

CITY OF WATERTOWN, NEW YORK
AGENDA
Monday, December 7, 2015

This shall serve as notice that the next regularly scheduled meeting of the City Council will be held on Monday, December 7, 2015, 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

PRESENTATION

- Introduction of K-9, Ricky
- Presentation of Gift From North Country Kennel Club

PRIVILEGE OF THE FLOOR

RESOLUTIONS

- Resolution No. 1 - Designation of Official Newspaper
- Resolution No. 2 - Authorizing the Sale of Surplus Vehicles
- Resolution No. 3- Sidewalk Improvement Special Assessment Program, District No. 11
- Resolution No. 4 - Authorizing Supplemental Agreement No. 1, Jade Stone Engineering, PLLC
- Resolution No. 5 - Approving Plan Services Agreement Extension for Administration of Section 125 Plan, Benefit Services Group
- Resolution No. 6 - Authorizing Application for Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG)

Resolution No. 7 - Adopting the "Determination and Findings" in Connection With Proposed Eminent Domain Proceedings for Palmer Street

Resolution No. 8 - Finding That Changing the Approved Zoning Classification of 115 Brook Drive, Parcel Number 14-21-131.000 from Residence A to Limited Business Will Not Have a Significant Impact on the Environment

ORDINANCES

LOCAL LAW

PUBLIC HEARING

7:30 p.m. Ordinance Approving the Zone Change Request Submitted by Stephen W. Gebo, to Change the Approved Zoning Classification of 115 Brook Drive, Parcel Number 14-21-131.000, from Residence A to Limited Business

OLD BUSINESS

Tabled Resolution Adopting Employee Handbook

STAFF REPORTS

1. Letter from Michael Waters, MD
2. Sales Tax Revenue – October 2015

NEW BUSINESS

EXECUTIVE SESSION

WORK SESSION

Next Work Session is scheduled for Monday, December 14, 2015, at 7:00 p.m.

ADJOURNMENT

NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS MONDAY, DECEMBER 21, 2015.

Res No. 1

December 2, 2015

To: The Honorable Mayor and City Council
From: Sharon Addison, City Manager
Subject: Designation of Official Newspaper

The attached resolution, if approved by the City Council, designates the *Watertown Daily Times* as the official newspaper of the City of Watertown for the year 2016, as required by New York State Law.

RESOLUTION

Page 1 of 1

Designation of Official Newspaper

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

Total

YEA	NAY

Introduced by

BE IT RESOLVED by the City Council of the City of Watertown, New York, that the *Watertown Daily Times* be and is hereby designated as the official newspaper of the City of Watertown, New York, for the year beginning January 1, 2016 and ending December 31, 2016.

Seconded by

Res No. 2

November 30, 2015

To: The Honorable Mayor and City Council
From: Sharon Addison, City Manager
Subject: Authorizing the Sale of Surplus Vehicles

The City of Watertown has surplus vehicles from the Engineering and Codes Departments that are either no longer useful or beyond repair and are deemed surplus.

As stated in the attached report of Purchasing Manager Amy M. Pastuf, the vehicles on the list could be sold through Auctions International's online website.

A resolution is attached for City Council consideration.

RESOLUTION

Page 1 of 1

Authorizing the Sale of Surplus
Vehicles

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

YEA	NAY

Introduced by

WHEREAS the City of Watertown has accumulated surplus vehicles at the City Engineering and Codes Departments, and

WHEREAS these items may have some value best determined by on-line auction,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the sale by on-line auction of surplus vehicles, the listing of which is attached and made a part of this resolution, and

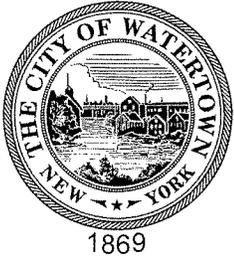
BE IT FURTHER RESOLVED that final acceptance of such bids shall constitute acceptance of the same by the City Council.

Seconded by

SURPLUS VEHICLES

Year	Make	Model	Mileage	VIN	Condition	Department	Recommendation
2006	Ford	Crown Victoria	108,220	2FAHP71W16X161256	Deteriorated Frame	Parking Enf.	Dismantler
2006	Ford	Crown Victoria	109,027	2FAHR71W36X161257	Deteriorated frame	PD-K9	Dismantler
2007	Chev	Impala	51,937	2G1WB58K579360963	Deteriorated Frame	PD -Admin	Dismantler
2006	Ford	Crown Victoria	124,076	2FAHP71W56X161258	Poor	FD-Codes	Public Auction
2006	Ford	Crown Victoria	88,037*	2FAHP71W76X161259	Poor	Eng.- sidewalk	Public Auction
2007	Ford	Crown Victoria	110,082	2FAHP71W47X154402	Poor	FD-Codes	Public Auction

* 1259: not actual mileage --broken odometer



CITY OF WATERTOWN, NEW YORK

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

Amy M. Pastuf
Purchasing Manager

MEMORANDUM

TO: Sharon Addison, City Manager
FROM: Amy M. Pastuf, Purchasing Manager
SUBJECT: Surplus Sale of Vehicles
DATE: 11/30/2015

The Purchasing Department is requesting City Council's permission to auction surplus vehicles from the both the Engineering and Codes Department through the Auctions International on-line website. The Engineering and Codes Departments have determined that the vehicles on the attached list are either no longer useful or beyond repair and therefore no longer of value to the City. This request is for the City Council to authorize the Purchasing Department to accept the highest offer at time of sale provided the offer meets or exceeds the estimated scrap value.

Thank you for your consideration in this matter.

Copy: Justin Wood, City Engineer
Shawn McWayne, Codes Department Supervisor
Jim Mills, City Comptroller

Enclosures

Res No. 3

November 30, 2015

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

Subject: Sidewalk Improvement Special Assessment District No. 11,
Summer and Fall 2016

City Engineer Justin L. Wood has prepared the attached report for City Council consideration that details the proposed areas to be included in the Sidewalk Improvement Program for the 2016 construction season, which spans two Fiscal Years.

As in previous years, the work performed will be incorporated in a Special Assessment Program that provides property owners with an opportunity to pay the costs associated with the improvements to the sidewalks over a ten-year period. Property owners have the option of having the City perform the work, hiring a contractor to do the work, or doing the work themselves.

As you will recall, under the Charter provisions related to Special Assessment programs, the City must send notices to all the property owners telling them that they will be included in this year's program and that there will be a public hearing to consider whether all or a portion of the cost for the proposed sidewalk improvements should be a charge or expense upon the abutting property owner. While the City Council cannot officially determine what the charge will be to the property owners until after a Public Hearing, Staff will prepare the notices to property owners using the \$5.75 per sq. ft. rate, unless otherwise directed.

Once the City Council determines how it would like to move forward with District No. 11, then a Public Hearing needs to be scheduled. In support of this initiative, a resolution has been prepared which instructs Staff to send notices to all of the property owners and schedules the Public Hearing for Tuesday, January 19, 2016, at 7:30 p.m., in City Council Chambers.

RESOLUTION

Page 1 of 1

Sidewalk Improvement Special
Assessment Program, District No. 11

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

YEA	NAY

Introduced by

Total

WHEREAS the City Engineering Department has inspected sidewalks within the City of Watertown, and

WHEREAS it has been determined that the condition of sidewalks on certain streets are in need of repair and/or replacement, and

WHEREAS the City Council of the City of Watertown feels it is in the overall public interest to provide property owners within the City of Watertown with an opportunity to pay for said repair/replacement work through a Special Assessment Program,

NOW THEREFORE BE IT RESOLVED that a Public Hearing will be held on Tuesday, January 19, 2016, at 7:30 p.m. at which time property owners included in the Special Assessment Program will have an opportunity to make comments on whether all or a portion of the cost for proposed sidewalk improvements should be a charge or expense upon the abutting property owners, and

BE IT FURTHER RESOLVED that the City Engineering Department will send notices to all property owners notifying them of their inclusion in this year's program and that there will be a public hearing to consider whether all or a portion of the cost for proposed sidewalk improvements should be a charge or expense upon the abutting property owners, and

BE IT FURTHER RESOLVED that the properties included in the Sidewalk Special Assessment Program, District No. 11, are those detailed in the attached report.

Seconded by



1869

CITY OF WATERTOWN, NEW YORK

DEPARTMENT OF ENGINEERING

Room 305, Municipal Building

245 Washington Street

Watertown, New York 13601

Tel. (315) 785-7740

Fax (315) 785-7829

**City of Watertown
Sidewalk Maintenance Program**

Proposed Work Areas:
District #11 (2016)

November 23rd, 2015

Proposed By:

Sean O'Connor, Sr. Engineering Tech.



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The purpose of this report is to provide information so that locations can be chosen for District #11 of the sidewalk program.

The proposed streets and the specific blocks are as follows:

- Division St E 100 Block
- Division St W 100 Block
- Haven St 100 Block
- Mill St 800 & 900 Blocks.

This area is suggested to be updated along with the recent CDBG funding to handicap ramp improvement, and with the newly installed curbing along the 800 and 900 Blocks of Mill St.

The Sidewalk Program (SWP) has not made improvements in a district on the northern side of the city since Katherine St in District 4 in 2008/2009 and Superior St in District 7 2009/2010. This proposed district would enhance recent paving and curbing improvements along Mill Street, which is a main arterial into and out of the City, as well as an important link to North Elementary School. Sidewalk improvements in this area would especially improve the walkability for families and children traveling from Creekwood Apartments, with 200 units, into the City as well as improve travel in the North Elementary School neighborhood. By concentrating on this area, the City will be able to greatly improve the pedestrian corridor from the City limits into the school neighborhoods.

The dead end road street known as Haven Street, is not an accepted City Street, and has corner properties with sidewalk fronting along Mill Street which are in need of replacement. No sidewalks along Haven Street are proposed as part of this district, and the single property at 914 Mill St will have their 60 ft of sidewalk removed since it dead ends at an existing tree.

Division Street West is a dead end as well, which has little to no sidewalk. It is recommended to remove a 50ft length of sidewalk that is not connected to the pedestrian right of way is the best course of action, in lieu of installing 600 ft of walks on a dead end street.

Division Street East has many sidewalks which are deficient, as well as four properties which have no sidewalk at all. As part of the SWP, these properties with no sidewalk will have their full frontage installed with new sidewalk, that linear feet of walk being installed is approximately 279 ft. This will allow a continuous sidewalk connection from Mill Street to the North Elementary School.



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Table A: Estimated Area Of Work Per Street

Main streets include corner properties with their sqft estimates

Street	Est. SF Area	% Non- chargeable SQFT	Approx. Total SF Area Of Work
Division St E 100	5000	30	6500
Division St W 100	0	0	0
Haven St 100	0	0	0
Mill St 800, 900	9200	10	10000
Total	14400		16500

Division St. E 100 Block





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Division St. W 100 Block



Haven St. 100 Block





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Mill St. 800 & 900 Blocks



A three person DPW crew, along with 3 or 4 temporary seasonal workers will be necessary for the proposed work. Based on a 16,000 SQFT district, a 6-7 person crew should produce 900 - 1000 SQFT/week taking into account: bad weather, delays, equipment failures, traffic, employee turnover, and home owner last minute requests for full frontage work. This would take approximately 18 weeks to complete. The start date for District 11 is tentatively set for June 1st 2016. Immediately following either the completion of District 10 or the completion of a 2016 CDBG funded project. The outlined work is scheduled to be completed by the onset of winter.



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District 10 2015/2016 will be finished in the spring of 2016. Installation of sidewalks on Franklin St 600 and 700 blocks were delayed due to National Grid gas main installation from Keyes Ave to Rutland St S. 9,200 sqft of sidewalk has been installed as part of the district, and an estimated 2500 sqft is left to complete on Franklin St. This work is scheduled to begin as soon as possible in the spring to allow work to start on District 11, and any CDBG involvement that the SWP crew will be involved with. Here are some after construction photos of District 10:

Myrtle Ave. 700 Block





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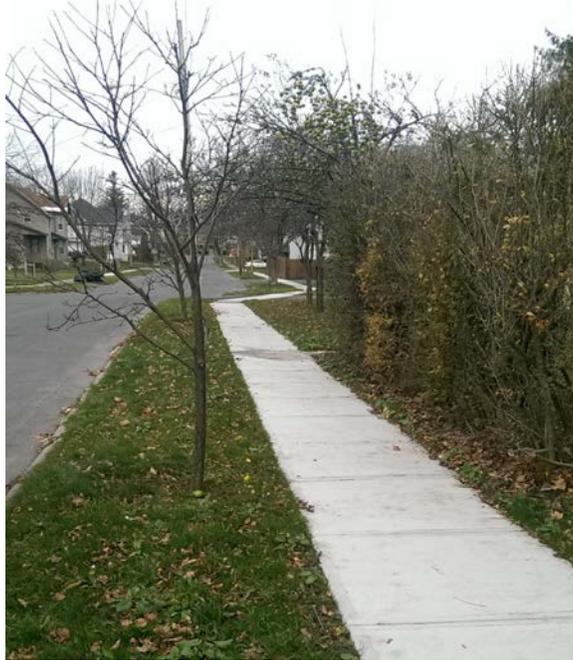
245 Washington Street

Watertown, New York 13601

Tel. (315) 785-7740

Fax (315) 785-7829

Hamlin St.



Nellis St.





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Caldwell St



Proposed Residents in District #11: Please Reference Attached:

Street	#	Name	Parcel #
Division St E	204	Isenbergh Sean E	3-10-116.000
Division St E	204	Isenbergh Adrienne M	3-10-116.000
Division St E	208	Bice Jason R	3-10-117.000
Division St E	208	Bice Jennifer K	3-10-117.000
Division St E	232	City of Watertown	3-10-309.000
Division St E	M202	169 E Division St Asscos LLC	3-12-101.000
Division St E	169	169 E Division St Associat LLC	3-12-102.000
Division St E	165	Backhaus Norma	3-12-103.000
Division St E	159	Barker April L	3-12-104.000
Division St E	153	Williams Claudia V	3-12-106.000
Division St E	153	Runham Lisa M	3-12-106.000
Division St E	149	Barker Mark W Jr	3-12-107.000
Division St E	149	Barker Beverley E	3-12-107.000
Division St E	143	Moore Justin	3-12-108.000
Division St E	143	Moore Susan	3-12-108.000
Division St E	M194	Tate Marvin R	3-12-109.000
Division St E	M194	Tate Deborah E	3-12-109.000
Division St E	137	Buker Marie E	3-12-110.000
Division St E	137	Symonds Aceson C	3-12-110.000
Division St E	M192	Cummings Theresa A	3-12-111.000
Division St E	129	Cummings Theresa A	3-12-112.000
Division St E	129	Cummings Geo N	3-12-112.000
Division St E	129 Rear	Cummings Geo E	3-12-112.001
Division St E	129 Rear	Cummings B J	3-12-112.001
Division St E	123	Cummings Theresa A	3-12-113.000
Division St E	123	Sloat Dallas M	3-12-113.000
Division St E	119	Plante Katherine M	3-12-114.000
Division St E	119	Plante Joseph F	3-12-114.000
Division St E	115	Truglio James R	3-12-115.000
Division St E	111	Pepe John D	3-12-116.000
Division St E	106	Funk Kris M	3-12-204.000
Division St E	110	Aldridge Mark S	3-12-205.000
Division St E	116	Gillette R R	3-12-206.000

Division St E	120	Arno Rodney L/Lynn M	3-12-207.000
Division St E	124	Douglas Sharon A	3-12-208.000
Division St E	128	Isham Sally A	3-12-209.000
Division St E	128	Robinson Timothy P	3-12-209.000
Division St E	132	DiStefano Christopher G	3-12-210.000
Division St E	132	O'Hara Leslie M	3-12-210.000
Division St E	136	Farmer Marjorie	3-12-211.000
Division St E	M125	Piche Richard/Marie A	3-12-212.000
Division St E	M125	Piche Michele A	3-12-212.000
Division St E	M126	Piche Richard/Marie A	3-12-213.000
Division St E	M126	Piche Michele A	3-12-213.000
Division St E	148	Piche Marie A	3-12-214.000
Division St E	148	Piche Michele L	3-12-214.000
Division St E	148	Piche Richard	3-12-214.000
Division St E	150	Freeman Paul S/Janice M	3-12-215.000
Division St E	154	Roy Dolores E	3-12-216.000
Division St E	162	Uzdavinis Stephen	3-12-217.000
Division St E	164	Pitkin Gary	3-12-218.000
Division St E	164	Pitkin Colleen	3-12-218.000
Division St E	166	Hibbard Matthew	3-12-219.000
Division St E	172	Farmer Andrew P	3-12-220.000
Division St E	M186	Williams Allen	3-13-101.000
Division St E	M186	Williams Barbara	3-13-101.000
Division St E	M219	Williams Allen	3-13-102.000
Division St E	M219	Williams Barbara	3-13-102.000
Division St E	M218	Hall-Swan Cynthia L	3-13-103.000
Division St E	M217	Sanchez Alfredo M	3-13-104.000
Division St E	235	Sanchez Alfredo M	3-13-106.000
Division St E	M214	Sanchez Alfredo M	3-13-107.000
Division St E	219	Skidmore Matthew W	3-13-110.000
Division St E	215	Doroha Peter R	3-13-111.000
Division St E	215	Doroha B. Christina	3-13-111.000
Division St E	207	Hemenway Steven P	3-13-113.100
Division St E	122	Northland Operations, Ltd	4-08-301.000

Division St W	M71	City of Watertown	2-10-125.000
Division St W	123 Rear	City of Watertown	2-10-128.001
Division St W	123	Anderson Douglas J	2-10-129.100
Division St W	123	Anderson Mary M	2-10-129.100
Division St W	121	Larose Karen	2-10-130.000
Division St W	121 Rear	City of Watertown	2-10-130.001
Division St W	M65	Spano Dominic R	2-10-131.000
Division St W	M65	Spano Susan M	2-10-131.000
Division St W	113	Spano Dominic R	2-10-132.000
Division St W	113	Spano Susan M	2-10-132.000
Division St W	109	Schuster Roger W	2-10-133.000
Division St W	109	Schuster Jane A	2-10-133.000
Division St W	114	Horning Robert P	2-11-107.000
Division St W	114	McNulty Mary	2-11-107.000
Division St W	116	Cole Earl W	2-11-108.000
Division St W	118	Murray Scott P	2-11-109.000
Division St W	126	Anderson Douglas/Mary	2-11-110.000
Division St W	M101	Anderson Douglas/Mary	2-11-111.000
Division St W	M102	Anderson Douglas/Mary	2-11-112.000
Division St W	M103	Anderson Douglas/Mary	2-11-113.000
Division St W	M104	Meron Terry M	2-11-114.000
Haven St	150	Carter Thaddeus	3-12-121.000
Haven St	150	Carter Carolyn	3-12-121.000
Haven St	116	Brown Roseanne	3-12-122.000
Haven St	116	Whittier Robert F	3-12-122.000
Haven St	116	Whittier Rose L	3-12-122.000
Haven St	116	Whittier Pam	3-12-122.000
Haven St	116	Whittier Marsha	3-12-122.000
Haven St	116	Whittier Ronald	3-12-122.000
Haven St	120	Plummer James	3-12-123.000
Haven St	120	Plummer Linda	3-12-123.000
Haven St	124	Butler James J	3-12-124.000
Haven St	126	Sloat Charles E III	3-12-125.000
Haven St	126	Sloat Dallas M	3-12-125.000

Haven St	VL-6	Cummings Todd L	3-12-126.000
Haven St	128	Cummings Todd L	3-12-127.000
Haven St	138	Tate Marvin R	3-12-128.000
Haven St	138	Tate Deborah E	3-12-128.000
Haven St	144	Hardy James H	3-12-129.000
Haven St	160	Northland Operations, Ltd	3-12-131.000
Haven St	161	LaJoie Justin	3-12-132.000
Haven St	V162	LaJoie Justin	3-12-133.000
Haven St	163	Hall-Swan Cynthia L	3-12-134.000
Haven St	164	Northland Operations, Ltd	3-12-135.000
Haven St	165	Northland Operations, Ltd	3-12-136.000
Haven St	166	Hall-Swan Cynthia L	3-13-117.000
Haven St	167	Hall-Swan Cynthia L	3-13-118.000
Haven St	168	Hall-Swan Cynthia L	3-13-119.000
Haven St	169	Hall-Swan Cynthia L	3-13-120.000
Haven St	170	Rheaume Voila	3-13-121.000
Haven St	170	Rheaume Glenn W	3-13-121.000
Haven St	171	Northland Operations, Ltd	3-13-122.000
Haven St	172	Northland Operations, Ltd	3-13-123.000
Haven St	173	Northland Operations, Ltd	3-13-124.000
Haven St	174	O'neil Brian Michael	3-13-125.000
Haven St	174	Jacobs Susan	3-13-125.000
Haven St	175	O'neil Brian Michael	3-13-126.000
Haven St	175	Jacobs Susan	3-13-126.000
Haven St	176	Northland Operations, Ltd	3-13-127.000
Haven St	177	Northland Operations, Ltd	3-13-128.000
Haven St	178	Northland Operations, Ltd	3-13-129.000
Haven St	179	Northland Operations, Ltd	3-13-130.000
Haven St	VL-2	Farr Bradley G/Eleanor J	3-14-103.000
Haven St	VL-4	Gilson Amy L	3-14-104.000
Haven St	VL-4	Cummings Todd L	3-14-104.000
Mill St	802	Williamson Nancy L	3-11-134.000
Mill St	803	Taylor Jackson D	2-09-112.000
Mill St	803	Taylor Kaitlynn M	2-09-112.000

Mill St	804	Williamson Nancy L	3-11-135.000
Mill St	806	Northland Operations Ltd	3-11-136.000
Mill St	809	Phillips Patrick K	2-09-110.000
Mill St	809	Phillips Sherie L	2-09-110.000
Mill St	811	Clark Oakley	2-09-109.000
Mill St	811	Clark Colleen A	2-09-109.000
Mill St	819	Pitkin Alberta	2-09-108.000
Mill St	820	Ruperd Daniel J	3-11-138.000
Mill St	823	Barr Joshua L	2-09-106.000
Mill St	823	Barr Heather M	2-09-106.000
Mill St	826	Brockway Linda A	3-11-138.003
Mill St	829	Artz Richard A	2-09-105.000
Mill St	829	Clearo Elizabeth M	2-09-105.000
Mill St	832	Dorr Raymond C	3-11-139.000
Mill St	832	Dorr Richard J	3-11-139.000
Mill St	835	Taylor Cheryl	2-09-104.000
Mill St	841	Cowles Franklyn A	2-09-103.000
Mill St	843	(Cowles) Chartrand Briana L	2-09-102.000
Mill St	844	Secretary of Veterans Affairs	3-11-140.000
Mill St	848	Harrienger Thomas J	3-11-138.001
Mill St	848	Harrienger Kristin A	3-11-138.001
Mill St	851	Oddi Michael A	2-09-101.000
Mill St	859	Smith Trevor M	2-10-101.000
Mill St	859	Smith Shayne M	2-10-101.000
Mill St	862	Farman Delnora	3-11-141.000
Mill St	870	Sykes Albert	3-12-201.000
Mill St	870	Sykes Diane	3-12-201.000
Mill St	874	Shaw Andrew T	3-12-202.000
Mill St	877	Schuster Robert	2-10-134.110
Mill St	877	Schuster Sheri	2-10-134.110
Mill St	878	Kehoe Myron C Jr	3-12-203.000
Mill St	903	Eveleigh Linda L	2-11-106.000
Mill St	904	Casselmann Colleen	3-12-117.000
Mill St	909	Rimmer Herbert L	2-11-104.000

Mill St	909	Rimmer Maryellan P	2-11-104.000
Mill St	910	Barben Christian J	3-12-119.000
Mill St	913	Gillette Suzanne C	2-11-103.000
Mill St	914	Carter Thaddeus	3-12-120.000
Mill St	914	Carter Carolyn	3-12-120.000
Mill St	917	Bates Christopher	2-11-102.000
Mill St	921	Galasso Matthew S	2-11-101.000
Mill St	922	Jordan Ruby M	3-14-102.000
Mill St	924	Farr Bradley G	3-14-101.001
Mill St	950 Rear	CreekWood II Housing Dev Fund Company Inc	3-14-101.100



CITY OF WATERTOWN
ENGINEERING DEPARTMENT
MEMORANDUM

DATE: November 23, 2015

TO: Sharon Addison, City Manager

FROM: Justin Wood, City Engineer

SUBJECT: Proposed 2016 Sidewalk Program District #11

The Engineering Department has evaluated and recommends the following areas for the Summer-Fall 2016 Sidewalk Program (SWP) District #11. The properties constituting District #11 will improve walkability in the Watertown North Elementary School neighborhood, as well as the recently constructed Creekwood Apartments complex. Further information on District #11 is listed in the enclosed report and totals approx. 16,500 SF of sidewalk.

A public hearing will need to be scheduled for February 1, 2016 at which time the City Council will set the rate each property owner will be charged for defective sidewalks. The current rate is \$5.75/SF, after the increase from the previous rate of \$5.25/SF last year. The rate increase was proposed to bring the program back in line with the original cost distribution the SWP was conceived upon. Under this distribution, the City recovered approximately 75% of the costs of the program, from the special assessment charge to property owners. The cost recovered by the City has steadily fallen to about 50% due to increases in labor and material costs. If the rate is increased to \$6.50/SF, the cost distribution would return to an approximately 75% property owner, 25% City split.

As a basis for comparing the existing rate of \$5.75/SF versus the proposed rate of \$6.50/SF, I will use an average lot width of 50'-75'. Assuming all the sidewalks along the property were defective, which is actually quite uncommon, this would equate to 200-300 SF of sidewalk replacement.

@ \$5.75/SF	200-300 SF sdwk replaced	Charge to Property Owner = \$1,150 - \$1,725
@ \$6.50/SF	200-300 SF sdwk replaced	Charge to Property Owner = \$1,300 - \$1,950

Difference of Charge to Property Owner = \$150 - \$225

It should be noted, that 4 properties on Division Street East, currently have no sidewalk along their street frontage. As part of SWP District #11, we will infill these areas, and charge the property owner for full frontage. If a homeowner has their full frontage replaced, they are eligible for a tax exemption on the materials. So while they save some money on the tax exemption, the cost of full frontage is substantially more than replacing a few deficient sidewalk blocks. The estimated cost of full frontage replacement, based on \$5.75/SF, is between \$4,600 and \$11,500, with frontages ranging from 50 to 125 ft, respectively.

