technician



Region 2 Superfund

You are here: [EPA Home](#) [Region 2](#) [Superfund](#) [Find Sites](#) Black River PCBs

Black River PCBs

Jefferson County, NY

The Black River PCBs site includes sections of the river that run through the villages of Carthage and West Carthage, Jefferson County, NY. The river empties into the eastern end of Lake Ontario. The banks of the Black River have hosted a variety of industry since the 1890s. Two active paper mills, one inactive paper mill, a machine shop, the Carthage/West Carthage sewage treatment plant and a hydroelectric power plant are currently located along the Black River in the Villages of Carthage and West Carthage.

Sediment in the river and along its banks is contaminated with polychlorinated biphenyls (PCBs), dioxins and other chemicals. PCBs are considered probable human carcinogens and are linked to other adverse health effects such as low birth weight, thyroid disease, and learning, memory and immune system disorders. The contamination in the river sediment may also affect sediment-dwelling organisms and may pose a threat to the health of other wildlife through the bioaccumulation of PCBs. The origin of the PCBs in the river sediments has not been identified due to the presence of multiple past and present possible sources.

The segment of the Black River under consideration, from immediately downstream of the existing and former paper mills to the Town of Herrings boat launch, is a popular fishing location for trout, salmon, bass and pike. The sediment samples collected by EPA in June 2009 document PCB and other chemical contamination of this fishery. The river is also used for whitewater rafting and kayaking at certain locations. At this time, there is no indication that drinking water sources have been impacted.

A remedial investigation will be conducted to determine the nature and extent of the contamination.

On March 2, 2010, EPA proposed that sections of the Black River be added to its Superfund National Priorities List.

Black River PCBS

New York

EPA ID#: NYN000206296

EPA REGION 2

Congressional District(s): 02

Jefferson
Town of Champion

NPL LISTING HISTORY
Proposed Date: 3/4/2010

Site Description

The Black River PCBs Superfund site (Site) is located along the Black River in Champion, Carthage and West Carthage, Jefferson County, New York. The Site was proposed for inclusion on the National Priorities List on March 4, 2010. The Site is currently delineated as a reach of the Black River approximately 1/2 mile long. State Route 3 runs along the northern edge of the river in the vicinity of the site. The Site consists of PCB-contaminated sediment that was at least in part the result of wastewater discharge from the Carthage/West Carthage Water Pollution Control Facility [i.e., the sewage treatment plant (STP)]. Historical information indicates that tanneries, paper mills, and other industries have operated along the Black River in the Villages of Carthage and West Carthage since the 1890s. Two active paper mills, one inactive paper mill, a machine shop, the Carthage/West Carthage STP, and a hydroelectric power plant are currently located along the Black River in the Villages of Carthage and West Carthage.

Various sediment samples have been taken from the river bottom. Hazardous substances, including PCBs and dioxins have been detected in sediment. The New York State Department of Environmental Conservation has collected sediment samples from the riverbed in a number of locations since 2001. The EPA collected sediment samples in 2009.

Threat and Contaminants

EPA conducted a Site Investigation of Black River in 2009 as part of the Hazard Ranking System scoring process for NPL listing under Superfund. Based on the Site Investigation, EPA concluded that PCBs and dioxin were present in the riverbed sediments at elevated concentrations.

Cleanup Approach

Initiate remedial investigation activities at the Black River PCBs Superfund site

Cleanup Progress

The Remedial Investigation began in September 2010.

Site Repositories

U.S. EPA, Region 2, 290 Broadway, 18th Floor, New York, NY 10007



1707 HUNTINGTON STREET
WATERTOWN, NEW YORK 13601
315-785-7845 FAX 315-785-8227

Brian Gaffney
Chief Operator

TO: Mike Tracy: Sanitary Engineer, NYS DOH

FROM: Brian Gaffney: City of Watertown Water Treatment Plant Chief Operator

DATE: November 16, 2009

SUBJECT: Results for Table 9C SOC's

cc: Gary Pilon: Water Superintendent

Dear Mike,

The results for Table 9C of Sanitary Code Part 5, Subpart 5-1 are enclosed. The facility remains in compliance. Please contact this office if there are any questions.

Sincerely,

Brian D. Gaffney

A handwritten signature in cursive script that reads "Brian D. Gaffney".