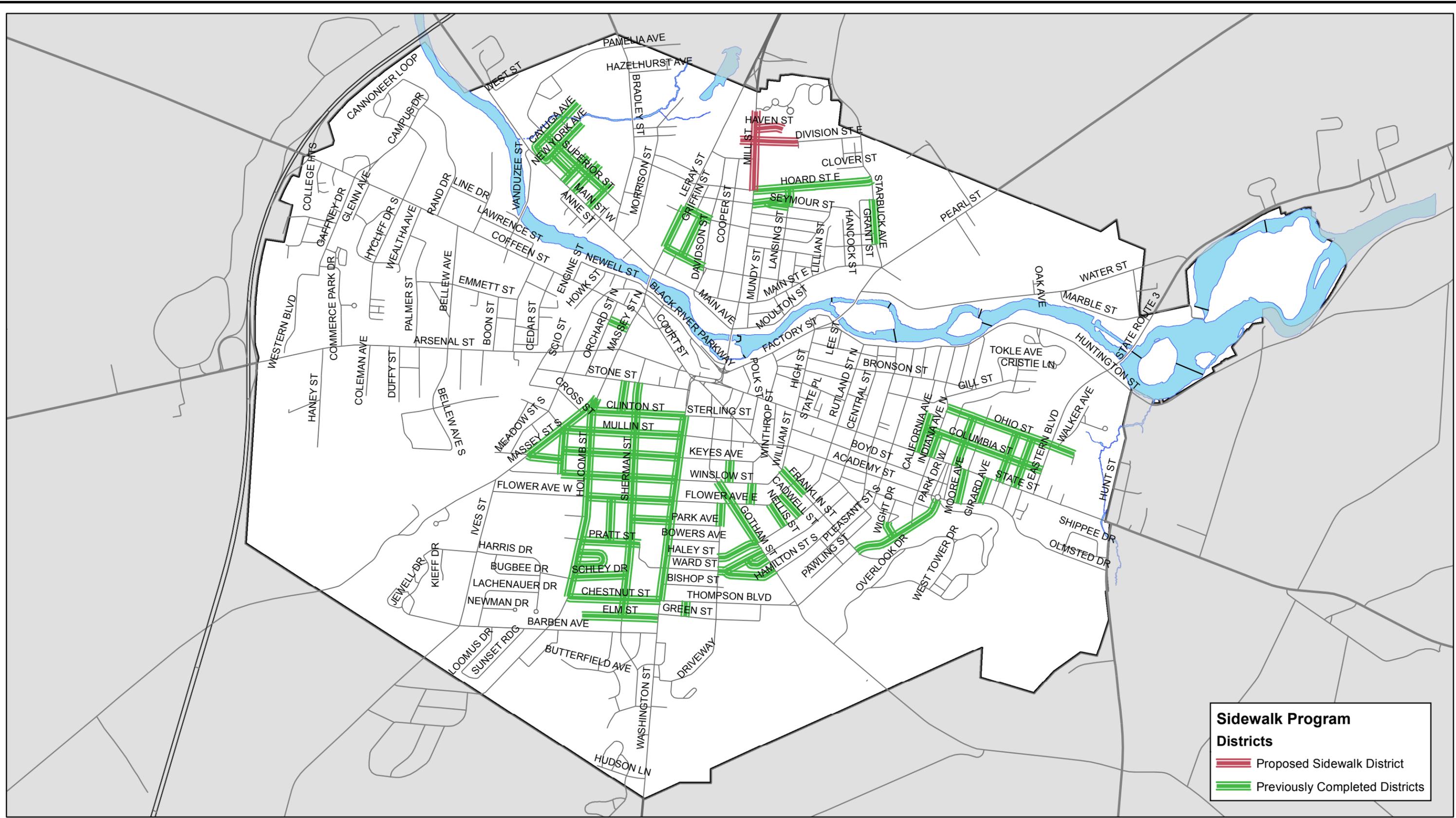
After the December 7, 2015 meeting, each property owner will be sent a copy of their inspection report and the estimate for repairs based on the current \$5.75/SF rate, unless Council decides to increase the rate to \$6.50/SF. They will also receive paperwork explaining the Sidewalk Program, the Special Assessment District, and a contact number for any questions. Once the actual rate for District #11 is determined, official estimates will be sent based on the new rate.

Sidewalk Program District #10, which underwent construction this year, is not quite complete, therefore final costs and square footage numbers are not in yet. Areas on Hamlin St, Cadwell St, Nellis St, and Myrtle Ave, have been completed, however work on the 600 and 700 Block of Franklin St will not be completed until the spring of 2016, after National Grid finishes their gas main project.

Recent per square foot actual construction costs are listed below for comparison:

District #9 (2013):	\$8.09/SF	District #6 (2010):	\$9.11/SF
District #8 (2012):	\$9.01/SF	District #5 (2009):	\$8.10/SF
District #7 (2011):	\$8.41/SF		

Cc: Jim Mills, City Comptroller



Sidewalk Program Districts

- Proposed Sidewalk District
- Previously Completed Districts

Revision:	Description of Revision:	Date:	By:

Project: City Sidewalk Program

Title: 2003 - 2016

 CITY OF WATERTOWN, NEW YORK
 GIS DEPARTMENT
 ROOM 305B, MUNICIPAL BUILDING
 245 WASHINGTON STREET
 WATERTOWN, NEW YORK 13601
 TEL: (315) 785-7793



City Sidewalk Program Districts	
Requested By: S.O'Connor	
Drawn By: J.Carlsson	Approved By:
Date: 11/19/2015	Date:
Scale: 1 inch = 2,000 feet	
Title: 2003 - 2016	

Res No. 4

December 2, 2015

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

Subject: Authorizing Supplemental Agreement No.1,
Jade Stone Engineering, PLLC

Over the past summer, the Flower Memorial Library experienced several failures in the cooling system. City Council directed Staff to evaluate the Library heating and cooling system. In August, we signed an Agreement with Jade Stone Engineering, PLLC, to conduct that evaluation in the amount of \$10,000.

At the November 9, 2015 City Council Work Session, Staff was directed to proceed with the design of the preferred HVAC System of Central Constant Volume Air Handling Unit system. As detailed in the attached report of City Engineer Justin L. Wood, Jade Stone has now provided Supplemental Agreement No. 1 for the schematic design of a fee not to exceed \$18,000.

The attached Resolution for City Council consideration authorizes Supplemental Agreement No. 1 with Jade Stone Engineering, PLLC.

RESOLUTION

Page 1 of 1

Authorizing Supplemental Agreement No. 1,
Jade Stone Engineering, PLLC

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

YEA	NAY

Introduced by

WHEREAS the Flower Memorial Library has been experiencing a failure of its heating and cooling system, and

WHEREAS Jade Stone Engineering, PLLC, performed an evaluation of the system, including their recommendation, in the amount of \$10,000, and

WHEREAS on November 9, 2015, City Council directed Staff to proceed with a schematic design of an air handling unit system, and

WHEREAS Jade Stone Engineering, PLLC, has previously evaluated the current system at the Flower Memorial Library and have offered the attached Supplemental Agreement No. 1 for Schematic Design in the amount not to exceed \$18,000,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes Supplemental Agreement No. 1 for Schematic Design, a copy of which is attached and made a part of this resolution, in an amount not to exceed \$18,000, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to sign any documents in connection with this Agreement.

Seconded by

Justin Wood, P.E.
City of Watertown
City Hall, Suite 305
245 Washington Street
Watertown, NY 13601
November 20th, 2015

RE: Flower Memorial Library– Supplemental Agreement No. 1 for Schematic Design

Dear Justin:

On August 11th Jade Stone Engineering entered into an agreement with the City of Watertown to perform a HVAC evaluation of the existing system at the Flower Memorial Library for an amount Not to Exceed \$10,000. This task was completed by JSE on October 1st with a final attended City Council Meeting on November 9th. JSE is pleased to submit this Supplemental Agreement No. 1 for engineering services to perform Schematic Design for the HVAC replacement of the Flower Memorial Library. The completion Date for this Supplemental Agreement shall be no later than **February 29th**. Our services include design services in accordance with the below listed scope of work.

Our total fee for Supplemental Agreement No. 1 is a NOT TO EXCEED of \$18,000.00. It is anticipated that JSE will perform the following scope of work.

A. MECHANICAL AND ELECTRICAL DESIGN SERVICES

Drafting of existing Systems and Backgrounds along with Demolition drawings – Estimated to be roughly \$4,000

- The existing HVAC and associated Electrical Systems will be drafted into AUTCAD
- Demolition drawings will be developed

Schematic New Work Design \$14,000

- A Schematic level design:
 - Site investigation as needed to determine path of ductwork and existing structural constraints
 - Prelim equipment selections
 - Single line new work ductwork plan (Multiple if required) with prelim selection foot print.
 - Review of load calcs and air flow requirements
 - Review of ductwork routing with existing conditions
 - Meet with staff to review routings and ideas.
 - City Council when required.
 - Construction Cost Estimate
 - Determination of other potential Trades needed for final design



B. ADDITIONAL SERVICES

Any additional design and/or MEP Consultation services not included in this proposal or due to a change in scope shall be considered Additional services. JSE will proceed with the additional services after receipt of written approval. Additional services will be available on a time and material basis at a rate consistent with the JSE Labor Rate Schedule, or if necessary, an additional proposal can be furnished.

If you should have any questions or would like to discuss this proposal further, please do not hesitate to contact our office. We appreciate the opportunity to assist your Firm with Mechanical and Electrical Design Services.

Very truly yours,

JADE STONE ENGINEERING, PLLC.



Matthew C. Walldroff, P.E., LEED A.P.
V.P. of Mechanical Engineering

Enclosures

Cc: Job File

www.jstoneeng.com



Jade Stone Engineering, PLLC



CITY OF WATERTOWN
ENGINEERING DEPARTMENT
MEMORANDUM

DATE: November 19 2015

TO: Sharon Addison, City Manager

FROM: Justin Wood, City Engineer

SUBJECT: Flower Memorial Library HVAC Replacement – Supplemental Agreement #1

Enclosed is Supplemental Agreement #1, with Jade Stone Engineering (JSE), to perform Schematic Design of the HVAC replacement system at the Flower Memorial Library, at a Not to Exceed Fee of \$18,000.

The City retained the services of JSE to evaluate the existing FML HVAC system, its current issues, alternative systems, and recommend a course of action for the City to take. That work was completed under a separate proposal, for \$10,000. After review of the report with Council on Nov 9, 2015, it was agreed to proceed with design of the preferred HVAC System, that being a Central Constant Volume Air Handling Unit system.

Schematic Design phase will bring the plans far enough along to better define the proposed HVAC system, understand the building impacts, and estimated cost of construction. Once the schematic design phase is complete, and reviewed with City Council, a supplemental agreement for final design and construction drawings will be presented for approval.

cc: Yvonne Reff, Library Director
Shawn McWayne, Code Enforcement Supervisor
Jim Mills, City Comptroller

Res No. 5

November 30, 2015

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

Subject: Approving Plan Service Agreement Extension for Section 125 Plan,
Benefit Services Group

As detailed in the attached memorandum from Confidential Assistant to the City Manager Matthew Roy, an RFP for the administration of the City's Section 125 Flexible Medical and Dependent Care Accounts was issued in 2013 for this service with Benefit Services Group winning the one-year contract with the option to extend for four one-year agreements. It is his recommendation that the City Council extend this service with Benefit Services Group for another term, effective January 1, 2016.

A resolution approving the Plan Service Agreement Extension between the City of Watertown and Benefit Services Group has been prepared for City Council consideration.

RESOLUTION

Page 1 of 1

Approving Plan Services Agreement Extension
for Administration of Section 125 Plan,
Benefit Services Group

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

YEA	NAY

Introduced by

WHEREAS on November 13, 2013 the City Council accepted the bid for the Administration of the City of Watertown’s Section 125 Plan with Benefit Services Group, and

WHEREAS the contract included the option to extend for four one-year extensions, and

WHEREAS it is the recommendation of the Confidential Assistant to the City Manager that the City of Watertown extend the Plan Service Agreement with Benefit Services Group for another year,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, approves the one-year extension of the Plan Services Agreement for Administration of the City’s Section 125 Plan, a copy of which is attached and made part of this resolution, effective January 1, 2016, and

BE IT FURTHER RESOLVED that the City Manager Sharon Addison is hereby directed and authorized to execute documents necessary for this Agreement.

Seconded by

**Section 125 Cafeteria Plan
Premium Reduction Option *Plus*
Flexible Spending Plans**

PLAN SERVICE AGREEMENT

ADOPTED BY

CITY OF WATERTOWN, NEW YORK

EFFECTIVE 01/01/2016

**SECTION 125 CAFETERIA PLAN
PREMIUM REDUCTION OPTION *PLUS*
FLEXIBLE SPENDING ACCOUNTS

CONSULTING, ENROLLMENT, AND
PLAN SERVICES AGREEMENT**

This agreement specifies the services to be provided to City Of Watertown, New York.

ADMINISTRATOR

Under the agreement, City Of Watertown, New York will function as the Plan Sponsor, Benefit Services Group as the Benefit Enrollment Firm, and Benefit Services Group as the Plan Service Provider Firm. These companies will function as subcontractor(s) for consulting, enrollment and administrative plan services.

**CONSULTING SERVICES TO BE PROVIDED
BY BENEFIT SERVICES GROUP**

Benefit Services Group will assist City Of Watertown, New York in plan analysis and design, both initially and for any revisions to existing benefits. The service and assistance includes cost estimates of initial plan; cost projections of any proposed plan revisions; and advice prepare summary plan descriptions.

Benefit Services Group will also perform the following activities:

- Design the ProPlus125 Plan Document and Summary Plan Description. (City Of Watertown, New York and its legal counsel will review this document.)
- Provide Plan Adoption Agreement and Plan Information Summary and Sample Corporate Resolutions of the Board of Directors.
- Provide Salary Reduction Agreements and Disclosures.

**ENROLLMENT SERVICES TO BE PROVIDED
BY BENEFIT SERVICES GROUP**

Benefit Services Group will provide the following enrollment services:

- Present employee informational group meetings (if required).
- Meet with each employee, as needed, to discuss the employee's personal benefit coverage needs.
- Review salary reduction agreements with each employee as requested.
- Provide re-enrollment services as requested.
- Optional Internet Enroll for open enrollment

ADMINISTRATIVE SERVICES TO BE PROVIDED BY BENEFIT SERVICES GROUP

Benefit Services Group will provide the following administrative services:

- Open individual benefit accounts for plan administration using the enrollment forms and/or payroll deduction register provided by the Employer.
- Prepare reports of detail and summary enrollment results for payroll setup of employee elections
- Process Changes Of Status Elections into Administration Records and otherwise keep on-going records of activity affecting each Employee's Elections.
- Provide initial administrative form originals for duplication as needed:
 - Reimbursement Claim Forms
 - Election Enrollment, Termination and Change of Election Forms
 - Re-Enrollment Forms for following year enrollment if requested.
- Provide initial status and history reports
 - Account Balance totals on each reimbursement checks
 - Account History Report on request
 - Check History Report on request
 - Voucher History Report on request
- On a **Pay cycle basis**, provide:
 - Reconcile contribution reports with payroll deduction amounts and submit any discrepancies to the employer if the employer provides the contribution reports to BSG.
 - Reimbursement checks to employees on a pay cycle basis or on an approved schedule and upon receipt of expense receipts and approved claim vouchers.
 - Checks and Check Register showing checks written and ACH each cycle to be distributed by employer.
- On an **as requested** basis, provide
 - Non-discrimination tests results
 - Cash Status Report showing summary transactions of cash activity.
 - Request For Funds Report (if required) showing those employees that have drawn out more than contributed to date and any participants that have had previous requests.
 - Employee Account Balances showing the participants' account balances.
- On a **Annual** basis, provide:
 - Plan Renewal Election Forms
- Claims Processing for Reimbursement Accounts
- Balance Inquiry Services
 - Online Access for HR and all participants.
 - Telephone Balance Inquiry is available to the Plan Participants. The participant has access to Account Balances, Check History and Voucher History for the current plan year.

RESPONSIBILITIES OF PLAN SPONSOR

City Of Watertown, New York is the Plan Sponsor and the Plan Administrator that is ultimately responsibility for ProPlus125 including the above listed duties delegated to Benefit Services Group. All decisions regarding Plan Administration is the Plan Administrator's responsibility whereas Benefit Services Group will assist the Administrator but not act as the Administrator.

City Of Watertown, New York will provide support, information, reports, and data necessary to propose, administer, report, test and otherwise administer the Cafeteria Plan to Benefit Services Group so Benefit Services Group can assist with the administration of ProPlus125. More specifically these include but not limited to are:

- Each Payroll, submit to BSG a contribution list of all deductions taken out of each employees paycheck.
- Secure legal review of the ProPlus125 Plan Documents from its legal counsel or otherwise review and execute the documents in a timely. And forward a signed copy back to Benefit Services Group
- Report participant Election additions, terminations, and changes to Benefit Services Group each pay cycle.
- Sign reimbursement checks (authorized signature facsimile) or authorize Benefit Services Group to sign depending upon banking arrangements.
- Distribute Summary Plan Description and various other reports to employees as requested.
- Upon notice, take any action required if the plan(s) warrants Administrator’s authority.
- Provide management support in planning enrollment, meeting facilities, and scheduling.
- Provide document storage for Administrative Files and Records for up to seven years.

PAYMENT FEES AND TERMS

At each month end, Benefit Services Group and/or Benefit Services Group. will submit a statement showing the amount of fees for that month. City Of Watertown, New York will pay Benefit Services Group and Benefit Services Group the amount within 10 days of receipt of the statement.

Benefit Services Group, Inc. has the right to change the fee schedule by advising City Of Watertown, New York 60 days before the end of a plan year.

REPORTS AND DATA

All reports and data remain the property of City Of Watertown, New York. On request, Benefit Services Group will provide City Of Watertown, New York all data in the electronic or printed format used by Benefit Services Group

TERMS OF THIS AGREEMENT

This agreement will be effective from the date the parties execute this agreement until it is terminated. Benefit Services Group may withdraw from this agreement with 21 days written notice to City Of Watertown, New York and Benefit Services Group If City Of Watertown, New York terminates this agreement during the plan year, the fee for the rest of the plan year becomes due and payable as of the termination date. If Benefit Services Group wishes to terminate this agreement during the plan year, Benefit Services Group must give written notice and must continue services until City Of Watertown, New York has secured suitable replacement of such service or until City Of Watertown, New York releases Benefit Services Group or until the end of the current plan year, whichever occurs first.

PLAN SPONSOR

PLAN SERVICE PROVIDER FIRM

City Of Watertown, New York

Benefit Services Group

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____



1869

CITY OF WATERTOWN, NEW YORK

SUITE 302, CITY HALL
245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601-3380
(315) 785-7730
FAX (315) 782-9014

SHARON ADDISON
CITY MANAGER

To: Sharon Addison
City Manager

From: Matthew Roy
Assistant to the City Manager

Re: Section 125 Plan Administration

Date: November 30, 2015

Our current contract with Benefit Services Group for the administration of the City's section 125 flexible medical and dependent care accounts is set to expire on December 31, 2015. An RFP was issued for this service 2 years ago with Benefit Services Group winning a one year contract with the option to extend for four-one year agreements. For the following reasons, I am recommending that we extend this service with Benefit Services Group for one of these additional terms:

- Their exemplary performance in the administration of these plans
- Administration fees will remain the same as we currently pay
- No disruption to our employees
- Their administration fees remain low compared to the competition

If you have any questions please feel free to let me know.

Res No. 6

December 2, 2015

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

Subject: Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG)

The City of Watertown Fire Department has actively participated in the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) program since its inception. As detailed in Fire Chief Dale C. Herman's attached report, the equipment needs he would purchase with the 2016 AFG Grant funding total \$318,875.84, plus an additional \$5,000 for a smart board. If approved for this grant, the City of Watertown would be required to fund 10% of the requested amount, which would come from next year's Fire Department Operating Expenses.

Attached for City Council consideration is a resolution authorizing Fire Chief Dale C. Herman to sign and submit the grant application on behalf of the City of Watertown.

RESOLUTION

Page 1 of 1

Authorizing Application for Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG)

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

Total

YEA	NAY

Introduced by

WHEREAS the City of Watertown Fire Department is seeking City Council approval to apply for grant funding under FEMA’s Assistance to Firefighters Grant (AFG) Program, and

WHEREAS the purpose of this program is for acquiring additional equipment, including equipment to enhance the safety or effectiveness of firefighting, rescue, training and fire-based EMS functions, and

WHEREAS the application, in the amount of \$318,875.85 plus an additional \$5,000 with the City match of 10%, would provide funding for much needed equipment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the Fire Department to submit a grant application under FEMA’s Assistance to Firefighters Grant (AFG) Program, and

BE IT FURTHER RESOLVED that Fire Chief Dale C. Herman is hereby authorized and directed to execute the grant application on behalf of the City of Watertown.

Seconded by



CITY OF WATERTOWN, NEW YORK

FIRE DEPARTMENT
224 South Massey Street
Watertown, New York 13601
(315) 785-7800
Fax: (315) 785-7821
Dale C. Herman, Fire Chief
dherman@watertown-ny.gov



December 1, 2015

Ms. Sharon Addison,
City Manager
245 Washington Street
Watertown NY 13601

Dear Ms. Addison;

I have just received word that the FEMA Assistance to Firefighters Grant (AFG) application period is to be opening on December 7th. In past years we have been successfully able to complete an application package in the time frame allotted. This year we have conducted a needs assessment for equipment and on the high priority list for us is the replacement of our current self contained breathing apparatus (SCBA). Our current air pack model meets the 2002 NFPA Standard, however the cylinders that we utilize will be reaching their end of life usage in 2018 and many of our current face pieces are developing issues with the rubber seal. In last year's grant application, we had requested funds to replace the face pieces, but were informed by a FEMA contractor that it would be better if we replaced the whole SCBA unit.

We have obtained pricing to place a new SCBA unit in all riding positions in our apparatus fleet, as well as obtain 4 additional spare units in case some of the units are out of service for testing or repairs. Each unit would need a spare cylinder and every member would receive their own face piece to be utilized with the SCBA unit.

With the changes in NFPA standards and manufacture's improvements to the SCBA, we would have to update our current Supplied Air Respirators (SAR) that are utilized for confined space rescue as well as obtain adaptors to be utilized with filter masks, Air Purifying Respirators (APR).

We are also looking to increase the size of the air cylinder from 30 minutes to 45 minutes in order to ensure that our members are able to exit the hazardous atmosphere and not have the SCBA in low air alarm mode.

Below is a break down in the cost of items:

	Quantity	Unit Price	Total
Air packs w/cylinder and face piece	37	5294.49	\$ 195,896.13
Air packs w/cylinder and face piece	8	5322.09	\$ 42,576.72
36 additional face pieces	36	237.95	\$ 8,566.20
Spare 45 minute cylinders	45	860.75	\$ 38,733.75
60 minute cylinders for haz-mat	12	1077.25	\$ 12,927.00
5 SAR units for confined space	5	1345	\$ 6,725.00
5 spare SAR cylinders	5	1077.25	\$ 5,386.25
Misc battery packs, chargers and reader	1	6717.05	\$ 6,717.05
45 APR adaptors	45	29.95	\$ 1,347.75
Total			\$ 318,875.85

The City would be responsible for 10% match of this total amount, which equates to \$31,887.59. The Fire Department will need to budget at least this amount for SCBA component replacement in next Fiscal Year's budget, because if this grant is not awarded, these funds would be needed to replace existing face pieces and air cylinders in next year's budget and the foreseeable future budgets.

Another funding priority for FEMA this year is training. The training officer has requested a smart board to enhance the ability to deliver training materials and the ability to interact with outside instructors. Proper training equates to safety for our firefighters. While the department has a Multi-purpose room which is utilized for training, the lack of dedicated presentation equipment beyond a chalkboard and projector screen makes access to digital training materials challenging. The technology of the facility has changed little since its dedication in 1992. A smart board would facilitate multi-model training needs and enhance training capabilities. With the recent closure of the Mill Street Bridge and one way traffic on Factory Street, the ability to have all personnel at one location for training was problematic in order to ensure prompt delivery of service. The cost of a smart board is estimated at \$5,000 and the City would be responsible for 10% or \$500

In the past, prior to any grant application being submitted, a resolution has been presented to Council for consideration.

If you have any questions, please feel free to contact me.

CITY OF WATERTOWN FIRE DEPARTMENT



Dale C. Herman
Fire Chief, EFO

Res No. 7

December 1, 2015

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

Subject: Adopting the "Determination and Findings" in Connection With Proposed Eminent Domain Proceedings

Staff and Legal Counsel are proceeding with the Eminent Domain in connection with Palmer Street.

The attached Resolution for Council consideration adopts the Determination and Findings attached and made part of this Resolution. It also contains a finding of no significant adverse effect as a result of the taking, and therefore does not require a separate Resolution making a negative declaration. The Council will, however, need to address the questions on the attached Short Form EAF before proceeding to vote on the Resolution.

RESOLUTION

Page 1 of 2

Adopting the "Determination and Findings" in Connection With Proposed Eminent Domain Proceedings for Palmer Street

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

YEA	NAY

Introduced by

WHEREAS the City Council of the City of Watertown determined to proceed with actions necessary to consider the taking, by eminent domain, of Palmer Street Extension, and

WHEREAS the City caused a title search to be conducted of the roadbed of Palmer Street Extension to determine the ownership thereof, learning that approximately 733 ± ft. of Palmer Street Extension is owned in the names of A. Palmer Smith and Timothy A. Smith. The roadbed is part of 46.80 acres conveyed to them in 1866 and 1874. A small portion of the property sought to be obtained is separately owned by Frank and Debra Battista of Watertown, New York, consisting of a vacant lot of land of approximately 0.027 ± acres, and being a portion of parcel no. 8-12-104.001. A third parcel of land has been offered to the City of Watertown by its current owner, Jefferson Heights, LLC the owner of Palmer Street Apartments, and is approximately 670 ± ft. in a length, at a width of 50 ft., and

WHEREAS notice of a public hearing was duly published and further notice of the public hearing was directly mailed to Frank and Debra Battista on July 29, 2015, by the Watertown City Clerk, and

WHEREAS, a public hearing was held in connection with the proposed eminent domain proceedings at a regular meeting of the Watertown City Council held on August 17, 2015, at 7:30 p.m., which public hearing was continued at the regular City Council meeting held on September 8, 2015, and members of the public were invited to, and did, testify at the public hearing, and

RESOLUTION

Page 2 of 2

Adopting the "Determination and Findings" in Connection With Proposed Eminent Domain Proceedings for Palmer Street

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

Total

YEA	NAY

WHEREAS the public hearing was closed on September 8, 2015, and

WHEREAS the City Council at its regularly scheduled meeting of October 13, 2015, discussed the proposed acquisition by eminent domain, and discussed potential findings and potential determination in connection with the same, and

WHEREAS the City Council of the City of Watertown desires to adopt a formal Determination and Findings in the connection with the proposed eminent domain proceedings, and

WHEREAS the City Council has declared the eminent domain proceedings to be an unlisted action under SEQRA and has considered the attached Short Form Environmental Assessment Form for purposes of making a determination as to whether a significant adverse environmental effect would result from City’s proposed taking by eminent domain,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown has reviewed the attached Short Form Environmental Assessment Form, and hereby determines that no significant environmental effect will result from the City’s taking of the property and undertaking ownership of Palmer Street and therefore hereby makes a “negative declaration” in connection with the same, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby adopts the “Determination and Findings” which are attached hereto and made a part of this resolution, and

BE IT FURTHER RESOLVED that City staff shall undertake all steps necessary to effect the taking of the properties by eminent domain.

Seconded by

DETERMINATION AND FINDINGS

1. The City Council of the City of Watertown held a public hearing in connection with the proposed taking, by eminent domain, of two parcels of land which currently exist as the roadbed of Palmer Street Extension in the City of Watertown. The City Council further part of examined the question of whether a third parcel of land, currently owned by Jefferson Heights, LLC the owner of Palmer Street Apartments, should be accepted by the City, upon the offer of its owner, to continue Palmer Street Extension northward to other City-owned property. A Memorandum from the City Engineer to the City Manager, dated July 13, 2015, outlines the parcels which are the subject of this determination and a copy of that Memorandum is attached and made of part of this Determination and Findings as Schedule A. The metes and bound description of the parcel proposed to be obtained from Frank and Debra Battista is attached as Schedule B. Maps of the proposed takings were presented to the City Council by its retained surveyors, Storino Geomatics and Land Surveying, P.C.

2. During the course of the public hearing, which was conducted on August 17, 2015 and continued on September 8, 2015, several persons were heard. Mr. Battista opposed the taking of his property by eminent domain, stating that it would likely result in a sewer line, which he does not want, and further stating that the City does not need an expensive shortcut to Coffeen Street. He further noted that “not one family living on Palmer Street has written the City asking for a reconstructed, wider street.” Mr. Brian Murray, of Jefferson Heights, LLC, the owner of Palmer Street Apartments, expressed concern for the safety and well-being of citizens living in the community, including small children who need to walk to the local school bus stop. He believes that City ownership and maintenance of the street is necessary.

3. The public hearing was concluded on September 8, 2015, and the City Council met to discuss the issue on October 13, 2015. After discussion and due deliberation, the City Council hereby determines that the proposed taking of Palmer Street Extension, as outlined in the City Engineer’s memorandum of July 13, 2015 (Schedule A), is in the overall public interest based upon the following findings:

- a. Palmer Street, and Palmer Street Extension, already exist. Palmer Street Extension, as it leaves the north end of Palmer Street and the Palmer Street Apartments property and northward to other City-owned property, is generally in poor repair.
- b. A portion of Palmer Street, extending from Arsenal Street to the beginning of Palmer Street Extension, all as shown on the map attached as part of Schedule A, has previously been dedicated to the City. It is routinely repaired, maintained and plowed by the City as a City Street.
- c. On the other hand, Palmer Street Extension is not owned by the City, but has been routinely patched and plowed by City work crews in an attempt to maintain safe and efficient access by fire and other emergency vehicles. The City now has no lawful authority to expend funds to improve the street.

- d. The acquisition costs of Palmer Street Extension are thought to be negligible. The first portion, apparently owned by the heirs of A. Palmer Smith and Timothy A. Smith, is burdened by traffic in any event. It should be seen as more of a liability to those heirs than an asset. The 0.027 ± acre portion of tax map parcel no. 8-12-104.001, as surveyed by the City's retained land surveyors, currently also exists as part of the street's roadbed. It is otherwise undevelopable. Finally, the outermost portion of Palmer Street Extension, hoped to be obtained by deed from Jefferson Heights, LLC, includes the currently existing roadway. Accordingly, overall the cost of condemnation is negligible.
- e. The City is not proceeding to take any more property than is currently held by the persons identified above.
- f. The public use and benefit which will be served by the proposed taking is that the City will be enabled to spend public funds to actually improve the roadway and to make it more passable and safe for those who live on that road or otherwise traverse it.
- g. The City currently has no plans to install sewer services. If a future Council does determine to do so, however, it is generally believed that public sewer service is a public benefit, and not a detriment. The ability of the City to deliver raw sewage to licensed and monitored sewage treatment facilities is, by definition, a valid exercise of City authority which serves to benefit to the public.
- h. Several homes exist along Palmer Street Extension. Those persons currently pay City taxes, and are entitled to have a reasonable street in front of their homes. While this street will not be built to standards established for a dedicated City Street under the Watertown City Code, the City will have the ability to expend funds to improve the street, rather than to simply maintain it for emergency vehicles. This, too, is considered a public benefit.
- i. Persons utilize Palmer Street Extension for various purposes, whether it is a City-owned street or not a City-owned street. Improving that street will only benefit its users and, therefore, the public as a whole.
- j. The City's ownership of Palmer Street Extension will ensure safe and convenient access to a major apartment complex and all of its residents.
- k. This is primarily a taking of a private driveway to which its owners contribute no maintenance or repair, and turning it into a public street which can be lawfully supported by public funds.
- l. The Council finds that the general effect of the proposed project on the residents of the locality is a positive one, and not a negative one.

4. For all the foregoing reasons, the City Council of the City of Watertown determines that the taking of Palmer Street Extension by eminent domain, all as authorized by the New York Eminent Domain Procedure Law, is in the overall public interest and should be effected as soon as practicable.

SCHEDULE A



CITY OF WATERTOWN
ENGINEERING DEPARTMENT
MEMORANDUM

DATE: 13 July 2015

TO: Sharon Addison, City Manager

FROM: Justin Wood, City Engineer

SUBJECT: Palmer Street Acquisition Process

The following memo is intended to provide a brief outline of the steps necessary for the City to acquire all of the lands encompassing Palmer Street, from Arsenal Street to Wealtha Avenue. This process entails essentially three steps:

- Step 1: Acquire Palmer Street "Extension" (733 \pm feet in length)
- Step 2: Subdivide and exchange property with F. Battista (VL-8 Palmer St.)
- Step 3: Acquire a section of Palmer St. across the lands of 224 Palmer St, Palmer Street Apartments (670 \pm in length)

The City took ownership of a portion of Palmer Street from Arsenal Street to a point 966 feet north thereof, in 1879. The street boundary is 33 feet in width, with an asphalt width of approximately 20', intermittent concrete sidewalk, and is served by public water and sanitary sewer.

The subsequent 1,400 linear feet (LF) of Palmer Street, which is not owned by the City, has been the subject of acquisition by City Council, to provide a wholly City owned connection from Arsenal St. to Wealtha Ave.

The last leg of what is considered to be Palmer St, a 400 foot section between Wealtha Ave. and Palmer St Apartments, lies on property owned by the City. In March 1986, City Council agreed to maintain this section of road for public use as part of the Palmer Street Apartments approval process.

Step 1 – Acquire Palmer Street "Extension":

A 733 foot section of Palmer Street, which is depicted as 33 feet in width in the original subdivision map and City tax maps, was never conveyed to the City. While there is much history in the debate of ownership for this section of street which I will not go into detail here, what is clear now is that the City has conducted research, and has not been able to identify an owner or heir to the original owner of the property. Therefore, the street must be acquired through a court process. Subsequent to Council directive to initiate the process, staff proceeded with the mapping and deed descriptions and obtained a final abstractor's opinion on title in the names of A. Palmer Smith and Timothy A. Smith. All of this work needed to be completed before the City could begin the process of commencing eminent domain proceedings. We are now ready to commence the eminent domain proceedings, and will initiate this step with the holding of a public hearing.

Step 2 - Subdivide and exchange property with F. Battista (VL-8 Palmer St.).

Once Step 1 is complete and Palmer Street Extension is acquired, the City must address an issue with the location of the actual street pavement, relative to the street boundary. A portion of the existing street pavement, north of Emmett St., lies outside the street boundary to be acquired. In lieu of relocating the street, the City can simply exchange property with the owner of the land where the actual street lies. I have already met with the owner, Mr. Frank Battista, and reviewed the maps which have been prepared to convey a sliver of Palmer St Ext. to Mr. Battista, in exchange for him conveying a sliver of his property at VL-8 Palmer St to the City. He is supportive of this action and will sign off accordingly when the City is ready to take this step, which will also be submitted to the City Planning Board for Subdivision Approval.

Step 3 - Acquire a section of Palmer St. across the lands of 224 Palmer St

Approximately 640 feet of Palmer Street lies on property at 224 Palmer St, otherwise known as Palmer Street Apartments. The street and a 50 foot wide strip of land across this parcel were proposed to be dedicated to the City when the site was developed in 1985. While another long history of events ensued on that topic which resulted in construction of a substandard street without dedication to the City, the current the owner, Brian Murray, has expressed a willingness to convey the 50 foot wide parcel to the City. A Bill of Sale and Agreement with the owner can be drawn up and executed to complete this step.

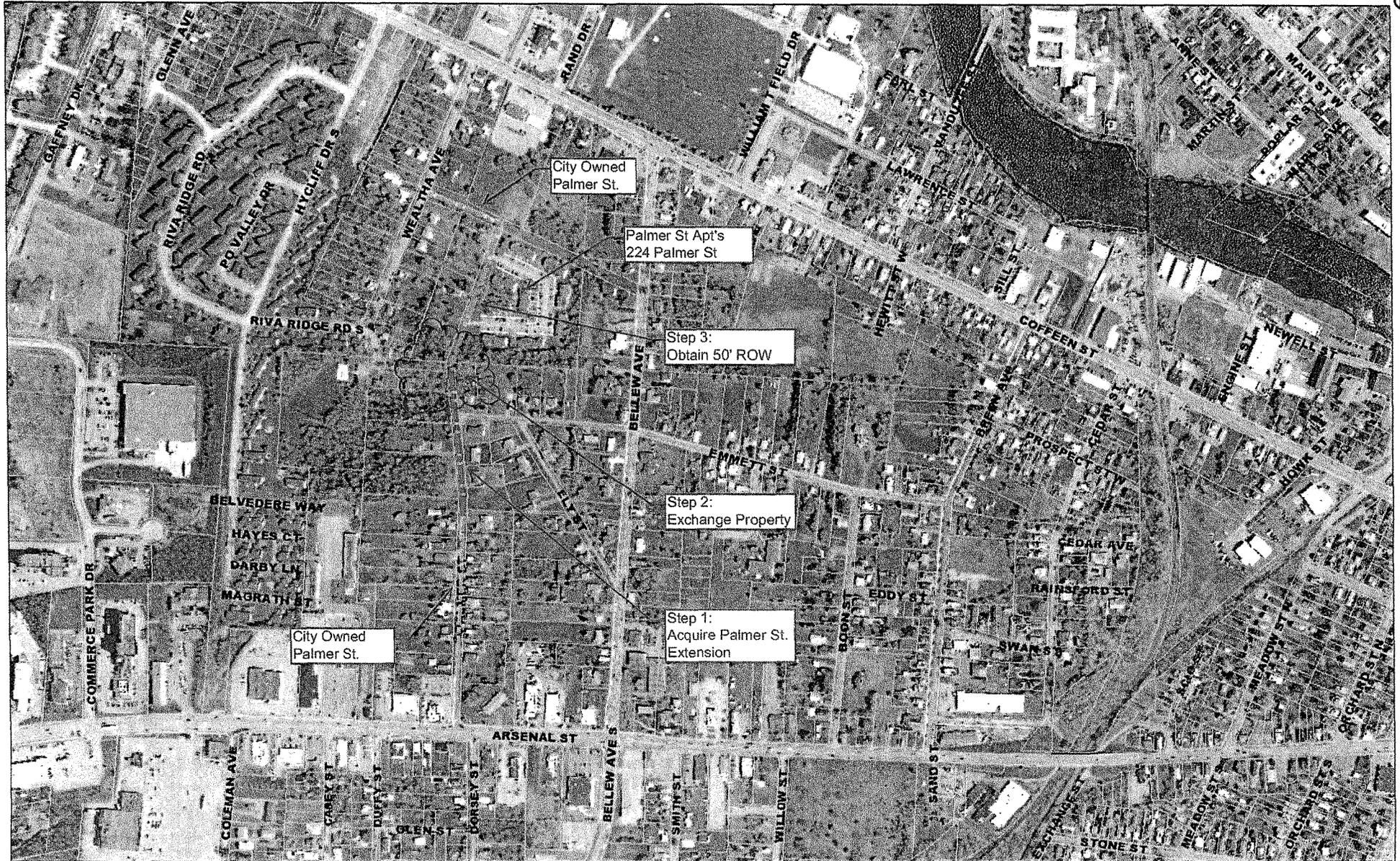
Conclusion

Once the necessary parcels are acquired, City Council would have to determine what level of reconstruction of Palmer Street, if any, is desired. The purpose of ownership is presumably to put the City in a position to make improvements, and to maintain the street at some minimum acceptable level. Will the street pavement be partially repaired or fully reconstructed? If so, at what width, will it include sidewalks, will it include utility extensions of water and sanitary sewer? These questions are important, and will require due diligence and serious consideration. The answers will define the scope of work and rough order of magnitude (ROM) cost. The section of Palmer Street in obvious need of pavement reconstruction is approximately 1,300 linear feet. \$570,000 is currently budgeted for reconstruction of Palmer Street in the Capital Budget for FY 18-19. The scope of work at this budgeted amount covers reconstruction of pavement at a substandard width and storm sewer installation only. Depending on the scope of work, reconstruction of this street will very easily be discussed in the \$1 plus Million range.

Cc. Ken Mix, Planning and Community Development Coordinator
Gene Hayes, Department of Public Works Superintendent
Jim Mills, City Comptroller
Robert Slye, City Attorney



PALMER STREET ACQUISITION PROCESS



1 inch = 400 feet

SCHEDULE B



THOMAS M. STORINO, PLS
ADAM M. STORINO, PLS

SUGGESTED DESCRIPTION – PARCEL C
A 0.027± ACRE PORTION OF TAX MAP P.N. 8-12-104.001
VL-8 “PALMER STREET EXTENSION”
TO BE CONVEYED TO THE CITY OF WATERTOWN

ALL THAT TRACT or parcel of land, in the City of Watertown, County of Jefferson, State of New York, and being further described as follows:

BEGINNING at a 5/8” capped iron rebar set (N: 1451333.59083’, E: 991106.67819’) in the easterly margin of Palmer Street Extension (33.0’ Wide), said rebar being situate N 04°37’06” W, 91.52 feet from a point (N: 1451242.37660’, E: 991114.04638’) marking the intersection of the easterly margin of Palmer Street Extension and the northerly monumented margin of Emmett Street (33.0’ Wide);

THENCE N 04°37’06” W, along the easterly margin of Palmer Street Extension, a distance of 142.95 feet to a point (N: 1451476.07341’, E: 991095.16860’) marking the northeasterly terminus of Palmer Street Extension;

THENCE S 86°40’25” E, along the southerly property line of the parcel of land (P.N. 8-14-102.000) conveyed by Palmer Apartments Company to Jefferson Heights, LLC in a deed dated May 7, 2012, recorded in the Jefferson County Clerk’s Office as Instrument Number 2012-7176 on May 16, 2012, a distance of 16.63 feet to a 5/8” capped iron rebar set (N: 1451475.10867’, E: 991111.76713’);

THENCE S 02°03’34” W, through the parcel of land (P.N. 8-12-104.001) conveyed by Woodrow W. Allen to Frank and Debra Battista in a deed dated December 3, 2001, recorded in the Jefferson County Clerk’s Office on December 4, 2001 in Liber 1832 of Deeds, at Page 49, a distance of 141.62 feet to the point and place of beginning.

CONTAINING 0.027 Acres (1,177 Square Feet) of land more or less.

SUBJECT to any rights or restrictions of record that an updated Abstract of Title may disclose.

SUBJECT to and including any and all other rights or restrictions of record.

INTENDING to describe a 0.027± Acre portion of the parcel of land conveyed by Woodrow W. Allen to Frank and Debra Battista in a deed dated December 3, 2001, recorded in the Jefferson County Clerk’s Office on December 4, 2001 in Liber 1832 of Deeds, at Page 49.

AS SURVEYED by STORINO GEOMATICS, Land Surveying Services & Consulting, PLLC, April – May, 2014, December 5, 2014, shown as Parcel C on a plat titled “SUBDIVISION FINAL PLAT OF PARCELS A, B, C, AND D,

REARRANGEMENT OF THE NORTHERLY TERMINUS OF "PALMER STREET EXTENSION'", dated 12/5/2014, a copy of which is part of this instrument.

The bearings used in this description are referenced to New York State Plane Central Zone 3102, as realized from observations referenced to NAD 83 (2011). Coordinates were determined from static GPS observations made on April 18, 2014. Coordinates given are grid coordinates (Combined Grid Scale Factor: 0.999957075). Distances and area used in this description are ground.

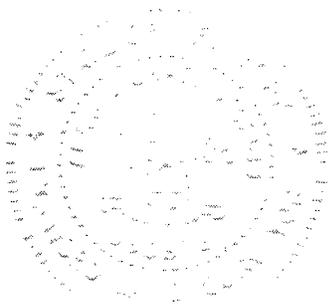
Caps on 5/8" capped iron rebars set are yellow and read "STOR GEOM, PLS 50878".

The monumented margins referred to herein are those as monumented by the Department of Engineering of the City of Watertown, New York.

The parcel numbers referred to herein are those shown upon the Assessment maps of said city that are on file in the City Engineer's office, Room 305, Municipal Building, 245 Washington Street.



Adam Michael Storino, P.L.S. No. 50878
Licensed Land Surveyor



Short Environmental Assessment Form

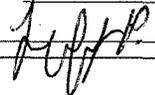
Part 1 - Project Information

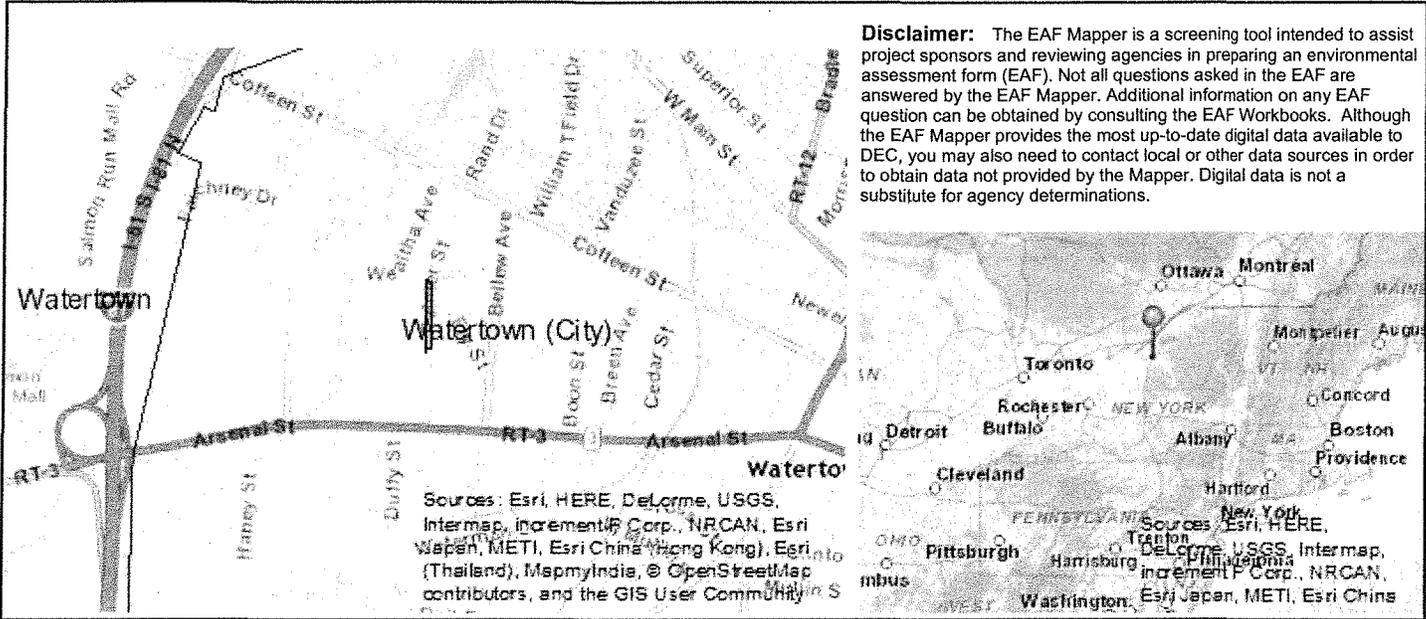
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Palmer Street Extension Eminent Domain			
Project Location (describe, and attach a location map): Southern Section of Palmer Street Extension, Watertown NY			
Brief Description of Proposed Action: Exercise eminent domain to acquire Palmer Street Extension from a private property owner (heirs of A. Palmer Smith and Timothy A. Smith)- approximately 733 feet ; Exercise eminent domain to acquire a .027 acre triangular parcel from private property owners Frank and Debra Battista;			
Name of Applicant or Sponsor: City of Watertown		Telephone: 315 - 785 - 7884 E-Mail: jpolkowski@watertown-ny.gov	
Address: 245 Washington Street			
City/PO: Watertown		State: NY	Zip Code: 13601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ .4 acres	
b. Total acreage to be physically disturbed?		_____ 0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 0 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: Jeffrey M. Polkowski</p>		<p>Date: 12/02/2015</p>
<p>Signature: </p>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Project: _____

Date: _____

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- 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.

 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)

Res No. 8

December 2, 2015

To: The Honorable Mayor and City Council

From: Michael A. Lumbis, Planner

Subject: Finding That Changing the Approved Zoning Classification of 115 Brook Drive, Parcel Number 14-21-131.000 from Residence A to Limited Business Will Not Have a Significant Impact on the Environment

At its November 3, 2015 meeting, the City Planning Board adopted a motion recommending that the City Council change the approved zoning classification of 115 Brook Drive, Parcel Number 14-21-131.000, from Residence A to Limited Business. The Council has scheduled a public hearing on the request for Monday, December 7, 2015 at 7:30 PM.

The City Council must complete Part 2, and Part 3 if necessary, of the Short Environmental Assessment Form and adopt the attached resolution before it may vote on the Zone Change Ordinance. The resolution states that the proposed zone change will not have a significant impact on the environment.

RESOLUTION

Page 1 of 2

Finding That Changing the Approved Zoning Classification of 115 Brook Drive, Parcel Number 14-21-131.000 from Residence A to Limited Business Will Not Have a Significant Impact on the Environment

Council Member BURNS, Roxanne M.

Council Member BUTLER, Joseph M. Jr.

Council Member JENNINGS, Stephen A.

Council Member MACALUSO, Teresa R.

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 the zone change application of Stephen W. Gebo of Conboy, McKay, Bachman & Kendall, LLC, on behalf of Sundus and Sarah, LLC, to change the approved zoning classification of 115 Brook Drive, Parcel Number 14-21-131.000, from Residence A to Limited Business, 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 115 Brook Drive, Parcel Number 14-21-131.000 from Residence A to Limited Business Will Not Have a Significant Impact on the Environment

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

YEA	NAY

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

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

Seconded by

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: North Country Neurology Zone Change and Special Use Permit - Employee Parking Facility			
Project Location (describe, and attach a location map): 115 Brook Drive, City of Watertown			
Brief Description of Proposed Action: The applicant proposes to utilize an adjoining property (owned by applicant) as an employee parking lot. This plan requires a zone change from the existing Residence A zone to Limited Business and also a special use permit to allow for a parking facility to be utilized as an accepted use. See attached, detailed letter regarding the proposed action.			
Name of Applicant or Sponsor: Sundus and Sarah, LLC		Telephone: 315-782-9003	
		E-Mail: pattip@centralny.twbc.com	
Address: 1340 Washington Street			
City/PO: Watertown		State: NY	Zip Code: 13601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.14 acres	
b. Total acreage to be physically disturbed?		0.0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.72 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: Patti Pharoah		Date: 10/19/2015
Signature: <u>[Signature]</u> - GYMO For		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	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.

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)

PRINT

Res

December 7, 2015

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

Subject: Authorizing the Sale of Surplus Equipment – Municipal Arena Project

The City of Watertown has surplus equipment from the Watertown Municipal Arena Renovation that has value to the City of Oswego. The Munters Dehumidification Unit (DHU) is being replaced with a larger unit. Although the one being removed needs a gas controller to be replaced at an estimated cost of \$1,500, the City of Oswego has offered to purchase it at \$2,500.

As stated in the attached reports of Purchasing Manager Amy M. Pastuf and City Engineer Justin L. Wood, Staff is recommending that we proceed with this sale. If we act quickly, Lawman Heating and Cooling will have the equipment and manpower on site to pick the unit onto a flatbed at no charge to the City.

A resolution is attached for City Council consideration.

RESOLUTION

Page 1 of 1

Authorizing the Sale of Surplus
Equipment – Municipal Arena Project

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

Total

YEA	NAY

Introduced by

WHEREAS the City of Watertown has surplus equipment from the Watertown Municipal Arena Renovation, and

WHEREAS although the Munters Dehumidification Unit (DHU) being removed from the Arena currently needs repairs, the City of Oswego has offered \$2,500 to purchase it,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the sale of the Munters Dehumidification Unit (DHU) to the City of Oswego for \$2,500, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby directed and authorized to sign any documentation required to complete this sale.

Seconded by



CITY OF WATERTOWN, NEW YORK

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

Amy M. Pastuf
Purchasing Manager

MEMORANDUM

TO: Sharon Addison, City Manager
FROM: Amy M. Pastuf, Purchasing Manager
SUBJECT: Surplus Sale of Dehumidification Unit – Arena Renovation Project
DATE: 12/7/2015

The Purchasing Department is requesting City Council's permission to surplus a Munters Dehumidification Unit. This unit was taken out of service from Arena Building during the Renovation Project and replaced with a larger unit. The replaced unit will be sold to another municipality, the City of Oswego, for \$2,500. The sale of surplus items to other municipal entities is allowed under General Municipal Law. It appears the sale price is reasonable and the timing is perfect to have this item removed from the site at no expense to the City. I recommend the Dehumidification Unit be deemed surplus and sold to the City of Oswego for \$2,500.00.

Thank you for your consideration in this matter.

Copy: Jim Mills, City Comptroller

Enclosures



CITY OF WATERTOWN
ENGINEERING DEPARTMENT
MEMORANDUM

DATE: December 7, 2015

TO: Sharon Addison, City Manager

FROM: Justin Wood, City Engineer

SUBJECT: Watertown Municipal Arena Renovation – Surplus Equipment

As part of the Arena Renovation Project, the existing Munters Dehumidification Unit (DHU) was removed, taken out of service, and replaced with a much larger new unit. The Munters DHU, Model # A20G, is approximately 10 years old, but still has value to other parties. After reaching out to different organizations, the City of Oswego expressed interest in purchasing the DHU. A gas controller needs to be replaced, which is estimated at a \$1,500 repair, however, the City of Oswego is aware, and has offered a purchase price of \$2,500. This is a reasonable offer estimated at about 10% (including repairs) of the original purchase price of \$40,000.