-- LABORATORY ANALYSIS REPORT --

Watertown, City of Watertown, NY

Sample ID:	Water Sample	LSL Sample ID:	0914842-001
Location:		Federal Water Supply ID:	NY2202346
Sampled:	08/14/09 11:20	Sampled By:	LE
Sample Matrix:	PWS	Source Code:	
		Reason Code:	

Analytical Method	Result	Units	Prep Date	Analysis Date & Time	Analyst Initials
Analyte					

(1) EPA 504 Microextractables

1,2-Dibromo-3-chloropropane	See Attached				
<i>This analysis was performed by NYS DOH ELAP laboratory number 11777</i>					
1,2-Dibromoethane(EDB)	See Attached				
<i>This analysis was performed by NYS DOH ELAP laboratory number 11777</i>					
Surrogate (TCMX)	See Attached				
<i>This analysis was performed by NYS DOH ELAP laboratory number 11777</i>					

PCB's

(1) EPA 508 PCB Screen for SOC's

Aroclor-1016	<0.0001	mg/l	8/18/09	8/22/09	KIW
Aroclor-1221	<0.0001	mg/l	8/18/09	8/22/09	KIW
Aroclor-1232	<0.0001	mg/l	8/18/09	8/22/09	KIW
Aroclor-1242	<0.0001	mg/l	8/18/09	8/22/09	KIW
Aroclor-1248	<0.0001	mg/l	8/18/09	8/22/09	KIW
Aroclor-1254	<0.0001	mg/l	8/18/09	8/22/09	KIW
Aroclor-1260	<0.0001	mg/l	8/18/09	8/22/09	KIW
Surrogate (DCB)	94	%R	8/18/09	8/22/09	KIW

(1) EPA 508 SOC's Groups I&II

Hexachlorocyclopentadiene	<0.001	mg/l	8/18/09	8/22/09	KIW
Toxaphene	<0.0006	mg/l	8/18/09	8/22/09	KIW
Surrogate (DCB)	112	%R	8/18/09	8/22/09	KIW

(1) EPA 515.3 SOC Herbicides

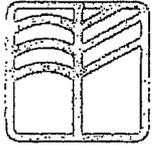
2,4-D	See Attached			8/19/09	BA
Dalapon	See Attached			8/19/09	BA
Dicamba	See Attached			8/19/09	BA
Dinoseb	See Attached			8/19/09	BA
Pentachlorophenol	See Attached			8/19/09	BA
Picloram	See Attached			8/19/09	BA
2,4,5-TP (Silvex)	See Attached			8/19/09	BA
Surrogate (DCAA)	See Attached			8/19/09	BA

This analysis was performed by ELAP Lab number 11827.

(1) EPA 525.2 Semi-Volatile SOC's

Alachlor	<0.0004	mg/l	8/19/09	8/21/09	CRT
Aldrin	<0.001	mg/l	8/19/09	8/21/09	CRT
Atrazine	<0.0006	mg/l	8/19/09	8/21/09	CRT
Benzo(a)pyrene	<0.0002	mg/l	8/19/09	8/21/09	CRT
gamma-BHC (Lindane)	<0.0001	mg/l	8/19/09	8/21/09	CRT
Butachlor	<0.01	mg/l	8/19/09	8/21/09	CRT
alpha-Chlordane	<0.0004	mg/l	8/19/09	8/21/09	CRT
gamma-Chlordane	<0.0004	mg/l	8/19/09	8/21/09	CRT
Dieldrin	<0.001	mg/l	8/19/09	8/21/09	CRT
Endrin	<0.0001	mg/l	8/19/09	8/21/09	CRT
bis(2-Ethylhexyl)adipate	<0.01	mg/l	8/19/09	8/21/09	CRT
bis(2-Ethylhexyl)phthalate	0.011 E	mg/l	8/19/09	8/21/09	CRT
<i>E = This result should be considered an estimate because the concentration exceeded the linear range of the instrument.</i>					
Heptachlor	<0.0001	mg/l	8/19/09	8/21/09	CRT
Heptachlor epoxide	<0.0001	mg/l	8/19/09	8/21/09	CRT

Life Science Laboratories, Inc.



SUMMIT
 ENVIRONMENTAL TECHNOLOGIES, INC.
 Analytical Laboratories

July 16, 2008

LABORATORY REPORT

1/1

Client: Life Science Laboratories, Inc.
 Address: 5854 Butternut Dr.
 E. Syracuse, NY 13057

Date Collected: 7/1/2008
 Date Received: 7/3/2008
 Project #: 0811082
 Client ID #: 0811082-001N/O
 Laboratory ID #: 0807785-01
 Matrix: Liquid
 Analyst: CM

Dioxins

<u>Parameter</u>	<u>Date of Analysis</u>	<u>Results</u>	<u>Units</u>	<u>Reporting Limit</u>	<u>Method</u>
2,3,7,8-TCDD	7/12/2008	* BRL	pg/l	1.22	1613B

** Below Reportable level or limit*

Laboratory Manager: _____