The Purchasing Manager, Amy Pastuf, will provide a memo for Council to approve a resolution to surplus the item, thus allowing the sale to commence immediately. Lawman Heating and Cooling will have the equipment and manpower on site for about the next two weeks only, to rig, and pick the unit onto a flatbed, at no charge to the City. I urge Council to act on this request tonight, so we can take advantage of Lawman's offer to assist.

There may be other items which were replaced as part of the Arena Renovation Project, such as the scoreboard, which can now be sold as surplus, but I will defer to Parks and Recreation staff to determine what items they wish to sell and present in a separate memo.

Enc.

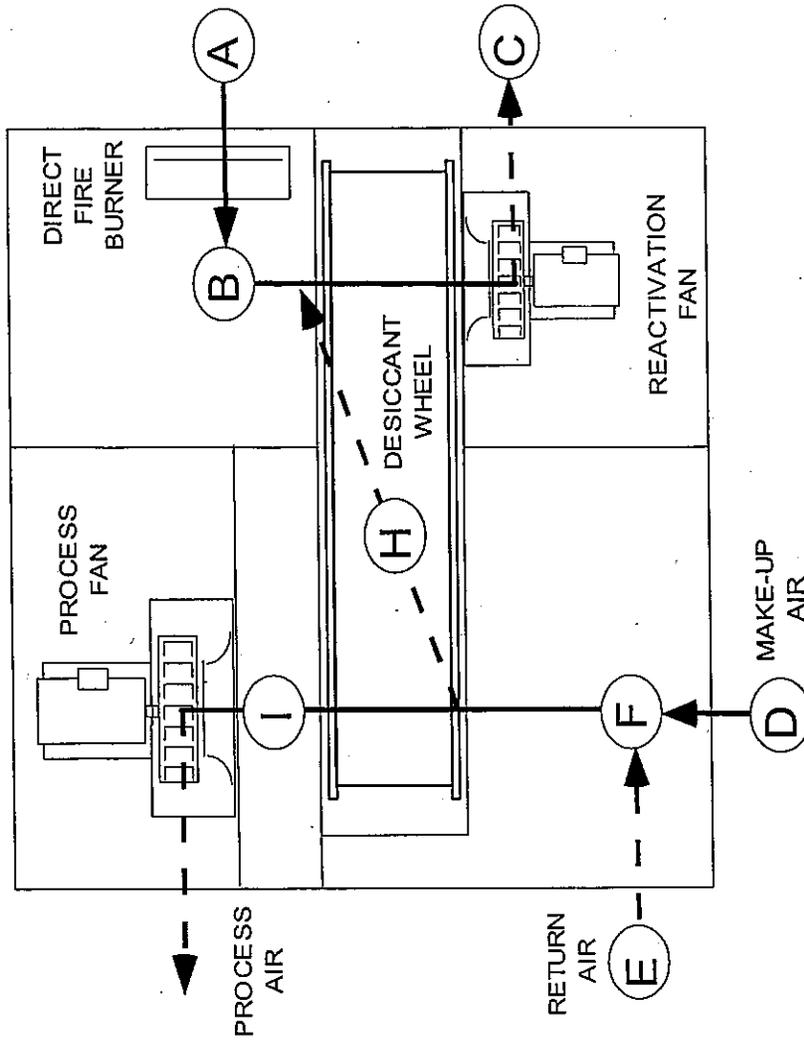
cc: Erin Gardner, Superintendent of Parks and Recreation
Amy Pastuf, Purchasing Manager
Jim Mills, City Comptroller
File

EQUIPMENT DATA SHEET	
MANUFACTURER	MUNTERS DRYCOOL
MODEL NUMBER	A20G
DESIGN DATA	
OUTSIDE AMBIENT (DB / GR-LB)	87 / 106
RETURN AIR (DB / GR-LB)	55 / 35
SUPPLY AIRFLOW (SCFM)	5,000
MAKE UP AIR VOLUME (SCFM)	0 / 2,000 / 5,000
SUPPLY FAN	
SIZE	24"x85%
TYPE	BAF / II
AIR VOLUME (SCFM)	5,000
TOTAL STATIC PRESSURE (WG")	4.11
EXTERNAL STATIC PRESSURE (WG")	1.00
FAN RPM	1760
MOTOR HP	7.5
REACTIVATION FAN	
SIZE	13"x95%
TYPE/CLASS	BAF / I
AIR VOLUME (SCFM)	1,308
TOTAL STATIC PRESSURE (WG")	3.41
FAN RPM	3450
MOTOR HP	3
REACTIVATION HEATER	
TYPE OF GAS	NATURAL
CAPACITY INPUT	400,000 MAX BTUH
STAGES OF CAPACITY	MODULATING
GAS SUPPLY PRESSURE REQUIRED	6-15" WG
GAS PRESSURE AT PILOT	3.5" WG
PRESSURE DROP ACROSS BURNER	0.7" WG
DESICCANT WHEEL	
MOISTURE REMOVAL (LB / HR)	@ 5,000 CFM OA
WATER REMOVAL EFFICIENCY (BTU/LB)	136
HEAT TRANSFER EFFICIENCY (BTU/LB)	1,750
PRESSURE DROP PROCESS (WG")	455
PRESSURE DROP REACTIVATION (WG")	2.32
	2.16
FILTERS	
TYPE	30% PLEATED DISPOSABLE
NUMBER / SIZE	(4) 24x24x2
ELECTRICAL	
SYSTEM VOLTAGE (V/P/H)	460/3/60
CONTROL CIRCUIT VOLTAGE	120 V
PROCESS MOTOR AMPS	9.5
REACTIVATION MOTOR AMPS	3.6
CONTROL TRANSFORMER AMPS	1.1
UNIT FLA	14.2
UNIT MCA	16.6
UNIT MOP	25
DISCONNECT SIZE	25

FILE: Water Town Ice Arena A20G MDS21 806148 Rev 00

Water Town Ice Arena

A20G
Rev 00



		A	B	C	D	E	F	H	I
Unoccupied	SCFM	1108	1108	1308	0	5200	5200	200	5000
	DEGREES F	89	235	121	87	55	55	195	79
	GR / LB	106	119	232	106	35	35	47	4

		A	B	C	D	E	F	H	I
Occupied	SCFM	1108	1108	1308	2200	3000	5200	200	5000
	DEGREES F	89	235	120	87	55	69	196	80
	GR / LB	106	119	234	106	35	65	47	4

		A	B	C	D	E	F	H	I
Max Occupancy	SCFM	1108	1108	1308	5200	0	5200	200	5000
	DEGREES F	89	265	120	87	55	87	229	120
	GR / LB	106	125	291	106	35	106	59	64

ENGINEERING GUIDE SPECIFICATIONS FOR MUNTERS A20G/P MDS21

GENERAL

Furnish and install MUNTERS DH® unit(s) or approved equal. Sizes, arrangements, capacities and performance shall be as indicated on plans and schedules.

Munters unit(s) shall be factory preassembled, tested and shipped complete with all components necessary to maintain humidity levels independent of load variations within design limits. Units shall be ETL listed and manufactured in an ISO9001 certified manufacturing plant.

Munters unit(s) shall be designed for year round 24 hr/day service and outdoor installation requiring only connection of ductwork, utilities, and remote sensor(s).

A space humidistat set point shall be maintained by staged control of the Munters Honeycombe Dehumidifier of type, size, and capacity shown in schedules.

At reduced humidity levels the humidistat sensor shall cause the dehumidifier to shut down. At increased humidity levels the process shall be reversed.

Reactivation energy shall be in the form of heat from a direct-fired gas burner. The heat shall be automatically modulated to conserve energy at reduced humidity loads.

CONSTRUCTION SPECIFICATION - BASE

Unit base shall be all steel bolted construction with formed 12 gauge galvanized steel channel around the outside perimeter. Cross support members shall be 12 gauge galvanized steel channel bolted to the perimeter channel. Completed base shall be constructed with G 90 galvanized materials. Base shall be provided with steel lifting lugs that do not rely on shear strength of bolts to hold unit while lifting. Welding on base shall not be permitted.

Floor panels shall be double wall construction with no through conductors of heat. Double wall floor panels shall be sandwich construction with heavy gauge galvanized sheet metal on both the top and bottom surface and insulated with 2 inches of urethane foam to give an insulation value of R-14. The urethane foam shall be foamed in place and have a nominal in place density of 2.2 to 2.5 lbs/cu ft.

CABINET

The unit housing shall be double wall panel in frame construction and shall have no through conductors of heat. The panels shall be sandwich construction with heavy gauge galvalume steel on the outside and galvanized steel on the inside. The panels shall be insulated with 2 inches of urethane foam to give an insulation value of R-14. The urethane foam shall be foamed in place and have a nominal in place density of 2.2 to 2.5 lbs/cu ft. The frame shall have no through conductors of heat.

Full size service doors shall provide access to all service areas. Doors shall be furnished with compression type latches, and resilient gaskets. All access doors shall be sandwich construction with heavy gauge galvalume steel on the outside and galvanized steel on the inside. The doors shall be insulated with 2 inches of urethane foam to give an insulation value of R-14. The urethane foam shall be foamed in place and have a nominal in place density of 2.2 to 2.5 lbs/cu ft. The door shall have no through conductors of heat.

DEHUMIDIFIER & CONTROL COMPONENTS

Dehumidifier shall be of design and construction proven in the field by minimum of ten years operating performance.

Dehumidifier shall be non-cyclic sorption type with a single desiccant rotary structure designed for continuous operation. Construction arrangement shall be provided counter flow of process and reactivation air streams with full face pressure seals to prevent cross leakage with static pressure differentials up to 8 inches water gauge.

The rotary structure will consist of 100% inert silicates impregnated with an inorganic, non-granular, crystalline desiccant which transfers water in vapor phase or of a non-crystalline form of silicon dioxide Titanium (silica gel). The design shall assure laminar air flow through the structure for minimum pressure loss with maximum transfer surface.

The dehumidifier shall include: a HoneyCombe desiccant wheel and drive system, direct fire reactivation heater, fan and motor assemblies for reactivation and process air flow, reactivation and process air flow indicating gauges, inlet filters for reactivation and process air, reactivation energy control system, overheat, and rotation fault circuitry.

FANS

The units shall be equipped with process air and reactivation air fans to provide the scheduled airflows at the static pressure indicated. All fans or components shall be rated in accordance with AMCA standard 210.

Process air fan shall be single width, single inlet with backward airfoil blades. Process fan shall be direct drive.

Reactivation air fan shall be single width, single inlet with backward air foil blades. Reactivation fan shall be direct drive.

Motors shall be TEFC NEMA design B with Class B insulation and a 1.25 service factor.

FILTERS

Process air inlet, and return air inlet plenums shall be equipped with heavy gauge galvanized steel racks to provide for easy removal of filters. Filters shall be 2 inches thick, pleated disposable type with a non-woven media held in place by a wire support grid. Filters shall be 25%-30% average efficiency per ASHRAE test standard 52-76.

DIRECT FIRE REACTIVATION

Direct fire gas reactivation is used to reactivate the silica gel. The direct fire burner will be capable of an output capacity over a fully modulated range of 50,000 BTU to 750,000 input at a constant airflow. The burner shall produce no measurable carbon monoxide in the airstream.

The system shall be designed to meet ANSI requirements.

The control system shall provide fully automated control of the furnace. The controls shall modulate the heat to conserve energy at reduced humidity loads.

DAMPERS AND LOUVERS

Make-Up Air dampers shall be constructed with heavy gauge galvanized steel frames, galvanized steel blades with bushings. Dampers shall be opposed blade type and shall include motorized actuators.

Aluminum hoods and/or StormDek louvers for outside air intake of reactivation air, make-up air, and combustion air for gas burners shall be provided as an integral part of the unit housing.

ELECTRICAL

The main electrical control panel shall be located in a protected area to prevent water entry. All electrical controls shall be UL listed, and the entire unit factory wired in accordance with National Electrical Code. The unit shall be supplied with a non-fused main power disconnect mounted in the control panel and engaged by an operating mechanism on the panel door. A single point power connection shall be provided for all units.

SEQUENCE OF OPERATION

The Munters unit is an environmental control system designed specifically for the unique dehumidification for ice rinks and other unique facilities.

With the main disconnect turned on, and the Auto-Off-Manual switch at the electrical panel turned to the Auto position, the process fan will energize in response to a signal from a remote control panel, humidistat, or gas sensor. If the humidity level in the space exceeds the control set point, then the Honeycombe is energized.

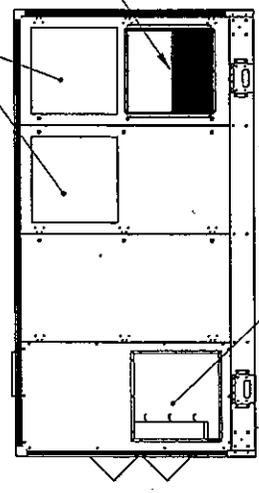
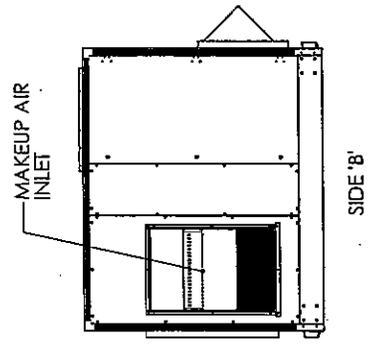
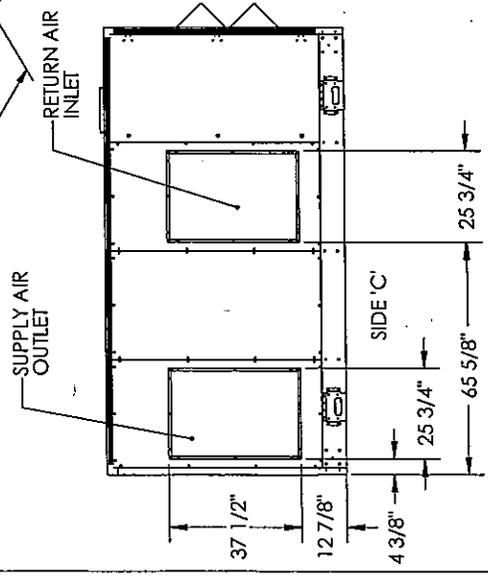
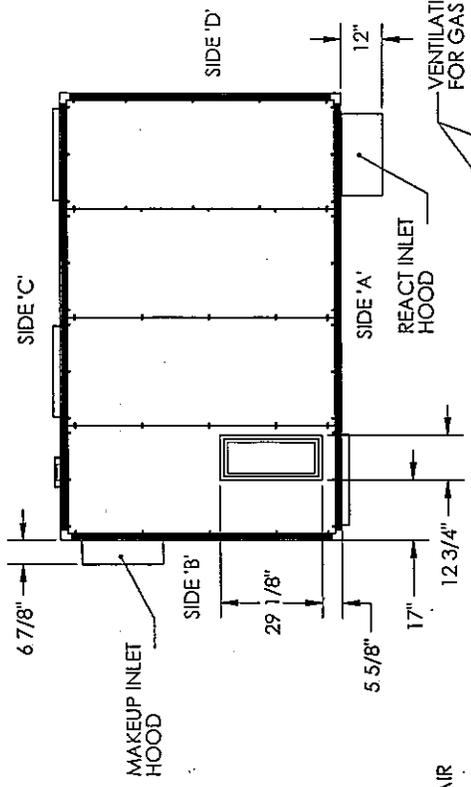
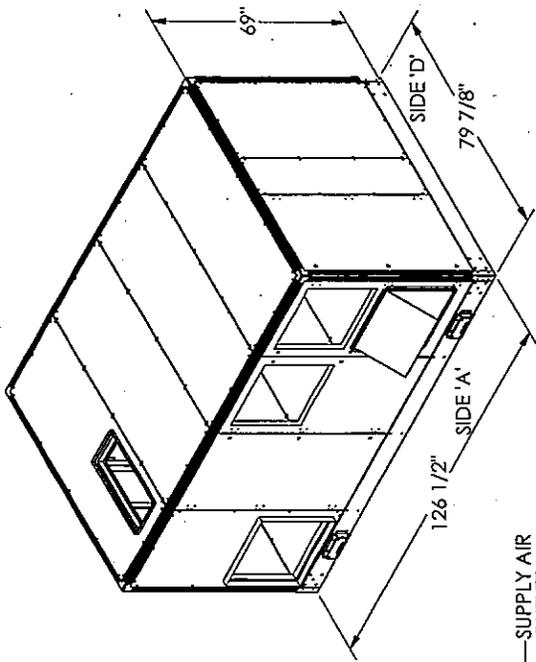
The dehumidifier consists of a Honeycombe desiccant wheel, a wheel drive motor, a process air circuit, and a reactivation air circuit. On a call for dehumidification, the desiccant wheel drive motor is energized to rotate the wheel through the process and reactivation air streams at a rate of 8/16 RPH. The process fan is energized to draw a blend of outside air and return air from the space through the desiccant wheel. The desiccant draws water vapor from this air stream which is then returned to the space through the process blower. The reactivation air fan and heater are energized to draw heated outside air through the wheel. The air is heated by the auxiliary gas direct-fired heater. This heated air drives the moisture from the desiccant and is discharged to the atmosphere.

The dehumidification process is continuous as the desiccant wheel rotates through the process and reactivation streams. When the space humidity returns to its control set point, the dehumidifier is de-energized.

In the *Unoccupied Mode*, the outside air damper is closed to allow for full space air re-circulation. In the *Minimum Occupancy Mode*, one outside air damper opens to allow minimum make-up air into the desiccant air stream. In the *Maximum Occupancy Mode*, both outside air dampers open and the return air damper closes to allow 100% make-up air into the desiccant air stream.

When the space mounted CO sensor detects gas levels above the customer setpoint, the unit will automatically shift to *Maximum Occupancy Mode*. As the gas levels drop below the setpoint, the unit will resume selected operation.

REV.	DESCRIPTION	BY	CHKD.	DATE	E.C.O. NO.
01	ADDED MAX CFM NOTE ON PAGE 2 & 3			12/02	
S70002-000					



MAKEUP AIR 0 - 2,000 CFM ISOLATED FOR LOW TEMP. APPLICATIONS.

SIDE CLEARANCES:
 SIDE 'A' = 54"
 SIDE 'B' = 48"
 SIDE 'C' = 48"
 SIDE 'D' = 48"
UNIT WEIGHT:
 4000 Lbs. ±10%

CONFIDENTIALITY STATEMENT: THE TECHNICAL INFORMATION AND DESIGN DATA DISCLOSED HEREIN CONSTITUTE PROPRIETARY INFORMATION OF MUNTERS. THIS INFORMATION IS FOR THE SOLE USE OF OUR CUSTOMERS AND END USERS OF OUR EQUIP.	
All Dimensions Are In Inches Unless Otherwise Specified	
TOLERANCES ARE: FRACTIONS DECIMALS ANGLES ± 1/32 ± .003 ± 1/2 Deg	
Drawn by:	DATE:
MGY	12-01
Checked by:	DATE:
MGY	12-01
Approved by:	DATE:
MDR	12-01
DRAWING TITLE: A20 G.A.	
MATERIAL:	
SHEET 1 OF 3	
S70002-000	



REV.	DESCRIPTION	BY	DATE	CHKD	DATE	E.C.O. DATE NO.
01	ADDED MAX CFM NOTE ON PAGE 2 & 3	MGT	9-12-02	MGT	9-12-02	

S70002-000

SUPPLY BLOWER

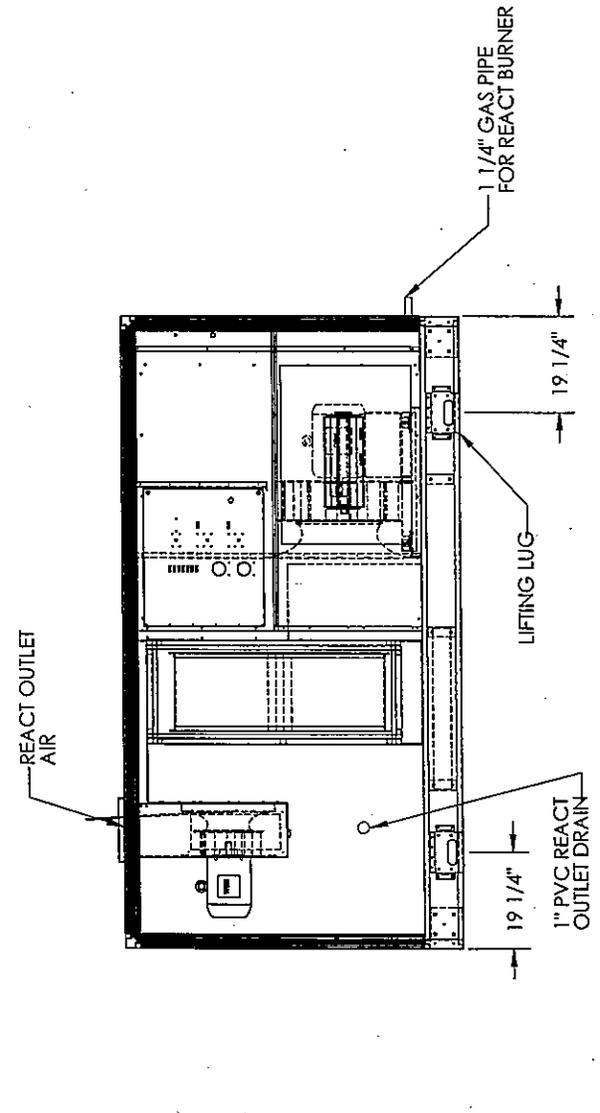
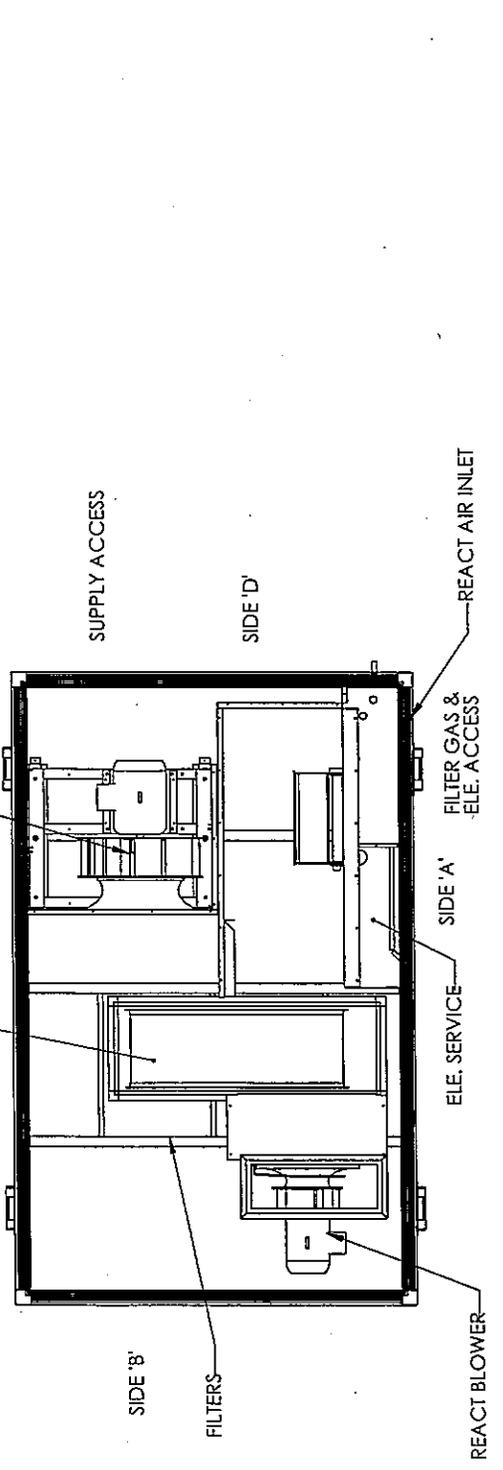
DH WHEEL SIDE 'C'

FILTER ACCESS

SIDE 'B'

FILTERS

REACT BLOWER



CONFIDENTIALITY STATEMENT
 THE TECHNICAL INFORMATION AND DESIGN DATA DISCLOSED HEREIN CONSTITUTE PROPRIETARY INFORMATION OF MUNTERS CORPORATION AND ARE TO BE KEPT CONFIDENTIAL. NO PARTS OR INFORMATION IS TO BE RELEASED TO OUR CUSTOMERS AND END USERS OUTSIDE OF OUR COMPANY.

Munters
 DRAWING TITLE: A20 G-A.
 TOLERANCES ARE:
 FRACTIONS: DECIMALS: ANGLES:
 ± .1752 ± .005 ± 1/2 Deg

MATERIAL: _____
 SPEC: _____

SHEET: 1 OF 1 PART NUMBER: S70002-000
 SCALE: 1 OF 1

RESOLUTION

Page 1 of 1

Granting an Easement of City-Owned Property to Jefferson Heights LLC

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

Total

YEA	NAY

Introduced by

WHEREAS the City of Watertown owns a parcel of land north of the Palmer Street Apartments, Tax Parcel No. 8-14-119, and

WHEREAS Jefferson Heights LLC is the owner of Palmer Street Apartments and is in the process of obtaining refinancing through Freddie Mac for continued operations of and improvements to its property, and

WHEREAS Freddie Mac has imposed a requirement that until the City completes its ownership of Palmer Street and Palmer Street Extension, Palmer Street Apartments will require a deeded easement to Wealtha Avenue from the Palmer Street Apartments property,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves an easement over Tax Parcel No. 8-14-119 for the benefit of Palmer Street Apartments and its tenants, invitees, customers, occupants and other users for vehicle and pedestrian access to and from Palmer Street Apartments and Wealtha Avenue in the City of Watertown, in the form attached to this Resolution as Exhibit A, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to sign the easement on behalf of the City of Watertown.

Seconded by

Exhibit A

QUITCLAIM OF EASEMENT RIGHTS

THIS INDENTURE, made the _____ day of December, 2015.

Between The **CITY OF WATERTOWN**, a municipality in the State of New York,
with offices at 245 Washington Street, Watertown, New York 13601
Grantor,

and **JEFFERSON HEIGHTS, LLC**, a New York limited liability company
with offices at 215 Washington Street, Suite 001, Watertown, New York
13601
Grantee,

WITNESSETH that the Grantor, in consideration of ONE DOLLAR (\$1.00) lawful money of the United States, and other valuable consideration paid by the Grantee, does hereby grant and release unto the Grantee, its heirs, successors and/or assigns, forever quitclaim,

That certain easement in the City of Watertown, County of Jefferson, State of New York, more particularly a non-exclusive right of way across a portion of City of Watertown Tax Parcel No. 8.00-14-119 (Western Outfall Trunk Sewer), for vehicular and pedestrian ingress to and egress from the 6.687 acre parcel of land conveyed by Prime L.L.C. to Jefferson Heights, LLC by deed recorded in the Jefferson County Clerk's Office as File No. 2011-13333 on September 15, 2011, currently known as City of Watertown Tax Parcel No. 8.00-14-102 (the "Palmer Street Apartments") said right of way being described below.

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

BEGINNING at an iron pipe set in the easterly street margin of Wealtha Avenue, said iron pipe is situate S. 15°-10'-00" W., along the easterly street margin of Wealtha Avenue a distance of 577.04 feet from the intersection of the easterly street margin of Wealtha Avenue and the southerly street margin of Coffeen Street;

THENCE S. 76°-39'-00" E., a distance of 172.27 feet to an iron pipe found;

THENCE S. 12°-53'-00" W., a distance of 14.79 feet to an iron pipe set;

THENCE S. 71°-45'-13" E., a distance of 327.73 feet to an iron pipe set;

THENCE S. 18°-14'-47" W., a distance of 50.00 feet to an iron pipe set in the northerly property line of the aforementioned 6.687 acre parcel;

THENCE N. 71°-45'-13" W., along the northerly property line of said 6.687 acre parcel and along the former Doldo and Marzano northerly property line, a distance of 323.04 feet to an iron pipe found;

THENCE S. 12°-53'-00" W., a distance of 9.97 feet to an iron pipe set;

THENCE N. 76°-39'-00" W., a distance of 175.26 feet to an iron pipe set in the easterly

street margin of Wealtha Avenue;

THENCE N. 15°-10'-00" E., along the easterly street margin of Wealtha Avenue a distance of 75.00 feet to the POINT of BEGINNING.

IT BEING the intention to describe a non-exclusive right of way across a portion of City of Watertown Tax Parcel No. 8.00-14-119 (Western Outfall Trunk Sewer).

WHEREAS, the easement will terminate upon the Grantor taking title to Palmer Street Extension located in the City of Watertown, New York which is located south of and contiguous to the Palmer Street Apartments.

WHEREAS, the Grantee will have rights over property now or hereafter acquired by the Grantor for pedestrian and vehicular access to the Palmer Street Apartments.

IN WITNESS WHEREOF, the Grantor has executed this Deed on the day and year first above written.

CITY OF WATERTOWN

By: _____
Name: _____
Title: _____

STATE OF NEW YORK)
COUNTY OF JEFFERSON) ss:

On the ____ day of December, in the year 2015, before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals or the person upon behalf of which the individuals acted, executed the instrument.

Notary Public

Public Hearing – 7:30 p.m.

December 2, 2015

To: The Honorable Mayor and City Council

From: Michael A. Lumbis, Planner

Subject: Changing the Approved Zoning Classification of 115 Brook Drive, Parcel Number 14-21-131.000, from Residence A to Limited Business.

City Council has scheduled a Public Hearing for the above subject request at 7:30 pm on Monday, December 7, 2015.

The Planning Board reviewed the request at its November 3, 2015 meeting and adopted a motion recommending that City Council approve the request.

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

The ordinance prepared for City Council consideration approves the zone change as submitted. The Council must hold the public hearing and pass the SEQRA resolution that is also on today's agenda before voting on the ordinance.

ORDINANCE

Page 1 of 1

Approving the Zone Change Request Submitted by Stephen W. Gebo, to Change the Approved Zoning Classification of 115 Brook Drive, Parcel Number 14-21-131.000, from Residence A to Limited Business

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

YEA	NAY

Introduced by

Council Member Stephen A. Jennings

BE IT ORDAINED where Stephen W. Gebo of Conboy, McKay, Bachman & Kendall, LLC, on behalf of Sundus and Sarah, LLC, has made an 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 115 Brook Drive, Parcel 14-21-131.000, from Residence A to Limited Business, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its meeting held on November 3, 2015, and adopted a motion recommending that the City Council approve the zone change as requested, and

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 December 7, 2015, after due public notice, and

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

NOW THEREFORE BE IT ORDAINED that the zoning classification shall be changed for Parcel Number 14-21-131.000 located at 115 Brook Drive, from Residence A to Limited Business, and

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

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

Seconded by Council Member Roxanne M. Burns

ORDINANCE

By Council Member _____

Date _____

SUBJECT:

STATE OF NEW YORK }
Jefferson County } ss:
CITY OF WATERTOWN }

I, Ann M. Saunders, City Clerk of the City of Watertown, hereby certify that the within Ordinance was adopted at a meeting of the City Council of said City, held _____ and that the same is the whole of said Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City of Watertown, New York

City Clerk



MEMORANDUM

CITY OF WATERTOWN, NEW YORK – PLANNING OFFICE
245 WASHINGTON STREET, ROOM 304, WATERTOWN, NY 13601
PHONE: 315-785-7740 – FAX: 315-782-9014

TO: Planning Board Members
FROM: Michael A. Lumbis, Planner
SUBJECT: Zone Change – 115 Brook Drive
DATE: October 28, 2015

Request: To change the approved zoning classification of 115 Brook Drive, Parcel Number 14-21-131.000, from Residence A to Limited Business.

Applicant: Stephen W. Gebo of Conboy, McKay, Bachman & Kendall LLC on behalf of Sundus and Sarah, LLC.

Owner: Sundus and Sarah, LLC

SEQRA: Unlisted

County review: Not required

Comments: The applicant is requesting a zone change for the subject parcel in order to use the property for a proposed parking lot expansion for the neighboring North Country Neurology office building located at 1340 Washington Street. The existing medical office building property is already zoned Limited Business. The applicant wishes to apply for site plan approval for the parking lot at a future Planning Board meeting.

The medical office building currently has 38 parking spaces and the applicant wishes to add 11 new parking spaces through the proposed expansion. On August 27, 2012, the owner was granted an area variance by the Zoning Board of Appeals to reduce the parking requirement by 10 spaces. A copy of the ZBA's decision is attached. With a total of 49 parking spaces, North Country Neurology will exceed the standard parking space requirement for their building, which is 48 spaces.

With the addition of more neurologists and other doctors to the practice, the parking needs at the site have changed. The applicant has purchased this property and intends to combine it with their main parcel by way of a new metes and bounds description filed with the County Clerk.

The applicant's request to change the zoning of this parcel is firmly related to his future site plan approval request for the parking lot. However, this zone change request should still be considered independent of the site plan request and the Planning Board should consider all uses that are allowed in a Limited Business District.

The parcel is bounded on the north by several neighborhood businesses, to the south and west by a 'Residential A' district, and to the east by the previously mentioned North Country Neurology. It should also be noted that the Land Use Plan for the City of Watertown envisions this parcel as Limited Office Space Rather than Residential.

SEQR: In the applicant's response to Question 12 on the State Environmental Quality Review Short Environmental Assessment Form (EAF), which asks if the proposed action is located in an archeological sensitive area, the applicant answered "yes." The applicant must consult the New York State Historic Preservation Office (SHPO) to determine if there are any potential impacts associated with this project on any archeological resources.

cc: City Council Members
Robert J. Slye, City Attorney
Brian Drake, Civil Engineer II
Stephen Gebo, Conboy, McKay, Bachman & Kendall, LLP
Thomas Ross, GYMO, PC
Patti Pharoah, Sundus and Sarah, LLC

Legend

-  REQUESTED ZONE CHANGE
-  RIVER DEVELOPMENT DISTRICT
-  DOWNTOWN CORE OVERLAY
-  Open Space and Recreation
-  DOWNTOWN
-  RESIDENCE A
-  RESIDENCE B
-  RESIDENCE C
-  WATERFRONT
-  LIMITED BUSINESS
-  NEIGHBORHOOD BUSINESS
-  COMMERCIAL
-  HEALTH SERVICES
-  LIGHT INDUSTRY
-  HEAVY INDUSTRY
-  PLANNED DEVELOPMENT



CITY OF WATERTOWN, NEW YORK
GIS DEPARTMENT

 ROOM 305B, MUNICIPAL BUILDING
245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601
TEL: (315) 785-7793

Drawn By: J.Carlsson
Date: 10/28/2015
Requested By: J.Polkowski
Date:
Scale: As Noted
Map Number: 15-31

Revision:	Description of Revision:	Date:	By:



Project: ZONE CHANGE MAP
(Residence A to Limited Business)

Title: 115 Brook Drive
(14-21-131.000)

Legend

-  REQUESTED ZONE CHANGE
-  Annexed
-  City Center
-  Commercial
-  Drainage
-  Health Services
-  High Density Residential
-  Industry
-  Limited Office
-  Low Density Residential
-  Medium Density Residential
-  Neighborhood Business
-  Office/Business
-  Public and Institutional Services
-  Riverfront Development



CITY OF WATERTOWN, NEW YORK
GIS DEPARTMENT

ROOM 305B, MUNICIPAL BUILDING
245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601
TEL: (315) 785-7793

Drawn By: J.Carlsson

Date: 10/28/2015

Requested By: J.Polkowski

Date:

Scale: As Noted

Map Number:

15-32

Revision: Description of Revision:

Date: By:



Project:

LAND USE MAP

Title:

115 Brook Drive
(14-21-131.000)



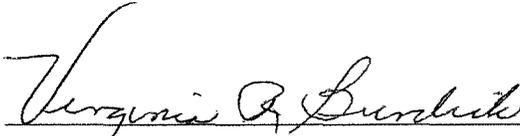
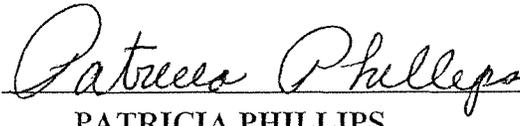
**DECISION OF THE ZONING BOARD OF APPEALS
OF THE CITY OF WATERTOWN, NEW YORK
REGARDING THE AREA VARIANCE OF THE PROPERTY**

AT

1340 Washington Street
PARCEL No. 14-21-102
1346 Washington Street
PARCEL No. 14-21-105
AS LISTED BELOW

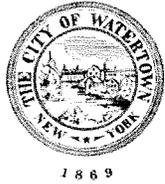
Grants an area variance to vary the minimum parking requirements for a proposed expansion project located in a Limited Business District. According to Section 310-47 of the Zoning Ordinance, the minimum number of parking spaces that shall be provided is five spaces per 1,000 square feet of floor area. Therefore, a minimum of 48 parking spaces must be provided to allow 9,960 SF floor area building to be constructed. This variance allows a 9,960 SF floor area medical clinic with only 38 parking spaces.

DATE: August 27, 2012 _____

	<u>YEA</u>	<u>NAY</u>
 _____ VIRGINIA R. BURDICK CHAIRPERSON	✓ _____	_____ _____
 _____ SAMUEL S. THOMAS	✓ _____	_____ _____
 _____ PATRICIA PHILLIPS	✓ _____	_____ _____
 _____ MICHAEL COLELLO	X _____	_____ _____
_____ ABSENT _____ CHRISTINE HOFFMAN	_____ _____	_____ _____

This Variance Request is subject to the following Conditions

- 1) All Conditions imposed on the Site Plan Approval are addressed by the applicant.
- 2) The two parcels 1340 & 1346 Washington St are combined into a single parcel.



CITY OF WATERTOWN, NEW YORK

CITY PLANNING BOARD
ROOM 304, WATERTOWN CITY HALL
245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601-3380
(315) 785-7740

MEETING: November 3, 2015

PRESENT:

Sara Freda, Chairperson
Michelle Capone
Larry Coburn
Linda Fields
Anthony Neddo
Steve Rowell
Neil Katzman

ALSO:

Michael A. Lumbis, Planner
Jeffrey Polkowski, Planner
Geoffrey Urda, Planner
Brian Drake, Civil Engineer II

ABSENT:

None

The November 3, 2015 Planning Board Meeting was called to order at 3:00 PM by Planning Board Chair Sara Freda. Ms. Freda called for a reading of the Minutes from the October 6, 2015 Planning Board Meeting. Ms. Fields made a motion to accept the minutes as written. The motion was seconded by Ms. Capone and all voted in favor.

ZONE CHANGE

115 BROOK DRIVE – PARCEL # 14-21-131.000 RESIDENCE A TO LIMITED BUSINESS

The Planning Board then considered a request submitted by Stephen W. Gebo of Conboy, McKay, Bachman & Kendall, LLC on behalf of Sundus and Sarah, LLC to change the approved zoning classification of 115 Brook Drive, Parcel Number 14-21-131.000 from Residence A to Limited Business. David Guertsen of Conboy, McKay, Bachman & Kendall and Thomas Ross of GYMO, P.C. were in attendance to represent Sundus and Sarah, LLC before the Planning Board.

Ms. Freda began by asking if any letters had been received from members of the public regarding the proposed zone change. Mr. Guertsen replied that his firm had faxed two letters to City Staff. Ms. Freda said that the only letter she currently possessed was a letter from Kim Dyke of Sherman Street, who wrote in opposition to the proposed zone change.

Mr. Guertsen said that his firm also sent Staff a letter from Richard. M. Capone, Manager of the Watertown Shopping Plaza, who wrote to communicate that he had no opposition to the proposed zone change. Mr. Lumbis exited the room for a few moments and

returned with a copy of Mr. Capone's letter. Both letters are attached at the end of these minutes.

Ms. Freda then asked Mr. Guertsen to describe his client's proposed project to the Planning Board. Mr. Guertsen said that this application proposes to change the zoning of a small parcel acquired earlier in 2015 by Sundus and Sarah, LLC from Residence A to Limited Business. Mr. Guertsen noted that the parcel in question is adjacent to an existing Limited Business parcel on which Sundus and Sarah, LLC operates a medical office.

Mr. Guertsen then said that Sundus and Sarah, LLC had been operating a medical office on the neighboring parcel since 2005. He added that when the medical office expanded in 2012, they received a variance from the City of Watertown Zoning Board of Appeals that varied the parking requirement by ten spaces, and allowed them to provide only 38 spaces instead of 48.

Mr. Guertsen then noted that the addition of new doctors and other new employees since 2012 has caused parking to become more and more of an issue. He said that the applicants propose adding 11 parking spaces on the parcel that they have acquired and for which they are requesting the zone change. He added that these new spaces would be used by employees only, meaning that there would be minimal in-and-out traffic. He then said that the applicants propose to eliminate a curb cut that used to be a residential driveway on the western end of the site, and that all access to the new parking would be from the existing entrance.

Mr. Guertsen continued by saying that the lot proposed for employee parking is on the part of the site that abuts a Residence A District, and that it will be vacant outside of business hours. He then said that if the zone change was granted, the applicants envisioned installing landscaping on the lot to minimize noise and other impacts. He added that it is not a high-turnover, high-traffic business like a Dunkin Donuts or a gas station; that it would have less traffic impact than those types of uses.

Mr. Guertsen then referenced Staff's memorandum to the Planning Board and cited a paragraph indicating that the parcel in question was designated as Limited Office on the City of Watertown's Land Use Plan, and emphasized that the proposed zone change is consistent with that plan. He added that the applicants have patients and employees that are parking across the street and crossing via an unregulated and un-signalized crosswalk. Mr. Guertsen then said that Mr. Thomas Ross of GYMO, P.C. was also in attendance and would be able to answer many of the Planning Board's questions better than he could.

Ms. Freda asked about the amount of square footage in the proposed parking expansion, and whether or not it would require a full site plan review. Mr. Ross said that since the aggregate footprint of the drive aisle and all the proposed spaces would be over 2,500 square feet, that the project would require a full site plan review.

Ms. Freda then asked if it would be considered the first building on the site and if that alone would trigger a full site plan review. Mr. Lumbis replied that since the applicants are planning to assemble the parcel in question with the neighboring parcel that their office building is on, that the proposed parking lot would no longer be the first construction on the site. Mr. Guertsen briefly interjected and said that the applicants are fully prepared to combine the parcels.

Ms. Freda then asked if it would be permissible to attach a condition to the zone change that required a full site plan review for the parking lot. Mr. Lumbis replied that the Planning Board did not have that authority, but that the proposal, as currently constituted, would require a full site plan review anyway because of the square footage.

Mr. Katzman asked about the width of the driveway, expressing concern that it may be too narrow. Ms. Freda interjected that the Planning Board was not considering the site plan at this time, only the zone change, and that the zone change was all that the Planning Board members should be examining.

Ms. Fields said that the parking variance granted in 2012 by the Zoning Board of Appeals was conditioned on combining two parcels on Washington Street that were both owned by the applicants. Ms. Freda asked if these two parcels had indeed been combined. Mr. Guertsen replied that they had been.

Ms. Freda then pointed out that, as depicted on the conceptual site plan, the proposed drive aisle to access the added parking spaces would eliminate some spaces in the existing parking area. Mr. Ross said that while any loss of existing spaces would be avoided if possible, it was likely that two spaces would be lost, resulting in a net gain of nine spaces.

Ms. Freda then asked if the applicants still operate a sleep clinic in their medical building. Mr. Ross replied that they did. Ms. Freda followed up by asking how long a dentist's office had been operating in the building. Mr. Guertsen replied that he could not answer, but did not think that it was longer than three years. He then offered to look the information up.

Ms. Freda then suggested that the addition of the dentist's office could be a contributing factor to the parking shortage. Mr. Guertsen replied that the dentist's office has added employees and patient traffic, but could not confidently break the numbers down. Ms. Fields added that her husband is a patient at that building and the lot is constantly full. Ms. Freda noted that she was at the site earlier in the day and she could not find any empty spaces, regular or handicapped.

Ms. Freda then called her fellow Planning Board members' attention to Staff's memorandum, citing a paragraph that advised the Planning Board to consider all uses permitted in Limited Business Districts before making a decision. She then specifically noted that Limited Business Districts do not permit gas stations or restaurants.

Ms. Capone then made a motion to recommend that City Council approve the request submitted by Stephen W. Gebo of Conboy, McKay, Bachman & Kendall, LLC on behalf of Sundus and Sarah, LLC to change the approved zoning classification of 115 Brook Drive, Parcel Number 14-21-131.000 from Residence A to Limited Business.

The motion was seconded by Ms. Fields and the Planning Board voted 4-3 to recommend approval, with Mr. Neddo, Mr. Coburn, Ms. Capone and Ms. Fields voting in favor of recommending approval and Ms. Freda, Mr. Katzman and Mr. Rowell voting against approval.

Ms. Freda then asked Mr. Urda to ensure that the two letters from nearby property owners be included in the meeting minutes. Mr. Urda confirmed that they would be. Mr. Lumbis then noted the City Council will next meet on Monday, November 16, 2015, at which time the Council will set a public hearing on the proposed zone change, most likely for Monday, December 7, 2015. He reiterated that Council will make its actual decision on the zone change at the December meeting.

**WAIVER OF SITE PLAN APPROVAL
865 COFFEEN STREET AND 891 COFFEEN STREET
RESPECTIVE PARCEL NUMBERS 8-13-103.100 AND 8-13-102.000**

The Planning Board then considered a request for a waiver of site plan approval submitted by Laura Penazek-Whitney for the construction of an approximately 2,160 square foot parking lot expansion at 865 Coffeen Street and 891 Coffeen Street, respective parcel numbers 8-13-103.100 and 8-13-102.000.

Ms. Freda asked for someone to come forward to represent the project. David Whitney, the applicant's husband, stepped forward and said that although his wife was also in attendance, she had asked him to represent the project before the Planning Board. Ms. Freda then asked for a brief description of the proposed project.

Mr. Whitney began by saying that his wife's business, a State Farm Insurance building, needed to add approximately eight parking spaces. He said that the site lost three or four spaces a few years ago when the NYS Department of Transportation redesigned the corner of Coffeen Street and Bellew Avenue as part of the Coffeen Street reconstruction project.

Mr. Whitney then said that an opportunity recently came up to lease some land next door. He said this opportunity would allow the site to expand its parking capacity. He also said that the proposed project would include repaving the entire existing parking area as well. He added that it will make it easier and safer for customers to arrive and depart.

Mr. Katzman then asked whether the applicant was acquiring the neighboring land via lease or sale. Mr. Whitney replied they are leasing a triangular-shaped area of land in order to create a rectangle suitable for a parking expansion.

Mr. Whitney then addressed some work that had already been performed on the site prior to this meeting. He said that there was concern about cold weather two weeks earlier, so the applicant dug out the area where she proposes expanding the parking lot before a frost could set in, and put some stone down on the footprint of the proposed expansion. He said that if granted approval, the applicant will pave over the area where the stone is and will stripe the entire lot.

Ms. Freda then asked if an applicant is allowed to have a site plan that is partially on someone else's land. Mr. Lumbis replied that while this case was certainly unique, Staff could not find any law or ordinance that would prohibit a site plan from extending across a parcel boundary.

Mr. Katzman then asked whether any setback restrictions would prohibit the project. Mr. Lumbis replied that if either parcel were in a Residential District, then that would be the case, but the entire area of concern is in a Neighborhood Business District. Mr. Lumbis added that one of Staff's recommended conditions of approval was the prohibition of any paving within 15 feet of the rear parcel line because the rear of each parcel is in a Residence B District, and there is a required buffer wherever a Residential District abuts a non-residential use.

Ms. Freda then asked how many spaces are currently required by the Zoning Ordinance. Mr. Lumbis replied that Staff had looked up the size of the building, and that the applicant just meets the parking requirement based on the square footage of the building.

Mr. Katzman then said that his only objection was the early work that the applicant had performed prior to appearing before the Planning Board.

Mr. Katzman then moved to approve the request for a waiver of site plan approval submitted by Laura Penazek-Whitney for the construction of an approximately 2,160 square foot parking lot expansion at 865 Coffeen Street and 891 Coffeen Street, respective parcel numbers 8-13-103.100 and 8-13-102.000, as submitted to the City Engineering Department on October 20, 2015, subject to the following conditions:

1. No new paving shall occur any fewer than 15 feet from the southern property line of the applicant's parcel or 5 feet from the northern property line (sidewalk) along Coffeen Street.
2. The applicant shall install a planting bed that includes several bushes or shrubs in the 5-foot buffer area that will separate the sidewalk from the proposed parking lot expansion.
3. The applicant shall indicate the proposed hours of operation.
4. The applicant must meet the Engineering Department's grading requirements.

Mr. Whitney then asked for a clarification of the conditions. Ms. Freda then read the four conditions aloud to the applicant, and discussion followed on each of them.

Mr. Whitney said he wanted to clarify that the southern property line was actually to the south of the row of conifers at the southern end of the site. He then illustrated this on a map. Ms. Freda asked if a professional survey had been done. Mr. Whitney replied that although there had not been a professional survey performed, he had verified the locations of the property pins. He then added that the applicant owned the neighboring property on Bellew Avenue, which is behind the lot.

Ms. Freda asked what the proposed hours of operation were. Mr. Whitney responded that the office would continue to be open between the hours of 9 a.m. and 6 p.m. on weekdays, and between 9 a.m. and noon on Saturdays. This satisfied the condition regarding operating hours.

Ms. Freda then asked about the Engineering Department's grading requirements. Mr. Drake replied that the City wanted to make sure that the applicant would not be flooding her neighbor's property. Mr. Drake added that the applicant had an existing catch basin on her site, so she should try to slope everything that way.

Mr. Lumbis then explicitly asked Mr. Whitney to confirm that the paving will stop five feet back from the sidewalk. Mr. Whitney told the Planning Board that the applicant agreed to that.

The motion was then seconded by Ms. Fields, subject to the three remaining conditions, and all voted in favor.

Ms. Freda then asked for a motion to adjourn. Ms. Fields then moved to adjourn the meeting. The motion was seconded by Mr. Katzman and all voted in favor. The meeting was adjourned at 3:29 PM.

Watertown Shopping Center
c/o Richard M. Capone, Esq.
120 Washington Street, Suite 310
Watertown, New York 13601
October 28, 2015

Conboy, McKay, Bachman & Kendall, LLP
Attorneys at Law
407 Sherman Street
Watertown, New York 13601

Attn: Stephen W. Gebo, Esq.

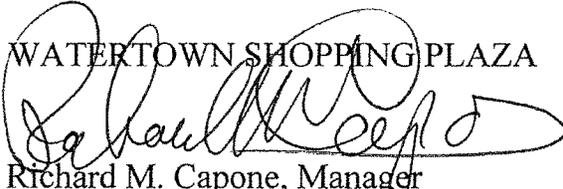
Re: Application for Zone Change
CMBK File No.: 38219.0000

Dear Stephen:

We have no objection to the proposed zone change for 115 Brook Drive from Residential to Limited Business to be used for additional parking for North Country Urology.

Very truly yours,

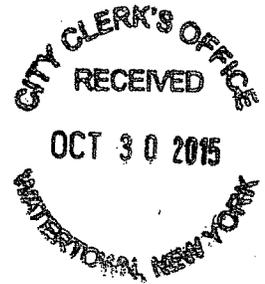
WATERTOWN SHOPPING PLAZA


Richard M. Capone, Manager

RMC:sr

October 27, 2015

Kim E. Dyke
1352 Sherman Street
Watertown, NY 13601



Conboy, McKay, Bachman & Kendall, LLP
407 Sherman Street
Watertown, NY 13601
Attn: Stephen W. Gebo, Esq.

**RE: APPLICATION FOR ZONE CHANGE
YOUR FILE #38219.0000**

Dear Attorney Gebo:

I am in receipt of your letter dated October 20, 2015 in reference to the zone change for property owned by Sundus and Sarah, LLC at 115 Brook Drive.

I am adamantly opposed to the zone change from Residential A to Limited Business. This proposed zone change will make a detrimental impact on my property. This neighborhood is one of the nicest, in my opinion, in Watertown. I grew up in the house my husband and I own at 1352 Sherman Street. Other than a couple of years when we were first married, I have lived in this house and in this neighborhood for over 50 years. My husband and I raised our two sons in this neighborhood. My husband and I have spent thousand and thousand of dollars improving our home, both inside and outside. If this zone change is approved, it will negatively impact the value of my home.

If we, as neighbors, don't oppose the zone change to Limited Business for the parcel at 115 Brook Drive, we are setting a precedent for other business to come into my neighborhood and set up shop. If a zone change is granted once, who is to say it won't be granted again and again? Leave the businesses on Washington Street.

Sundus and Sarah, LLC purchased 115 Brook Drive for \$120,000.00. They demolished a perfectly good house, tore it down and are now looking to make this lot a parking lot. Can another business do the same? Buy a house, tear it down, then ask the City for a zone change?

I am forwarding a copy of this letter to the City of Watertown Planning Board, who I believe are meeting on November 3rd at 3:00 to approve or not approve the zone change. I want the Planning Board to know my position on this zone change and am hoping they agree with me not to allow the zone change from Residential A to Limited Business.

If the Planning Board approves the zone change, at the next meeting of the City Council on November 16th, a date will be set for a public hearing. I will attend the public hearing with my other neighbors who oppose this re-zoning.

Page - 2 -

If you have any questions, please contact me. I can be reached at my cell phone number of 315-486-2587.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim E. Dyke". The signature is fluid and cursive, with the first name "Kim" being the most prominent.

Kim E. Dyke

cc: Watertown City Planning Board
Watertown City Council ✓

CONBOY, MCKAY, BACHMAN & KENDALL, LLP

Serving Northern New York Since 1876

Watertown Office

October 20, 2015

PHILIP A. MAPHEY (1961-1997)

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DAVID B. GEURTSSEN
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GERALD J. DUCHARME ** †††
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VICTORIA HASSELER COLLINS
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FACSIMILE
(315) 493-7549

Honorable Mayor and City Council
City of Watertown
ATTN: ENGINEERING DEPT.
245 Washington St, Room 305
Watertown, NY 13601

RE: Application for Zoning Change for 115 Brook Drive
Residential A to Limited Business
CMBK File No.: 38219.0000

Dear Honorable Mayor and City Council:

On behalf of Sundus and Sarah, LLC, I write request a zone change for 115 Brook Drive (Tax Parcel#:14-21-131.000) from Residential A to Limited Business.

The LLC is the corporate name for North Country Neurology, which owns and occupies a medical office building located at 1340 Washington Street, already zoned Limited Business. The property located on Brook Drive is located immediately to the rear of 1340 Washington Street and was purchased by the LLC in March 2015. The 1,116 square foot home previously located on the property has been demolished, and the property is now vacant. The LLC hopes to use the property for an expansion of its parking lot for the medical office building.

The LLC constructed the original medical office building at 1340 Washington Street in 2005 as an office for North Country Neurology. The building size then was approximately 4,000 square feet. The LLC expanded the building to approximately 10,000 square feet in 2013-14 to add an MRI, a sleep lab, and a dental suite. The building now houses four neurologists, a part-time radiologist, an endodontist and a dentist. There are approximately 24 employees, including both medical providers and staff. Of course, the sleep lab operates during the evening and night hours rather than during normal business hours.

There is a parking lot now in back of the building, with 38 parking spaces. With the addition of more neurologists and a dental suite, parking is now at a premium, especially during the winter months. If the requested zone change is approved, the LLC would add 11 parking spaces and reach near compliance with zoning requirements (the LLC presently has an area variance for parking requirements). However, the LLC cannot use the vacant lot at 115 Brook Drive now for parking because it is zoned Residential A.

At the suggestion of Mr. Kenneth Mix, the LLC is in the process of consolidating the two lots so there will only be one tax parcel.

The LLC respectfully submits that a zone change is consistent with the neighborhood, especially as it has evolved over the years. The North Country Neurology building, located on the corner of Washington Street and Brook Drive, is already zoned for Limited Business. The uses on the north side of Brook Drive, which are zoned Neighborhood Business, are Stratton Hardware and the entrance to the Washington Street Plaza near Tops Supermarket. The requested change in zone will result in the entirety of Brook Drive being zoned for business purposes.

The owners propose two actions to minimize any effect of the new parking area on the residential properties located to the south on Sherman Street. First, the addition to the parking area on Brook Drive will be used solely by employees of the medical office building and not by patients. Limiting parking in that area to employees means that cars will enter and leave the parking area only once or twice per day, generally in the early morning or late afternoon. Patient parking, naturally, turns over more frequently during the day and would be limited to the existing parking lot. Secondly, the LLC will install fencing and landscaping to act as a screen and buffer between the new parking area and the residences to the south.

If the City Council approves the zoning change, it will eliminate the need for North Country Neurology patients to park across Brook Drive and near Stratton Hardware or Tops Supermarket. The LLC believes that such a change will be a benefit to both Stratton Hardware and Tops Supermarket, as it leaves more parking available for their customers. Perhaps more significantly, neurology patients, who are often frail and elderly, will no longer have to walk a considerable distance across Brook Drive, enhancing both their convenience and their safety.

On behalf of the LLC, I have written to the owners of residential properties within 100 feet of 115 Brook Drive explaining the LLC's plans. I have not received any response yet, but will submit any written response to the Council

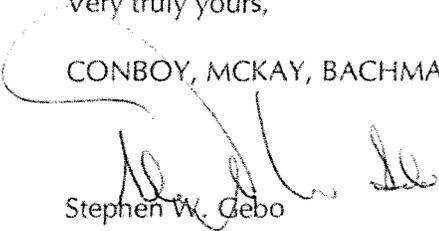
In addition to the documentation required for a zoning application, I am enclosing an architectural drawing prepared by GYMO. It shows the proposed layout of the new parking area on Brook Drive with an additional 11 parking spaces. It also shows the proposed landscaping and buffer.

I plan to attend the meeting of the Planning Board and of the City Council when they consider this application. I would be pleased to answer any questions then or in advance if believed helpful.

Thank you for your consideration.

Very truly yours,

CONBOY, MCKAY, BACHMAN & KENDALL, LLP



Stephen W. Gebo

SWG/sjh
Enclosure



CITY OF
WATERTOWN

*e*map
public access

Click on map to: **Zoom in**

Query

Buffer

Clear

Full View

Print



Base Map

Label Visibility Layer

- Aerial Photos
- Black River
- City Boundary
- Right of Ways
- Roads
- Tax Parcels

Community/Planning

Natural Resources

SUGGESTED DESCRIPTION

**115 Brook Drive
City of Watertown**

**September 11, 2015
Project No. 2015-175s**

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Watertown, County of Jefferson, State of New York Being Lot No. 1 in Block B, shown on a map titled Smith Farm Subdivision made by Fields, Emerson & Morgan, Inc. for Watertown Suburban Estates, Inc., dated September 8, 1943, and filed as "Map No. 4, Smith Farm Subdivision" in the Jefferson County Clerk's Office on September 28, 1943, and being further described as follows:

COMMENCING at a point at the intersection of the southerly street margin of Brook Drive and the southerly cutback line between Washington Street and Brook Drive;

THENCE S. 88°-59'-53" W., a distance of 130.56 feet to a point;

THENCE S. 79°-00'-19" W., a distance of 35.21 feet to a ½" iron pipe with cap set (2003), said iron pipe being at the northwesterly corner of the parcel of land conveyed by Sundus & Sarah, LLC to Sundus & Sarah, LLC by deed recorded in the Jefferson County Clerk's Office as Instrument Number 2013-6139 on May 01, 2013, said iron pipe also being the POINT of BEGINNING;

THENCE S. 04°-27'-00" W., along the westerly boundary line of said Sundus & Sarah, LLC to Sundus & Sarah, LLC conveyance, a distance of 127.09 feet to a ½" iron pipe with cap set (2015);

THENCE N. 61°-04'-07" W., a distance of 105.68 feet to a ½" iron pipe found in the southeasterly street margin of Brook Drive;

THENCE in a generally northeasterly direction along the southeasterly street margin of Brook Drive as the street margin curves to the right at a radius of 185.85 feet a distance of 129.86 feet to the POINT of BEGINNING, said point being situate a direct tie of N. 53°-33'-09" E., 127.24 feet from the last mentioned point;

CONTAINING 0.162 acres of land more or less.

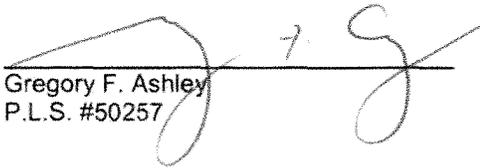
SUBJECT to a restrictive covenants contained in Instruments recorded in Liber 327 of Deeds, Page 87 and Liber 443 of Deeds, Page 210, as modified by Instrument recorded in Liber 445 of Deeds, Page 543, but this Corporation insures that such covenants contain no reversionary clause and have not been violated.

SUBJECT to an Easement granted by Watertown Suburban Estates, Inc. to Central New York Power Corporation, dated October 27, 1943, and recorded November 10, 1943, in Liber 446 of Deeds, Page 130.

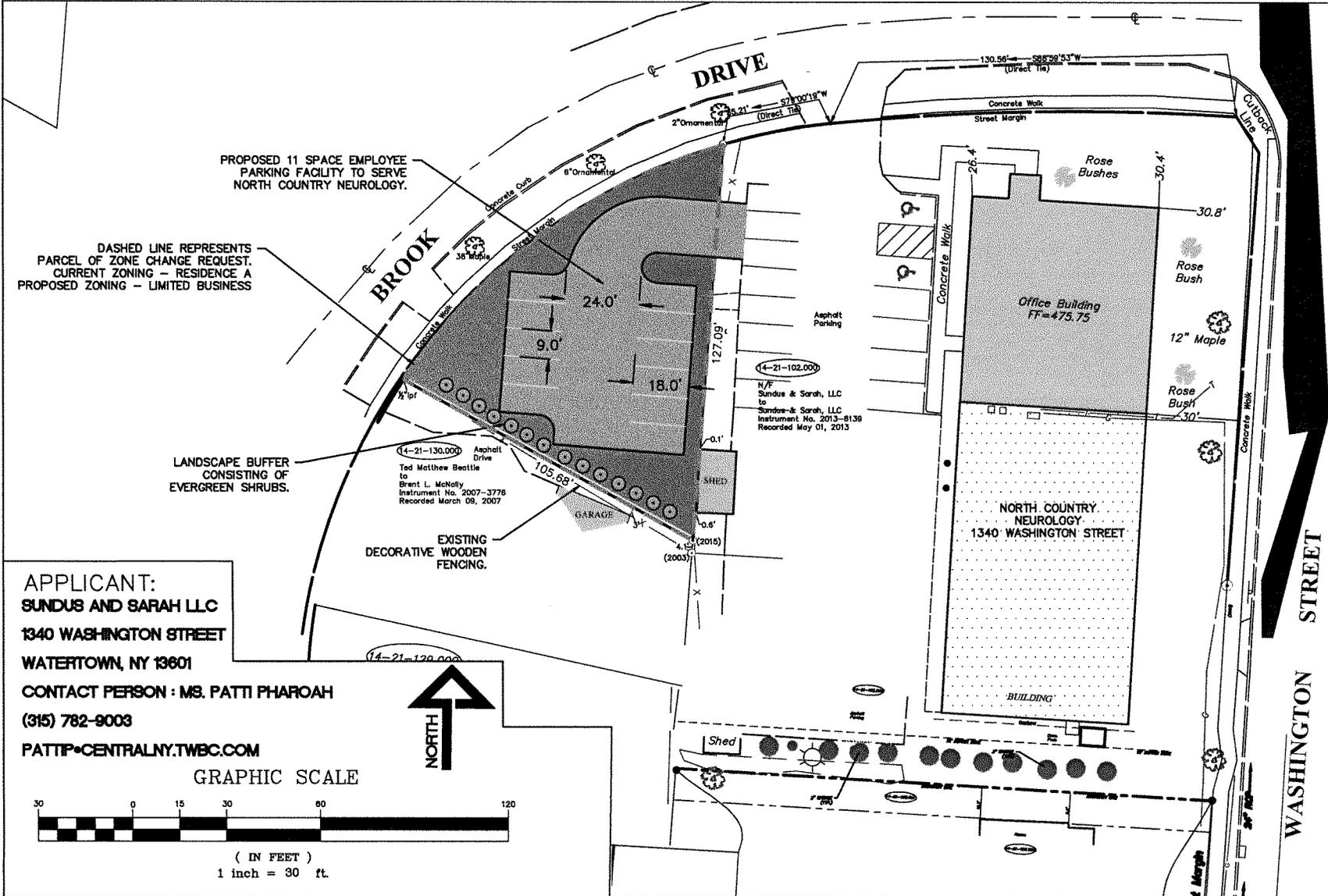
SUBJECT to any rights or restrictions of record that an updated abstract of title may disclose.

SUBJECT to any other rights or restrictions of record.

IT BEING the intent to describe the parcel of land conveyed by Julie Butler to Sundus & Sarah, LLC, recorded in the Jefferson County Clerk's Office as Instrument Number 2015-2897 on March 03, 2015, being shown on a map titled "Survey Map of the Land at 115 Brook Drive, City of Watertown, County of Jefferson, State of New York," dated September 11, 2015, prepared by GYMO, Architecture, Engineering & Land Surveying, P.C., Watertown, New York.



Gregory F. Ashley
P.L.S. #50257



APPLICANT:
SUNDUS AND SARAH LLC
1340 WASHINGTON STREET
WATERTOWN, NY 13601

CONTACT PERSON : MS. PATTI PHAROAH
(315) 782-9003

PATTIP@CENTRALNY.TWBC.COM

GRAPHIC SCALE



(IN FEET)
 1 inch = 30 ft.



280 Southold Street,
 Watertown, NY 13601
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ARCHITECTURE
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 1340 WASHINGTON ST.
 WATERTOWN, NY 13601

ZONE CHANGE REQUEST MAP
NORTH COUNTRY NEUROLOGY EMPLOYEE PARKING FACILITY
BROOK DRIVE
CITY OF WATERTOWN, NEW YORK

DATE	10/24/2015
DATE	10/14/2015
DATE	10/14/2015
DATE	10/20/2015
DATE	10/20/2015
DATE	10/20/2015

C100

Tabled

November 30, 2015

To: The Honorable Mayor and City Council
From: Sharon Addison, City Manager
Subject: Adopting Employee Handbook

At the October 19, 2015 City Council Meeting, the attached Resolution was Tabled. Further discussion of the Handbook took place at the November 9, 2015 Work Session with Jeff Travers of Public Sector HR answering Council's questions.

As detailed in the attached report of Confidential Assistant to the City Manager Matthew Roy, the Handbook has been revised as directed by Council. Staff is now recommending that the attached Resolution be removed from the Table for Council consideration.

RESOLUTION

Page 1 of 1

Adopting Employee Handbook

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

YEA	NAY

Introduced by

Council Member Stephen A. Jennings

WHEREAS the City Council of the City of Watertown desires to develop and implement an Employee Handbook detailing the various personnel policies and procedures, employee benefits, compliance policies, and other pertinent information governing employment related matters, and

WHEREAS the City Council has retained Public Sector HR Consultants LLC to assist with the development of the City’s Employee Handbook, and

WHEREAS the City Council has reviewed the draft of said Employee Handbook

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby adopts the Employee Handbook, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that the City of Watertown Employee Handbook shall be distributed, with signed acknowledgment, to all City officials and employees ***except the union of the firefighters of the City of Watertown.**

Seconded by Council Member Teresa R. Macaluso

*** Motion was made by Council Member Roxanne M. Burns to amend the last paragraph of the foregoing resolution to read “BE IT FURTHER RESOLVED that the City of Watertown Employee Handbook shall be distributed, with signed acknowledgment, to all City officials and employees except the union of the firefighters of the City of Watertown.” Motion was seconded by Council Member Joseph M. Butler, Jr and carried with all voting yea except Council Member Stephen A. Jennings and Council Member Teresa R. Macaluso voting nay.**

RESOLUTION

By Council Member Stephen A. Jennings

Date October 19, 2015

SUBJECT:

Adopting Employee Handbook

STATE OF NEW YORK }
Jefferson County } ss:
CITY OF WATERTOWN }

I, Ann M. Saunders, City Clerk of the City of Watertown, hereby certify that the within Resolution was adopted at a meeting of the City Council of said City, held _____ and that the same is the whole of said Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City of Watertown, New York

City Clerk



1869

CITY OF WATERTOWN, NEW YORK

SUITE 302, CITY HALL
245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601-3380
(315) 785-7730
FAX (315) 782-9014

SHARON ADDISON
CITY MANAGER

To: Sharon Addison
City Manager

From: Matthew Roy
Assistant to the City Manager

Re: Employee handbook

Date: November 30, 2015

The final edition of the employee handbook has been attached for your review. The following changes have been made to the handbook based on the discussions with City Council at the November 9, 2015 City Council work session.

- Exempted Elected Officials from the handbook with the exception of the sections dealing with EEO and Non-Discrimination and Harassment (Including Sexual Harassment) in the Work place.
- Removed "an appointed official, an appointed member of the Council or a commission" from the employee definition.
- Removed "presumably at retirement when the tax bracket may be lower" from the Deferred Compensation Plan section.

If you should have any questions, please let me know.

CITY OF WATERTOWN



EMPLOYEE HANDBOOK

Adopted by resolution of the City Council on **DATE**



Prepared by:
Public Sector HR Consultants LLC
14 Knollwood Drive
Glenville, New York 12302
Telephone: 518.399.4512
Fax: 518.384.1963
www.publicsectorhr.org

CITY OF WATERTOWN



EMPLOYEE HANDBOOK

Adopted by resolution of the City Council on **DATE**

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This employee handbook is copyrighted material and is intended only for the internal use of the City of Watertown. The City of Watertown may copy this employee handbook for distribution to its employees. The contents of this employee handbook may not be copied or reproduced in any form or by any means for any other individual or organization without the prior written permission of *Public Sector HR Consultants LLC*.

City of Watertown Employee Handbook

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100 INTRODUCTION

101 *Welcome Message*

We would like to welcome you and congratulate you on your appointment to a position with the City of Watertown. As a part of our team, you take on an extremely important role, that of serving the members of our community. Together, our mission is to provide cost-effective services that conform to the highest standards of quality.

This Employee Handbook is designed to familiarize you with your employment and to help ensure government compliance, foster positive employee relationships, and contribute to the overall success of the City in delivering services to the public effectively and efficiently.

Please keep in mind that this is only an overview of the City's policies and procedures, employee benefits, and the Civil Service System. Specific questions concerning employment matters should be addressed to your supervisor and/or Department Head.

We trust that you will find service with the City of Watertown rewarding both personally and professionally.

102 *A Message for Our Union Members*

This Employee Handbook has been developed by the City of Watertown to assist you in getting acquainted with your employment with the City. A cooperative labor-management relationship not only lends to a positive work environment but also helps ensure fair treatment in the workplace.

It is important that all employees understand the personnel policies, procedures, and work rules outlined in this Employee Handbook. For union members, the collective bargaining agreement governs the terms and conditions of employment. You are encouraged to obtain a copy of your collective bargaining agreement from your union representative. Anywhere that the Agreement and this Handbook conflict, the Agreement will control. However, in certain instances where the Handbook covers an issue that is not the subject of bargaining, this Handbook will control. Under certain circumstances a past practice may prevail. We have made every effort to acknowledge these situations. If you have any questions, you should contact your Department Head or union representative.

We hope that your career with the City of Watertown will be an enjoyable experience.

103 *Our Heritage*

The settling of Watertown in 1800 began a 200-year legacy that continues today. The New England pioneers who chose our area did so based on foresight of creating an industrial center, which would draw its power from the mighty Black River. These men and women have been described as people of strong feeling, vivid imagination and dauntless courage. They, along with their families, faced many obstacles when they arrived. The terrain was rough and uncleared. The western end of the present Public Square was twelve or fifteen feet higher than the eastern end while the center was a depression that has been described as being large enough for a comfortable skating rink. There was a stream of water having its source south of Clinton Street and running across Stone Street in front of the Arcade, crossing the western end of the Square on its way to the river. Yet, out of this unsightly spot within a few years evolved one of the most beautiful public squares to be found in any city of its time.

The naming of Watertown as the county seat, in 1805, led to much progress in the hamlet. Lawyers such as Benjamin Skinner, Egbert TenEyck, Amos Benedict and Samuel Whittlesey set up practice here. Six hotels were constructed. The Failing Hotel, first known as the Traveler's House, was built in 1808 at the corner of Main and LeRay Streets. During the War of 1812, the soldiers used it as a barracks. Court Street became both a residential and business street. Small mills and factories sprang up and businesses extended along Factory Street. John Safford, Tuttle & Sill and Otis & Duane launched new stores. Other well-known names such as Norris, Woodruff, Hungerford, Paddock and Fairbanks also engaged in businesses.

The development of waterpower was the force that started the wheels of progress for the community. Watertown became one of the nations' principal paper manufacturing communities and can still boast that it has the oldest continuously running paper mill in the nation – Knowlton's Specialty Papers. FactoryVillage, which later became Factory Square, had its real beginning when the Black River Cotton and Woolen Manufacturing Company was built in 1813. The mills and businesses depended on the mighty Black River for its power.

Watertown became an incorporated village in 1816 and continued to prosper. Businesses, industries and population doubled by 1824. Growth continued in the decade between 1850 and 1860 seeing the largest amount of building construction. This was due in part to rebuilding after a devastating fire but also to new building expansion.

The Davis Sewing Machine Co. employed about 200 people. The Watertown Steam Engine Co. had assets estimated at \$1,000,000. The paper making industry was flourishing. H.H. Babcock's carriage factory and Watertown Spring Wagon Co. were two of the many businesses that were helping Watertown to thrive. The railroad was of tremendous importance to the economy. People marveled at the telephone, the electric light and even "street name plates" that the City installed.

The next 100 years of history includes the story of our veterans who went to wars and the citizens who helped with the war effort from home. Watertownians took pride in their community and at one time, Watertown was named "The Ideal American City". Over the years, the economic climate has affected business and industry. However, some of today's businesses have their roots in our early history. Even though the City is much different from the hamlet of 1800, we can take pride in the rich heritage that was left for us and for future generations.

Source: City of Watertown Website, "Our History" - <http://www.watertown-ny.gov/index.asp?nid=411>

104 **Definitions**

City of Watertown – For purposes of this Employee Handbook, the City of Watertown may be referred to as the “City”.

City Council – For purposes of this Employee Handbook, “City Council” will mean the City Council of the City of Watertown.

Elected Official – For the purposes of this Employee Handbook, “Elected Official” will mean and refer to any of the following elected officials of the City of Watertown:

- Mayor
- City Council Members

Elected Officials are exempt from all sections of this handbook except for Section 801-Equal Employment Opportunity and Section 803 Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace.

City Manager – For purposes of this Employee Handbook, “City Manager” will mean the City Manager of the City of Watertown. When referenced in this Employee Handbook, City Manager shall also mean an individual acting with the City Manager’s properly designated authority.

Department Head – For purposes of this Employee Handbook, “Department Head” will mean the person in charge of any department, agency, unit, or subdivision of the City of Watertown. This definition will be applicable in the event such person is serving in an acting, temporary, or provisional status in the position of Department Head. This term shall also include the City Manager, where an individual otherwise designated as Department Head or any other individual must report directly to the City Manager.

Supervisor – For purposes of this Employee Handbook, “supervisor” will mean the individual so designated by the Department Head to direct and inspect the performance of employees.

Employee – For the purposes of this Employee Handbook, “employee” will mean a person employed by the City, including, but not limited to, Department Head, Management Employee, Management Confidential employee, supervisory employee, provisional employee, probationary employee, temporary employee, seasonal employee, trainee, or student intern, but not an independent contractor.

Management and Management Confidential Employees – For purposes of this Employee Handbook, “Management” and “Management Confidential” employees will refer to those non-union employees whose job titles have been allocated to the Management or Management Confidential group.

Civil Service Law – For purposes of this Employee Handbook, “Civil Service Law” shall mean the New York State Civil Service Law and shall include the *City of Watertown Civil Service Commission Rules*.

105 **Employee Classifications**

For purposes of this Employee Handbook, the following terms shall be defined as indicated. The definition provided for each of these terms applies only within the context of this Employee Handbook. The meaning and use of these terms or similar terms may be different in the context of Civil Service Rules or a collective bargaining agreement.

Full-Time Employees– For purposes of this Employee Handbook, the term “full-time employee” will mean an employee who is regularly scheduled to work a minimum of thirty-five hours per week.

Part-Time Employees– For purposes of this Employee Handbook, the term “part-time employee” will mean an employee who is scheduled on a regular and on-going basis to work less than thirty hours per week.

Temporary Employees– For purposes of this Employee Handbook, the term “temporary employee” will mean an employee who is employed on an interim or sporadic basis, or who is employed to work on a special, emergency, or on-call basis for a specified period, consistent with the Civil Service Law as applicable.

Seasonal Employees– For purposes of this Employee Handbook, the term “seasonal employee” will mean an employee who is employed to work for a given season or portion thereof.

FLSA Non-Exempt Employees– For purposes of this Employee Handbook, the term “FLSA non-exempt employee” will mean a covered employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

FLSA Exempt Employees– For purposes of this Employee Handbook, “FLSA exempt employee” will mean a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA), or an employee who is not covered under the FLSA.

106 *The Purpose of this Employee Handbook*

Statement of Purpose – The purpose of this Employee Handbook is to communicate the City’s personnel policies and practices to all employees. It is extremely important that each employee understand the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits. **This Employee Handbook is not a contract of employment, expressed or implied, and should not be construed as such.** That is, employment can be terminated at any time at the will of either the employer or the employee, subject only to such procedural requirements as may be specified pursuant to New York State Civil Service Law, a collective bargaining agreement, or any other applicable law, rule, or regulation. The provisions and policies contained in this Employee Handbook are intended to supersede any and all prior manuals, guidelines or related policies issued by the City of Watertown, unless clarity is provided in a departmental standard operating policy

Unless otherwise required by law, the provisions of this Employee Handbook are for City use only and do not apply in any criminal or civil proceeding. The Employee Handbook provisions shall not be construed as a creation of higher legal standard of safety or care. Notwithstanding the above, a violation of a Handbook provision may form the basis for administrative action by the City and any subsequent judicial or administrative proceeding.

Previous Personnel Policies– Unless otherwise specified, this Employee Handbook supersedes and replaces any previous personnel policies issued by the City concerning all policies contained herein.

Superseding Agreements – In the event an expressed and explicit provision set forth in a separate written agreement between the City and an employee should conflict with any employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and explicit provision of that agreement will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

Collective Bargaining Agreements – In the event an expressed and explicit provision set forth in a collective bargaining agreement between the City of Watertown and an employee organization as defined by the Public Employees’ Fair Employment Act (Taylor Law) should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

Police and Fire Departments–The Police and Fire Departments have established policies and procedures governing the operation of their respective departments. If a policy stated in this Employee Handbook differs from a rule, regulation or policy established by the Police or Fire Department, the latter shall supersede.

Questions – Any questions regarding any topic covered in this Employee Handbook should be directed to the appropriate Department Head.

107 Changes or Modifications

Rights of the City Council / City Manager—The City Council and/or the City Manager reserve the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook.

Governmental Actions— This Employee Handbook is subject to alteration by the City Manager, changes in City and/or departmental rules, or changes in federal, state or local statutes, rules, or regulations. (This is not meant to be a comprehensive list).

Statutes, Laws and Ordinances – In the event a federal or state statute or local law or ordinance should conflict with any provision contained in this Employee Handbook, then such statute, law or ordinance will prevail.

200 THE CIVIL SERVICE SYSTEM

The following is intended as a guide for informational purposes. The Civil Service Law and the *City of Watertown Civil Service Commission Rules* shall govern regarding the jurisdictional classification of positions and the appointment and promotion of personnel.

201 *The Unclassified and Classified Services*

Unclassified Service – In accordance with Civil Service Law and for purposes of this Employee Handbook, the term “Unclassified Service” will include all individuals who are Elected Officials and/or members of Councils or commissions.

Classified Service – In accordance with Civil Service Law and for purposes of this Employee Handbook, the term “Classified Service” as defined by the Civil Service Law and the *City of Watertown Civil Service Commission Rules* will include all City employees who are subject to the *City of Watertown Civil Service Commission Rules*. The Classified Service is divided into four jurisdictional classes:

- **Exempt** – those positions, other than unskilled labor positions, for which competitive or non-competitive examinations or other qualification requirements are not practicable (Civil Service Law, Section 41);
- **Competitive** – those positions for which it is practicable to determine merit and fitness by competitive examination;
- **Non-Competitive** – those positions not in the exempt class or the labor class for which it is not practicable to determine merit and fitness by competitive examination, but rather by a review of training and experience; and,
- **Labor** – unskilled labor positions, except those positions which can be examined for competitively.

202 *Civil Service Appointments*

Competitive Class – In accordance with Civil Service Law, the following types of appointments may be made to positions in the Competitive Class:

- **Permanent** – an appointment to a vacant position in the Competitive Class from an eligible list established as a result of examination, following successful completion of a probationary term;
- **Provisional** – an appointment to a vacant position in the Competitive Class when there is not an appropriate eligible list. A provisional appointee must take an examination whenever it is scheduled. Thereafter, a permanent appointment will be made on the basis of the eligible list resulting from the examination; or

- **Temporary** – an appointment to a position in the Competitive Class for reasons including, but not limited to: emergency work projects; planned termination of the position after a limited time; to replace an employee who is on a leave of absence; to fill a position funded through a temporary grant; or to fill a position vacated by the promotion of another employee until the employee who has been promoted receives permanent status.

203 Examinations and Promotions

Examinations – In accordance with Civil Service Law, in the event there is a vacancy in a new or existing position in the Competitive Class which the City intends to maintain, the City will fill the vacancy by selection from the eligible list certified by the City of Watertown Civil Service Commission of persons who have taken the appropriate Civil Service examination. The City of Watertown Civil Service Commission will test and rank each candidate according to the individual's performance on the examination. In accordance with Civil Service Law Section 61, the City will select one of the top three eligible candidates on the list willing to fill the position.

Promotions – The City will offer opportunities for advancement for those employees who qualify. In the event the position is in the Competitive Class, a qualified employee must normally take a promotional examination and the above “one of three” rule will apply. An employee who wants to be promoted should become knowledgeable about the employee’s present position and be aware of higher level positions for which the employee may be qualified.

204 Veterans Credits

Summary – An employee who is a veteran as defined by the Civil Service Law may be eligible to apply for veterans credits on a Civil Service examination. An employee who is a veteran should contact the City of Watertown Civil Service Commission for details concerning these credits.

300 EMPLOYMENT MATTERS

301 *Oath of Office*

Requirement – Each Public Officer as defined in the Public Officers Law must take the Oath of Office in accordance Public Officers Law Section 10, which must be administered prior to commencing the duties of the office. Each official who is re-elected or re-appointed to a subsequent term must take the Oath of Office for each term.

Upon original appointment or upon a new appointment following an interruption of continuous service, each employee (other than an employee in the labor class) must take an oath or alternate affirmation as set forth in Civil Service Law Section 62.

Filing of Oath – The Oath of Office is filed in the City Clerk’s Office within twenty calendar days of the Public Officer’s commencement of the term of office, or upon an employee’s appointment.

302 *Procedure for Filling Vacancies*

Statement of Compliance – The City of Watertown is an Equal Opportunity Employer. The City complies with all applicable federal, state and local laws, rules, and regulations throughout the employee selection process, including, but not limited to, Public Officers Law, Civil Service Law, Title VII, Human Rights Law, the Age Discrimination in Employment Act, and the Americans with Disabilities Act.

Notification of Vacancies – Except as otherwise provided for in a collective bargaining agreement, in the event there is a vacancy in a new or existing position which the City intends to maintain, the vacancy may be advertised and/or posted and qualified individuals interviewed.

Employment Applications–The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City’s exclusion of the individual from further consideration for employment or disqualification if the conduct is discovered after employment commences.

Employment Reference and Background Checks –To ensure that individuals who join the City are well qualified and have a strong potential to be productive and successful, it is the policy of the City to check the employment references of final applicants. In addition, final applicants will be required to complete a hold harmless statement and release in order for the City to conduct appropriate background checks.

Pre-Employment Physicals / Drug Screening –When appropriate in accordance with the requirements of a particular position, the City may require that an applicant undergo a medical examination (after receiving a conditional offer of employment) to determine fitness for duty. In doing so, the City will comply with the provisions of the Americans with Disabilities Act (see Section 802 of this handbook.) Additionally, all final applicants for a position that requires a commercial driver’s license must consent to be tested for the presence of a controlled substance as a pre-qualifying condition to employment.

303 **Nepotism**

Policy Statement – City employees or officials may not authorize or use the authority or influence of their positions to secure employment for or to benefit a person closely related by blood or marriage, or another significant business relationship.

304 **Probationary Period**

Except as otherwise provided in a collective bargaining agreement, the *City of Watertown Civil Service Commission Rules* provide for the following, which is applicable to employees appointed, promoted or transferred pursuant to the Civil Service laws. Additional provisions may also apply in accordance with those rules.

Purpose of Probationary Period – The purpose of the probationary period is for an employee to become familiar with the specific duties and responsibilities of the employee's new position. The probationary period also provides the Department Head with an opportunity to evaluate the employee's job performance and potential for development in the position.

Length of Probationary Period – Except as otherwise provided in the *City of Watertown Civil Service Commission Rules* or the applicable collective bargaining agreement, every permanent appointment from an open-competitive list and every permanent appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than eight (8) weeks nor more than fifty-two (52) weeks. For Police Officers, the probationary period shall be for a term of not less than eight (8) weeks nor more than seventy-eight (78) weeks. The length of the probationary period may be extended in accordance with the *City of Watertown Civil Service Commission Rules*.

Successful Completion of Probationary Period – An employee's appointment will become permanent upon written notice that the probationary period has been successfully completed following the minimum period of service required. Or, the employee's appointment will become permanent upon the retention of the employee after completion of the maximum period of service required. **Except as otherwise provided by law or a collective bargaining agreement, completion of the probationary period does not necessarily confer rights or privileges in the position.**

Employment Status During Probationary Period – During the probationary period (at any time after the completion of the minimum probationary period and before completion of the maximum probationary period), an employee will be subject to demotion, suspension, or discharge at the City's sole discretion. If the performance or conduct of an employee serving a probationary period who has been promoted or transferred from a permanent appointment (as defined by civil service regulations) is not satisfactory, the employee shall be returned to the employee's former permanent position prior to the end of the probationary period.

305 New Employee Orientation

Procedure – The purpose of the new employee orientation is to welcome new employees and to familiarize them with the City and their job. The orientation process generally consists of, but is not limited to, a visit to the Comptroller’s Office for payroll processing, enrollment in benefit plans, if applicable, a tour of the employee’s assigned worksite, and distribution and review of this Employee Handbook. In addition, the employee’s Department Head is responsible for introducing the employee to co-workers, scheduling on-the-job training, providing a copy of departmental policies, and reviewing the job description and performance requirements of the position.

306 **Corrective Action and Discipline**

Policy Statement – It is the policy of the City of Watertown that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the City, and the delivery of services to residents of the City. Any conduct that interferes with operations or that discredits the City will not be tolerated. Each employee must conduct oneself in a positive manner so as to promote the best interests of the City. Corrective action is necessary when an employee has demonstrated performance deficiencies, or has violated a policy, rule, regulation, or procedure. Corrective action may include counseling or initiating formal disciplinary action against an employee.

Communication – Open and candid communications with all employees is an important aspect of the City of Watertown’s on-going employee relations. When a rule, policy, or procedure is violated, the employee's Department Head, or other designated supervisor, will review the specific nature of the violation with the employee. The employee's input is extremely important to ensure that all of the facts have been considered.

Counseling –Counseling employees, as opposed to initiating formal disciplinary action, may be the appropriate first step in addressing performance deficiencies or misconduct. The purpose of counseling is to inform the employee of such deficiencies or misconduct, discourage its recurrence, and inform the employee of the consequences if the behavior is repeated. When performance deficiencies are the issue, the performance standards of the job should be reviewed, along with specific examples of how the employee is not meeting those standards. Where appropriate, goals for improvement may be established, along with a timeframe for achieving them. The counseling will be documented in writing and the employee will be required to acknowledge receipt by signing the memorandum. Any employee who fails to follow a supervisor’s directive to sign the counseling memorandum to acknowledge receipt will be subject to disciplinary action.

Discipline – The purpose of disciplinary action is to impose penalties for performance deficiencies or misconduct. The City retains the right to discipline employees without engaging in progressive discipline or prior counseling if the situation so warrants and retains the right to discipline employees in any manner it sees fit, except as limited by a collective bargaining agreement.

Investigations – Where appropriate, an investigation will be conducted by the proper supervisor or other designated individual(s) in order to gather all pertinent information and to ensure that all the facts are considered. The investigation may include, among other things, interviews with the employee and any witnesses or other involved parties, and review of documents and materials. Employees who are participants in an investigation are not allowed to disclose the content or particulars of the investigation unless otherwise authorized. All employees who are called upon to participate in an investigation are required to fully cooperate in the process and respond truthfully to all questions posed. Failure to do so will subject the employee to appropriate corrective action. The City reserves the right to suspend an employee while an investigation is conducted.

During the investigation process, a union employee who appears to be a potential subject of disciplinary action may undergo questioning. Such employee will have the right to representation by the employee’s certified or recognized employee organization under Civil Service Law Article 14, and will be given advanced notice of such right. In the event the

employee requests representation, the employee will be allowed a reasonable period of time to obtain such representation. In the event the employee is unable to obtain such representation within a reasonable period of time, the employer will have the right to then question the employee.

Procedures – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the procedures contained therein. (Refer to Section 308 of this Employee Handbook). An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedure, wherein the negotiated procedure is the only method of resolving challenges to disciplinary action and wholly replaces the provisions of Civil Service Law Sections 75 and 76.

Prohibited Conduct – Any employee who, after investigation, is found to have committed any of the actions listed below will be subject to corrective action, up to and including termination of employment. This list is illustrative only and does not limit the City's right to impose discipline in other appropriate cases.

- Willful violation of City and/or departmental rules, policies, and procedures.
- Harassing (including sexual harassment), intimidating, coercing, threatening, assaulting, or creating a hostile environment against another employee, Elected Official, resident of the City, supplier, visitor, or any other person, whether on or off City premises.
- Engaging in any action that is in violation of the City's Workplace Violence Prevention Policy.
- Possession of any non-authorized tool or weapon or dangerous instrument (including knives with over a three inch blade, firearms, and explosives) on City property or in City vehicles, except for those employees who are required as a condition of employment to bear a weapon.
- Use, distribution, sale, or being under the influence of alcohol or controlled substances during scheduled hours of work or in City vehicles.
- Willful or deliberate abuse, destruction, defacement, or misuse of City property or the property of another employee, Elected Official, resident of the City, supplier, visitor, or any other person.
- Theft or unauthorized possession, use, or removal of City property or the property of another employee, Elected Official, resident of the City, supplier, visitor, or any other person.
- Falsification or alteration of any records or reports including but not limited to employment applications, time records, work records, medical reports, absence reports, work-related injury reports, and claims for benefits provided by the City.
- Preparation or manipulation of another employee's time record.
- Acts of sabotage, including the work of another employee.
- Insubordination or willful refusal to comply with the lawful order or instruction of a supervisor or Department Head.
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.

- Making false statements about another employee, Elected Official, resident of the City, supplier, visitor, or any other person. This includes knowingly making false accusations against another individual as to allegations of discrimination, sexual harassment or other harassment which is in violation of City policy or applicable law.
- Violation and/or disregard of safety rules or safety practices, including failure to wear assigned safety clothing or equipment, in such a way that jeopardizes the safety of the employee, another employee, Elected Official, resident of the City, supplier, visitor, or any other person.
- Offensive or unprofessional behavior that is contrary to the City's best interest, or any conduct that does not warrant public trust.
- Committing any violation of the law either on or off duty or on or off the work site that implicates the employee's fitness or ability to perform assigned job duties.
- Unauthorized expenditure of City funds.
- Illegal gambling while on duty.
- Willful work slow down, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with City operations.
- Careless or negligent use or operation of equipment, including vehicles and machinery.
- Unauthorized absences or failure to give proper notice of an absence.
- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes.
- Leaving work area without permission, as defined by the Department Head.
- Failure to adhere to the personal appearance/dress code policy.
- Sleeping on the job, unless authorized by a Department Head or supervisor.
- Personal activity during paid work time without the express permission of the Department Head.
- Use of personal listening devices (e.g. iPods/MP3 players, etc., with headphones / earbuds) during paid work time without the expressed permission of the Department Head. (Note: use of such devices is permitted during meal breaks and authorized rest breaks.)
- Disruptive, loud, or boisterous behavior or horseplay in the workplace.
- Abusive language in the workplace, including racial slurs and epithets.
- Posting, removing, or defacing of notices, signs, or other written material without prior approval.

This list is not intended to be comprehensive and does not limit the City's right to impose discipline in other appropriate cases.

307 **Civil Service Law Section 75**

Summary – New York State Civil Service Law Section 75 establishes disciplinary procedures for covered employees. Section 75 affords a covered employee the opportunity for a hearing when charges of incompetence or misconduct have been made against the employee by the City.

Union Employees – An employee who is a member of a collective bargaining unit should refer to the collective bargaining agreement on the subject of the disciplinary procedure, wherein the negotiated procedure is the only method of resolving challenges to disciplinary action and wholly replaces the provisions of Civil Service Law Sections 75 and 76.

Covered Employees – In accordance with Civil Service Law, the following employees are generally covered under Section 75:

- A newly hired employee who has not completed the minimum probationary period as determined by civil service rules;
- An employee holding a position by permanent appointment in the **Competitive Class** of the classified Civil Service;
- An employee holding a position in the **Non-Competitive Class** who has been employed for at least five years of continuous uninterrupted service in the non-competitive class, other than a position designated in the City of Watertown Civil Service Commission Rules as confidential or requiring the performance of functions influencing policy. Even though the employee has completed the required probationary period and has received permanent appointment or employment in the non-competitive class, the employee is not covered under Section 75 until the employee has completed five years of continuous service in the non-competitive class;
- An employee holding a position by permanent appointment or employment in the Exempt, Competitive, Non-Competitive, or Labor Class who is a qualified veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, except when such an employee holds the position of private secretary, cashier, or deputy of any official or department. Specifically, the employee must have been honorably discharged or released under honorable circumstances from the armed forces of the United States having served therein as such member in time of war as defined in Section 85 of the New York State Civil Service Law, or the employee must be an exempt volunteer firefighter as defined in the General Municipal Law.

Disciplinary Procedure – Except as otherwise provided by a collective bargaining agreement, the following disciplinary procedure shall apply to employees covered by Civil Service Law Section 75:

- **Notice of Discipline** – An employee subject to discipline will be provided with a written Notice of Discipline (NOD) which will contain all charges and specifications.
- **Employee Answer** – The employee will have eight calendar days to respond to the charges. The employee's response must be in writing.

- **Disciplinary Hearing** – Unless there is a stipulation of settlement between the City and the employee, the employee is afforded the right to a hearing in accordance with provisions established by Civil Service Law Section 75. The hearing upon such charges shall be held by the officer or body having the power to remove the person against whom such charges are preferred, or by a deputy or other person designated by such officer or body in writing for that purpose.

The Appointing Authority will designate a hearing officer in accordance with Civil Service Law Section 75. The designation must be in writing. The hearing officer will set the time and place for the hearing. The hearing officer will make a record of the hearing which will be submitted to the Appointing Authority, with the hearing officer's recommendations, for review and decision.

Right to Representation – The employee may have representation by counsel or by a representative of a recognized or certified employee organization at the hearing and may summon witnesses on the employee's behalf.

Suspension Without Pay Pending Determination of Charges – Pending the hearing and determination of charges, the employee may be suspended without pay for a period not to exceed thirty calendar days.

Penalties – In the event the employee is found to be guilty of the charges, the penalty may consist of one of the following:

- Reprimand;
- Fine not to exceed one-hundred dollars which will be deducted from the employee's pay;
- Suspension without pay not to exceed two months;
- Demotion in grade and title; or
- Termination from City employment.

Finding of Not-Guilty – In the event the employee is found to be not guilty of all charges and specifications, the employee will be restored to the employee's position with full pay for the period of suspension less the amount of any unemployment insurance benefits that the employee may have received during such period.

Limitations – Notwithstanding any other provision of law, no removal or disciplinary proceeding will be commenced more than eighteen months after the occurrence of the alleged incompetence or misconduct complained of and described in the charges. Such limitation will not apply where the incompetence or misconduct complained of and described in the charges would, if proved in a court of appropriate jurisdiction, constitute a crime.

Filing Requirements – In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be filed in the office of the department in which the employee is employed. A copy will also be filed with the City of Watertown Civil Service Commission.

308 Code of Ethics

§32-1 Legislative Intent:

Pursuant to the provisions of §806 of the General Municipal Law, the Council of the City of Watertown recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this Article to promulgate these rules of ethical conduct for the officers and employees of the City of Watertown. These rules shall serve as a guide for official conduct of the officers and employees of the City of Watertown. The rules of ethical conduct of this Article, as adopted, shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§32-2 Definitions:

As used in this chapter, the following terms shall have the meanings indicated:

Interest - A pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

Municipal Officer or Employee -An officer or employee of the City of Watertown, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a Chief Engineer or Assistant Chief Engineer.

§32-3 Enumeration of Standards:

Every officer or employee of the City of Watertown shall be subject to and abide by the following standards of conduct:

- A. Gifts. He shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.[Amended 9-4-2001]
- B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- C. Representation before one's own agency. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

- D. Representation before any agency for a contingent fee. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Council and any officer or employee of the City of Watertown, whether paid or unpaid, who participates in the discussions or gives official opinion to the Council on any legislation before the Council shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- F. Investments in conflict with official duties. He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his official duties.
- G. Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.
- H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the City of Watertown in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§32-4 Claims arising out of personal injury or property damage:

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the City of Watertown, or any agency thereof, on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§32-5 Distribution:

The City Manager of the City of Watertown shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the City of Watertown within 30 days after the effective date of this Article. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

§32-6 Penalties for offenses:

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Article may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

309 **Personnel Records**

Policy Statement—It is the policy of the City to balance its need to obtain, use, and retain employment information with a concern for each employee’s privacy. To this end, the City will endeavor to maintain only that personnel information necessary for the conduct of the City’s business or required by federal, state, or local law. Personnel records will be maintained for current and past employees in order to document employment related decisions and comply with government record keeping and reporting requirements.

Content – The personnel records maintained by the City include, but are not limited to, Employment Applications, Report of Personnel Change Forms; copies of job-required licenses and certificates, Federal and State Withholding Tax Forms, Retirement Enrollment/Waiver Forms, Health Insurance Enrollment/Waiver Forms, performance appraisals, grievance or dispute resolution notices, counseling memoranda, notices of discipline, and probationary reports.

Location of Files – All original personnel records for current employees will be kept in the City Manager’s office and will be controlled by the Confidential Assistant to the City Manager.

Employment Eligibility Verification (I-9) Forms – All Employment Eligibility Verification (I-9) Forms will be kept in a separate file in the City Comptroller’s Office.

Medical Records – All employee medical records will be kept in a separate file apart from the employee’s personnel file in the City Manager’s office and will be maintained and controlled by the Confidential Assistant to the City Manager. ***For security purposes, these files will be locked at all times.***

Substance Testing Records – All employee substance testing records will be kept in a separate file apart from the employee’s personnel file in the City Manager’s office and will be maintained and controlled by the Confidential Assistant to the City Manager. ***For security purposes, these files will be locked at all times.***

Change in Status – An employee must immediately notify the Department Head of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations and individuals to notify in case of emergency.

Review of Personnel Files – Access to personnel files is limited. A current employee may review the contents of the employee’s own personnel file by submitting a written request to the City Manager, with the review to be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. At the employee’s request, a union representative may be present during the review. An employee may not copy, remove, or place any material in the employee’s personnel file without the approval of the City Manager’s Office.

310 **Separation from Employment**

Notice of Resignation (Department Heads) –A Department Head who intends to resign from employment must submit a written resignation to the City Manager at least thirty days before the date of resignation is to be effective. Failure to provide the notice listed above may result in the employee not being paid for their unused vacation accruals.

Completion of Notice Period – When a resignation notice is provided by an employee, the City reserves the right to waive some or all of the notice period.

Notice of Resignation (Public Officers) – A Public Officer (as defined by Public Officers Law) must resign by delivering a written notice to the City Clerk. If no effective date is specified, the office becomes vacant immediately upon delivery of the notice to the City Clerk. If a Public Officer wishes to resign at some future date, the Public Officer may specify a resignation date. However, if the resignation date is more than thirty days after delivery of the notice to the City Clerk, the resignation will become effective thirty days after such delivery.

Exit Interviews – Exit interviews are normally conducted by the employee's Department Head. The exit interview provides an opportunity to discuss a number of items, one of which would be the return of City property. Information regarding employee benefits and COBRA eligibility may be obtained from the Benefits Administrator in the City Manager's Office. During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations.

Final Paycheck – Employees receive their final paycheck on the next regularly scheduled payday. The final paycheck includes payment for accumulated vacation benefits, if applicable.

400 OPERATIONAL POLICIES

401 *Departmental Hours*

Normal Hours of Operation – The normal hours of operation are established by the City Code. Except as otherwise provided in a collective bargaining agreement, an employee's Department Head will establish the employee's work schedule, which may differ from the normal hours of operation depending upon the particular needs and requirements of the department. The City Manager reserves the right to approve all employee work schedules, except where otherwise prohibited by applicable State or City Law.

Overtime– An employee may be required to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head or his/her designee before working additional hours.

402 *Meal Breaks and Breaks for Nursing Mothers*

Meal Breaks (35 hour per week employees)–An employee who works more than six hours in a given day will receive an unpaid, duty-free meal break not to exceed sixty minutes.

Meal Breaks (40 hour per week employees) –An employee who works more than six hours in a given day will receive an unpaid, duty-free meal break not to exceed thirty minutes.

Scheduling of Meal Breaks – Scheduling of meal breaks must be approved by the Department Head in accordance with the needs and requirements of the department. Meal breaks must normally be taken in the middle of the employee's workday.

Observance of Meal Breaks – In accordance with New York State regulations, an employee who works more than six hours in a given day is required to take the scheduled meal break. An employee is not allowed to work through the meal break to make up lost work time or to leave work early. In addition, the meal break may not be taken at the end of an employee's workday in order to leave work before the normal quitting time. Under limited circumstances, when required by the demands of the job and with Department Head approval, the meal break may be applied at the end of the workday. This shall not occur on a regular basis.

Breaks for Nursing Mothers to Express Breast Milk – Employees who are nursing mothers shall be allowed to use a reasonable break (generally between twenty to thirty minutes) in addition to the employee's meal and rest breaks to express milk for a nursing child. The City will provide this break at least once every three hours if requested by the employee. This provision applies to nursing mothers for up to three years following childbirth. The City will make a reasonable effort to provide a room or location other than the restroom or toilet stall, within walking distance to the employee's work space, or other location in close proximity to work so that nursing mothers can express in private. An employee wishing to avail herself of this break is required to give the City advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the City an opportunity to establish a location and to schedule leave time for multiple employees, if needed.

403 **Emergency Situations**

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Emergency Situations provision set forth below and should refer to the applicable collective bargaining agreement.

Closing Procedures – In the event that extraordinary weather conditions or other emergencies develop prior to the beginning of the workday, the City Manager or designee may authorize the closing of non-emergency operations, or, if extraordinary weather conditions or other emergencies develop during a workday, the City Manager may direct that certain employees who perform non-essential services leave work.

Payment of Wages – Pay for FLSA exempt employees will not be affected by an emergency closing. Pay for FLSA non-exempt employees will be in accordance with the provisions below:

- **During Work** – An employee who is directed by the City Manager or designee to leave work due to an emergency closing will not be paid for the remainder of the employee's normal workday. The employee may charge such absence to available vacation or personal leave credits or make up the time at a later date if agreed to by the Department Head.
- **Prior to Reporting to Work** – An employee who is directed by the City Manager or designee not to report to work due to an emergency closing will not be paid for that workday. The employee may charge such absence to available vacation or personal leave credits or make up the time at a later date if agreed to by the Department Head.

Inclement Weather– Employees are expected to report to work and remain at work during inclement weather conditions unless otherwise notified by the City. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather. When the City Manager or designee has not officially shut down operations, an employee who does not report to work or requests to arrive at work late or leave work early due to inclement weather must contact his or her Department Head prior to doing so. The employee must use paid vacation or personal leave, if available, or take the time off without pay.

404 **Time Records**

Policy Statement – Time records provide a means of accurately accounting for time worked and authorized paid leave taken by employees. The City uses time sheets to collect this important information.

- All employees are required to complete an individual time sheet showing the daily hours worked or time periods being accounted as paid/unpaid leaves, in accordance with the following procedures:
 1. Time records must be prepared for all employees in accordance with each department's time recording procedures.
 2. All paid and unpaid leaves of absence must be recorded in the pay period used and noted as to the type of absence (vacation, sick, bereavement, etc.).
 3. Employee time records must be approved by each department head or designee.
- Department Heads must submit completed time records to the City Comptroller's office no later than 12:00noon on the Monday of each pay week or by 10:00a.m. on any pay week which includes a designated holiday.

Correction of Errors – An employee must immediately bring errors in time records to the attention of the employee's Department Head or designee who will investigate the matter and make and initial the correction once the error has been verified.

Arriving at Work Before or Leaving After Scheduled Work Hours – Arriving at work before the scheduled starting time or leaving work after the scheduled ending time for an employee's own convenience is permitted but is not to be included in paid working time. Work performed for the City outside of the employee's regular work schedule will not be paid unless prior approval has been obtained from the Department Head (i.e. unauthorized overtime is prohibited). Violations of this policy will result in appropriate corrective action.

Falsification of Time Records – An employee who, after investigation, is found to have falsified or altered a time record, or the time record of another employee, or completed a time record for another employee, will be subject to disciplinary action. In extenuating circumstances where an employee is not able to complete the employee's own time record, the Department Head or designee may complete the time record on behalf of the employee.

405 **Bonding**

Insurance–The City will provide bonding insurance for an eligible employee who is required to act in a fiduciary capacity.

406 *Vehicle Usage*

Policy Statement – All vehicles and related equipment of the City of Watertown are owned and maintained for the purpose of conducting official business of the City. Said vehicles and equipment may not be used for the personal use or private gain of any official or employee, nor for any other purpose which is not in the general public interest.

Standards – For the purpose of compliance with this policy, the following standards must be met at all times:

- City vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Head to which it is assigned.
- City vehicles must be assigned to specific City officials and employees for specific purposes and tasks. Said vehicles may not be used for any unauthorized purpose nor to conduct personal, private, or non-City related business.
- City vehicles must always be operated in a safe and responsible manner and in compliance with all applicable motor vehicle and traffic laws in effect. Employees must always wear seat belts when operating City vehicles. Employees are responsible for any driving infractions or fines that result from their operation of City vehicles, and must report them to their Department Head. The City is responsible and will pay for any fines which would typically be levied against the owner of the vehicle.
- Any accident involving a City vehicle, regardless of severity, must be reported immediately to the Police Department within the jurisdiction of the accident followed by the appropriate Department Head or supervisor. The Department Head must file an accident report with the City Manager's Office within twenty-four hours.
- The use of a cell phone when driving on City business is prohibited. Members of the City Police Department are exempt from this provision.
- City vehicles may not be used to transport persons nor material not related to the conduct of official City business without direct authorization by the appropriate Department Head or the City Manager.
- City vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation; and all keys maintained under controlled and authorized jurisdiction of the appropriate Department Head.
- Tobacco use of any kind is strictly prohibited inside of City vehicles.
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on City vehicles at any time, except those of a limited community service nature which have been authorized by the City Manager.

407 Driver's License / Insurance Requirements

Requirement –An employee who is required to drive either a City-owned vehicle or the employee's own personal vehicle to conduct business on behalf of the City, must possess at the time of appointment, and must maintain throughout employment, a valid New York State driver's license. Proof of such license must be on file with the City. If a personal vehicle is used to conduct business on behalf of the City, the employee is responsible for ensuring liability insurance coverage meeting NYS requirements is appropriately maintained.

Commercial Drivers – An employee who operates a vehicle which requires a Commercial Driver's License (CDL), must maintain such license throughout employment. Proof of such license must be on file with the City. In accordance with the federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the City within thirty days of a conviction of any traffic violation (except parking), no matter where or what type of vehicle the employee was driving.

Loss of Driver's License – An employee who is required to possess a driver's license or CDL license in order to perform certain job duties and responsibilities must immediately notify the appropriate Department Head in the event the license is suspended or revoked. The loss or suspension of the driver's license or CDL license may affect the employee's continued employment with the City, including termination of employment for inability to perform the duties of the job. The City will utilize the NYS Department of Motor Vehicles' "License Event Notification Service" (LENS) to monitor activity that may negatively impact an employee's ability to maintain a required license.

Insurability Standards–It shall be solely the responsibility of a City employee to meet or exceed all insurability standards, as established from time to time by the City Council or the City's insurance carrier, which are required for the use or operation of a City vehicle. Failure to maintain acceptable insurability standards may affect the employee's employment status with the City.

408 Supplies, Tools and Equipment, and Fuel Usage

Supplies – All City owned supplies must be used efficiently and not wasted. An employee may not use any City supplies including, but not limited to, postage, paper, or office supplies for personal use.

Tools and Equipment – The employee must repair or replace any City-owned tool or piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse. An employee may not use any City-owned tool or piece of equipment, including, but not limited to, fax machines, copiers and computer equipment for personal use. An employee may not use City facilities, City-owned tools or equipment to work on vehicles or trailers not owned by the City.

Fuel – An employee may not use gasoline, fuel oil, or motor oil purchased by the City for personal use.

409 Telephone / Cell Phone Usage

Guidelines – Telephone and cell phone usage must adhere to the following guidelines:

- An employee will answer promptly and speak in a clear, friendly and courteous tone.
- An employee will give the name of the department or office and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information.
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred.
- During office hours, each employee is responsible for there being at least one employee in the department or office to answer telephones. If the department or office has a limited staff, arrangements must be made with another department or office for telephone coverage or an answering device must be in operation.
- An employee may make and/or receive personal telephone or cell phone calls during work hours, but the calls must not interfere with job performance.
- An employee may not make or receive personal calls on a City provided telephone or cell phone that will result in additional charges to the City, except in an emergency and/or with prior approval from the Department Head. The employee must reimburse the City for the cost of the call.
- The use of City issued phones is monitored to ensure no excessive or inappropriate use occurs.
- The use of a cell phone while driving on City business is prohibited. Members of the City Police Department are exempt from this provision.

Personal Cell Phone / Electronic Device Usage – Employees are permitted to carry personal cell phones during working hours but must adhere to the guidelines shown below. These guidelines do not apply to City-owned cell phones that are issued for the specific use of an employee's job duties. Where the term cell phone is used in these guidelines, it shall be considered to include all types of portable electronic devices (e.g. iPads, Kindles, MP3 players, netbooks, etc.)

- With the exception of an emergency situation, cell phones may not be used for personal purposes during work hours unless the employee is on an authorized break or has permission from a supervisor.
- No personal text messages may be sent or received during working hours.
- No web browsing, music, movies, or all other uses of cell phones will be allowed during working hours.
- Personal cell phones that are broken, damaged or lost during working hours will not be replaced or paid for by the City.

410 **Acceptable Use Policy: Computer, Email and Internet**

Purpose –The goal of this policy is to ensure that all usage of City-owned computer equipment and City employee access and use of internal and external data resources, including the Internet and e-mail, are consistent with City policies and all applicable laws. It is also to encourage and promote responsible, efficient, ethical and legal utilization of these resources and to establish guidelines for their acceptable use.

Scope – This policy applies to all users of City-owned computer equipment and access to internal and external data resources using City-owned computer equipment. Some examples of resources include the Internet and E-mail. This policy also applies to city-owned or supplied wireless and hand-held devices including cell phone and mobile computing devices.

Access – Access to, and the use of, City owned computer systems, data, and/or equipment are determined by the employee's Department Head or the Department Head's designee and fulfilled by the Information Technology Department. Any unauthorized use of, or access to, the aforementioned is prohibited. This section of the policy also applies to the use of personal equipment when being used by City employees for work purposes during work hours.

Appropriate Usage – The Internet, and all technology equipment, should be utilized primarily for City business purposes. Use of the aforementioned items must not compromise the integrity of the City or its business in any way. No City employees shall intentionally use Internet services in an illegal, malicious, or obscene manner, including but not limited to, using the services to access materials such as those advocating, hate, pornography or violence. Employees should receive proper approval from the IT department prior to connecting any personal, or City owned technology equipment to City networks. This section of the policy also applies to the use of personal equipment when being used by City employees for work purposes during work hours.

Ownership and Privacy –The City's computers and other technology devices, as well as the data that resides on them, are considered to be City property. As such, employees should be aware that their use of the aforementioned devices, and the data that resides on them, may be subject to an audit at any time.

Passwords and User Accounts –All employees should safeguard their accounts and passwords. Accounts and passwords should not be used by, or shared with, any other person.

Disposal of Computer Equipment –Employees should defer to the Information Technology department for the appropriate disposal of technology equipment and/or software including computers, printers, scanners, fax, network, disk, tape, removable media, digital cameras, documentation and manuals.

Compliance – Any employee found in violation of this policy may be subject to disciplinary action up to, and including, termination. Notwithstanding any statement herein, or in any policy or in any verbal statements, the City Manager or his/her designee has sole discretion to grant, transfer, suspend, or cancel any employee's access at any time for any reason.

411 Personal Appearance

Policy Statement – It is the policy of the City that each employee’s dress, grooming and personal hygiene should be appropriate to the work situation.

Standards –Acceptable personal appearance is an ongoing requirement of employment with the City. An employee must maintain their personal appearance in a manner that reflects their position. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Each Department Head shall have the authority to determine what is and what is not acceptable.

Safety Clothing and Equipment – An employee may be required to wear safety clothing and equipment as directed by the Department Head. If such is the case, the employee must comply with all safety requirements.

Uniforms – An employee may be required to wear a uniform as directed by the Department Head and/or as provided in a collective bargaining agreement. If such is the case, the employee must comply with all requirements.

412 Solicitations/Distributions

Policy Statement – It is the policy of the City to limit solicitation and distribution on its premises by non-employees and to permit solicitation and distribution by employees only as follows: The City Manager has the authority to allow solicitation by non-employees. Department Heads have the authority to approve/disapprove solicitation within their own respective departments.

413 Disclosure of Information

Policy Statement – The City of Watertown promotes open government and complies with all requirements regarding public access to information. However, the City recognizes that certain documents, records, and other information pertaining to City operations and activities contain sensitive and/or confidential information about City residents and others who do business with or on behalf of the City and/or its residents. Requests for such information cannot be photocopied, duplicated, discussed, or otherwise disclosed to any outside party except in accordance with the Freedom of Information Law or any other applicable laws and regulations. An employee is also prohibited from sharing or otherwise disclosing such information with other City employees, family members or friends who do not have a City business reason to have such information. This includes posting of such information in any public forum (computer or otherwise) or on computer social networking sites.

Responsibility for Security of Confidential Information – Department Heads and employees are responsible for maintaining the security of documents, records and other information that fall within their department operations. Any request from outside parties for disclosure of information under the Freedom of Information Law or any other applicable laws or regulations must be submitted to the City Manager.

Employee Personal Information—An employee should never provide a caller or visitor with confidential information regarding employees, including home addresses and personal telephone numbers. An employee should take the person's name and telephone number and inform the caller/visitor that a message will be forwarded to the employee.

414 Visitors

Policy Statement – Visitors are allowed for brief visits as long as such visit does not interfere with City operations or interrupt other employees who are still working.

415 Purchasing

Policy Statement – The City has established an official procurement policy that must be followed without exception. No employee shall make purchases for the City, or use the City's name to make purchases, unless so authorized by the City Manager and the Purchasing Agent and in adherence to the procedures set forth in the procurement policy.

It is permissible for an employee to make a personal purchase at an establishment that offers a discount on personal purchases on the basis of the person's status as a City employee, however, the employee must not invoke the name of the City as being involved in the transaction or imply that the personal purchase has any connection to official City business.

416 **Maintenance of Work Area**

Policy Statement – It is the policy of the City that work areas must be kept safe, clean and orderly at all times.

Employee Responsibility – Employees are responsible for maintaining their work area in a safe and orderly fashion. As such, each employee should, at a minimum, do the following:

- Place coats, boots, umbrellas and other items of clothing in designated areas so that work areas are not unnecessarily cluttered;
- Report any existing or potential workplace hazards and safety violations to the Department Head;
- Abide by the smoking policy as specified in this Employee Handbook;
- Clean and store all tools and equipment as well as properly store and secure any items, papers or confidential information in a manner prescribed by the Department Head.

Supervisory Responsibility – Supervisors are responsible for having their employees maintain their work areas according to the requirements of this policy. Each supervisor should:

- Make sure that aisles, floors and walls are free from debris and other unnecessary items;
- Monitor the facilities and equipment and issue maintenance requests where appropriate;
- Arrange for the removal of any items from the workplace that are not needed for the flow of business or the enhancement of employee comfort and safety;
- Abide by and enforce the City's smoking policy;
- Ensure the proper disposal of all trash and waste.

417 Personal Property

Policy Statement—It is the policy of the City to ask each employee to refrain from bringing unnecessary or inappropriate personal property to work. The City recognizes that an employee may need to bring certain items to work. However, employees should take care to ensure that personal property brought to the workplace does not disrupt work or pose a safety risk to other employees.

Personal Liability – An employee is expected to exercise reasonable care to safeguard personal items brought to work. Except as otherwise provided by a collective bargaining agreement, the City will not repair, replace, or reimburse an employee for the damage or loss of the employee’s personal property. An employee bringing personal property to the workplace does so at one’s own risk.

Storing Personal Belongings on City Premises – An employee is prohibited from storing personal belongings such as motor vehicles, boats, trailers, televisions, computer equipment, etc. on City premises. The City reserves the right to have any such items removed at the owner’s expense.

Security Inspections – Desks, lockers and other storage devices may be provided for the convenience of employees but remain the sole property of the City. Accordingly, such storage devices, as well as any articles found within them, can be inspected by any agent or representative of the City at any time, with or without notice. Whenever possible, this inspection will be made in the presence of the employee. The City is not responsible for loss or damage to personal property placed in such storage devices.

418 City Property

Employee Responsibility – An employee will be responsible for any item issued by the City which is in the employee’s possession and/or control, such as, but not limited to the following:

- Equipment, including Protective Equipment
- Identification Badges
- Keys
- Uniforms
- Communication Devices
- Laptop computers and peripherals
- Books or other Reference Materials, including this Employee Handbook

Return of Property – Except as otherwise provided by a collective bargaining agreement, all City property must be returned to the City before the employee’s last day of work.

419 Unauthorized Work

Policy Statement – An employee may not perform work for any entity other than the City during the employee’s authorized work hours, or claim that City work was done when such is not the case. Employees must devote their full scheduled shift to City business, as assigned.

420 **Outside Employment**

Policy Statement—It is the policy of the City that an employee may engage in outside work as long as such outside work does not interfere with the employee’s performance standards, pose an actual or potential conflict of interest, or compromise the interests of the City.

Guidelines – The following guidelines have been established for an employee who engages in outside work.

- An employee will be judged by the same performance standards and will be subject to the City’s scheduling demands, regardless of any existing outside work requirements.
- If the City determines that an employee’s outside work interferes with the performance or the ability to meet the requirements of the City as they are modified from time to time, the employee may be required to terminate the outside employment if the employee wishes to remain employed by the City.
- No City equipment, supplies, or other material may be used by an employee on other than City work.
- Outside employment that does or may constitute a conflict of interest is prohibited. An employee may not receive any income or material gain from individuals outside of the City for materials produced or services rendered while performing the employee’s City job.
- An employee may not work on outside employment during any period which the employee is regularly scheduled to work for and is paid by the City.
- A City employee who engages in outside work must notify the person for whom the work is being performed that such work is being done on the employee’s own time and that the employee is not representing the City while performing such work.

Employee Responsibility—A City employee who wishes to engage in outside work is responsible for ensuring that the above guidelines are maintained. Questions should be directed to the Department Head.

Union Employees – In addition to the above guidelines, an employee who is a member of a collective bargaining unit may be subject to rules and/or guidelines regarding outside employment as set forth in the collective bargaining agreement or rules of the department to which the employee is assigned.

500 ABSENCE POLICIES

501 Attendance

Except as otherwise provided by a collective bargaining agreement, the following procedure shall apply regarding absence from work:

Tardiness – An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify the employee's supervisor, in a manner determined by their supervisor (e.g. via text, telephone call, etc.), before the employee's scheduled starting time or as soon thereafter as possible. The reason for tardiness and the expected time of arrival must be indicated to the supervisor.

Daily Notification – In the event an employee is unable to report to work, the employee must notify the employee's supervisor each day of the absence and state the reason for the absence. In the event the absence was pre-authorized, this requirement will be waived.

Scheduled Absences –Requests for scheduled time off, such as the use of vacation leave and personal leave, must be approved by the employee's supervisor in advance. All requests for time off are subject to approval by the employee's supervisor on a case-by-case basis. Refer to Section 802, Vacation Leave, and Section 804, Personal Leave, for further details.

Unscheduled Absences – An employee who is unable to report to work must personally contact the employee's supervisor at least two hours before the employee's scheduled starting time. The employee must notify their supervisor in a manner determined by the supervisor (e.g. via text, telephone call, etc.), indicating the reason for the absence and when the employee expects to return to work. Asking another person to call in on the employee's behalf is not permitted. Notification requirements may be waived in cases of emergency.

Unexcused Absences –Notification of an absence to an employee's supervisor does not automatically mean the absence is authorized. Any time off from work that is without approval of an employee's direct supervisor is considered an unexcused absence. An unexcused absence is without pay and may result in disciplinary action, up to and including termination.

Early Departure – In the event an employee must leave work during the workday, the employee must receive permission from the employee's supervisor prior to leaving.

Leaving the Premises – An employee must obtain prior approval from the employee's supervisor to leave an assigned worksite during working hours due to a non-work related reason. An employee who leaves an assigned worksite during the workday due to business reasons must notify the employee's supervisor in accordance with department policy.

Documentation of Absences – An employee may be required to provide appropriate documentation in justification of any absence. Documentation may include medical verification.

502 ***Jury Duty Leave***

Jury Leave - In the event a full-time or part-time employee is required to perform jury duty on a day the employee is scheduled to work, the employee will receive paid jury duty leave. Such leave will not be subtracted from any of the employee's leave credits. An employee is obligated to notify the Commissioner of Jurors that the City is paying the employee's full pay during jury duty. If the employee receives a jury stipend from the courts, such amount must be reimbursed to the City. An employee can collect and keep any mileage or parking expense reimbursement that may be issued by the court system for performing jury duty.

The City shall pay a temporary or seasonal employee up to the statutory amount of the employee's wages for the first three days the employee serves jury duty if on those days the employee is scheduled to work for the City. After the first three days, the employee may be eligible for a stipend issued by the court system if the employee continues to serve on jury duty.

Notification of Jury Duty – When an employee receives notice to report for jury duty, the employee must immediately submit a copy of the notice to the employee's supervisor.

Return to Duty– Unless specifically addressed in a collective bargaining agreement, if the employee is released from jury duty on a given day and there are two or more hours remaining in the employee's scheduled workday, the employee must report to work. The employee will be allotted time to return home and prepare for work.

Accrual of Benefits – The City will continue to provide health insurance benefits for an eligible employee during the jury duty leave. Vacation leave, sick leave and holiday benefits will continue to accrue during jury duty leave.

503 ***Military Leave and Military Leave of Absence***

Military Leave (New York State Law) – This section refers only to a paid leave for military service under New York State Law and does not affect an employee's entitlement to leave needed for military service under federal statute. The City of Watertown recognizes the importance of the Military Reserve and National Guard, and will permit any employee the use of military leave to perform ordered military duty or required training. The City will grant such leave with pay for up to twenty-two workdays or thirty calendar days in a calendar year, whichever is greater. Such military leave beyond the twenty-two workdays or thirty calendar days in a calendar year will be unpaid, however accumulated vacation leave may, at the employee's option, be used at any time during the leave. In accordance with applicable New York State law, the employee may keep all pay received for military service.

Military Leave of Absence (Federal Law) – An unpaid leave of absence for a period of up to the federal statutory limits will be granted to an employee to serve in any of the Armed Forces of the United States. The employee's accumulated vacation leave may, at the employee's option, be used at any time during such leave of absence.

Leave For Military Spouses (New York State Law) – In accordance with NYS Labor Law §202-i, the City will grant an unpaid leave of absence of up to ten days to an employee (who works an average of twenty hours per week) whose spouse is a member of the armed forces of the United States, National Guard, or reserves who has been deployed during a period of military conflict, to a combat theater or combat zone of operations. This leave shall only be used when the employee's spouse is on leave from such deployment. This does not preclude the employee's option to use available paid leave upon approval of the employee's Department Head.

504 Leave for Cancer Screening

Policy –The City of Watertown complies with New York State Civil Service Law which entitles all City employees to paid leave to undertake screening for breast cancer (under §159-b) and prostate cancer (under §159-c). This leave will not be charged against any available sick, vacation, personal, or other leave accruals. This does not preclude an employee's option to use other available paid leave for this same purpose.

Allowance – An employee will be allowed four hours of paid leave per year for the purpose of undergoing a screening procedure for breast cancer, and four hours of paid leave per year for the purpose of undergoing a screening procedure for prostate cancer (male employees only). Such paid leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to the leave, those hours are not carried forward to the next year. The allowed leave time may include the travel time to and from the appointment and any subsequent follow up consultation visits. In addition, the allowed leave may be staggered throughout the year until the maximum allowance has been reached.

Scheduling – An employee must receive prior approval from the employee's supervisor to take leave for this purpose. The request for leave should be submitted to the employee's supervisor in writing a minimum of two days in advance. The supervisor will have total discretion in the approval of this leave, but will not unreasonably deny such request.

Documentation Requirements – If an employee applies for paid leave for a cancer screening procedure under this policy, documentation must be provided to the employee's supervisor from the health care provider verifying that the absence from the workplace was for cancer screening. If an employee uses any other available leave for a cancer screening procedure, the provisions of the applicable leave policy (e.g. sick, personal, vacation) will apply; there is no requirement in such a case to provide specific documentation regarding cancer screening.

505 Leave for Blood Donations

Policy –The City of Watertown complies with New York State Labor Law Section §202-j which entitles City employees who work an average of twenty hours or more per week to a leave of absence for the purpose of making a blood donation. This leave of absence will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. The leave allowed under this policy is unpaid, however, this does not preclude an employee's option to use available paid leave for this same purpose.

Allowance – An eligible employee will be allowed a leave of absence of up to three hours per year under this policy. Such leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to this leave, those hours are not carried forward to the next year. The allowed leave may include the travel time to and from the appointment.

Scheduling – An employee must receive prior approval from the employee's supervisor to take leave for this purpose. The request for leave should be submitted to the supervisor in writing a minimum of two days in advance. The supervisor will have total discretion in the approval of this leave, but will not unreasonably deny such request.

506 Time Off To Vote

Policy – The City encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If an employee is unable to vote in an election during non-working hours, arrangements can be made to permit voting during the workday.

Procedures – An employee should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled in a manner which causes the least disruption to departmental operations.

507 Bereavement Leave

Employees should refer to their respective collective bargaining agreements or management policy regarding bereavement leave.

508 **Family and Medical Leave Policy**

Statement of Compliance – The City of Watertown complies with the provisions of the Family and Medical Leave Act (FMLA) and Civil Service Law when administering leaves under this policy.

Summary – FMLA entitles an eligible employee to a maximum of twelve workweeks (defined by the employee's normal workweek) of job-protected, unpaid leave in any twelve month period for certain family and medical reasons. The twelve-month period is calculated as the twelve month period measured forward from the date of the employee's first FMLA leave usage. The FMLA also provides an eligible employee with up to twenty-six weeks of *Military Caregiver Leave* to care for a covered service member (limited to a single twelve-month period). At the conclusion of a leave of absence under the FMLA, the employee will be restored to the position the employee held when the leave began or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, provided the employee returns to work immediately following such leave.

Eligibility – To be eligible for an unpaid leave under FMLA, an employee must meet the following requirements:

- The employee must have worked for the City for at least twelve months as of the first date of requested leave (these need not be consecutive);
- The employee must have worked for the City for at least 1,250 hours during the previous twelve months prior to the date the leave commences; and
- The employee must work at or report to a worksite which has fifty or more employees or is within seventy-five miles of worksites that taken together have a total of fifty or more employees.
- Spouses who both work for the City are allowed a combined maximum of twelve workweeks of leave for the birth or care of a newborn child, adoption or foster care of a child and to care for such newly placed child, or the serious health condition of a parent, during any twelve month period.

Types of FMLA Leave - Eligible employees will be afforded up to twelve workweeks of unpaid leave under **FMLA** under the following circumstances:

- Upon the birth of the employee's child and to care for the newborn child;
- Upon the placement of a child with the employee for adoption or foster care and to care for the newly placed child;
- To care for the employee's spouse, son, daughter or parent who has a serious health condition;
- Because of the employee's own serious health condition which makes the employee unable to perform one or more of the essential functions of his or her job; and
- Because of any qualifying exigency (refer to Qualifying Exigency Leave below) arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

Military Caregiver Leave - Eligible employees will be afforded up to twenty-six weeks of leave to care for the employee's spouse, son, daughter, parent, or nearest blood relative who is a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active-duty that may render the person unable to perform the duties of the member's office, grade, rank or rating. This leave shall only be available during a single twelve-month period. During this single twelve-month period, the employee shall be entitled to a combined total of twenty-six workweeks of caregiver leave described in this section and the **Types of FMLA Leave** section described above. Nothing in this paragraph shall be construed to limit the availability of FMLA leave provided under the **Types of FMLA Leave** section above. For the purposes of this type of leave, "nearest blood relative" shall include the following in order of priority: a relative who has been granted legal custody of the covered service member, brothers, sisters, grandparents, aunts, uncles and first cousins, or a specific blood relative who has been designated as a service member's caregiver. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members are considered to be next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously.

Qualifying Exigency Leave – Eligible employees who have a covered family member serving in either the National Guard or the Reserves are provided with up to 12 work weeks of FMLA job-protected leave for "any qualifying exigency" that arises while the covered family member is on active duty or called to active duty status in support of a contingency operation. The regulations identify eight categories for which an eligible employee may use FMLA leave under this qualifying exigency provision:

- *Short-notice deployment:* a covered military member is notified of an impending call or order to active duty 7 or less days before deployment;
- *Military events and related activities:* (a) to attend any official ceremony, program, or event sponsored by the military that is related to active duty; or (b) to attend family support or assistance programs or informational briefings sponsored by the military;
- *Childcare and school activities:* (a) to arrange for childcare when active duty necessitates a change in childcare arrangements; (b) to provide childcare on an urgent basis when the urgency arises from active duty status; (c) to enroll in a new school or daycare because of active duty; or (d) to attend meetings at a school or daycare for a child of a covered service member due to circumstances arising from active duty;
- *Financial and legal arrangements:* (a) to make or update financial arrangements to address a covered military member's absence while on active duty; or (b) to act as a covered military member's representative before a federal, state, or local agency to obtain or arrange military service benefits while a covered service member is on active duty;
- *Counseling:* to attend counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of a covered service member if the need for counseling arises from active duty or the call to active duty;
- *Rest and recuperation:* to spend up to 5 days of leave with a covered military member who is on short-term, temporary, rest and recuperation leave;

- *Post-deployment activities:* (a) to attend arrival ceremonies, reintegration briefings and events, and other official ceremonies sponsored by the military for a period of 90 days after the termination of active duty status; or (b) to address issues that arise from the death of a covered military member while on active duty status; or
- *Additional activities:* a catch-all designed to address any other event that may arise out of active duty or a call to active duty status, provided that such leave is agreed upon by the employer and employee.

Definitions – The following terms are fully defined in the Federal Regulations on the Family and Medical Leave Act, 29 CFR Part 825. For the purpose of this policy, the following definitions will apply:

- **Serious Health Condition** will mean an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity (as contained in the Federal Regulations), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:
 - * A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;
 - * A period of incapacity due to pregnancy or prenatal care;
 - * A period of incapacity or treatment for such incapacity due to a chronic serious health condition. A “chronic serious health condition” requires periodic visits to a health care provider for treatment. The term “periodic visit” constitutes 2 or more appointments with a health care provider over the course of one year;
 - * A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
 - * A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.
- **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.
- **Family Member** will mean and refer to:
 - * **Spouse** – husband or wife as defined or recognized under State law for purpose of marriage;
 - * **Parent** – biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a child as defined in directly below. This term does not include an employee’s parents "in law";

- * **Child** – biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen, or age eighteen or older and "incapable of self-care (as defined in the Federal Regulations) because of a mental or physical disability". Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Notification Requirements – If the need for leave is foreseeable, the employee must give notice, in writing, to the Department Head at least thirty calendar days prior to the commencement date of the unpaid leave. The employee must complete the Family And Medical Leave Act Request Form and forward the completed form to the City Manager's Office. The failure of an employee to give thirty days' notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the FMLA leave until thirty days from the date of notice. When the need for leave is unforeseeable, verbal notice to the employer will be sufficient.

Extension of Original Leave Request – In the event the employee needs to extend the duration of the leave beyond the time frame originally approved, the employee must submit a new Family and Medical Leave Request Form seeking approval for the extension.

Status Reports – The employee must periodically update the appropriate Department Head as to the employee's status and intent to return to work.

Medical Certification – The employee must produce a medical certification issued by a health care provider which supports the need for a leave under this policy. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, no later than fifteen calendar days from the date the certification was requested. Failure to submit medical certification may jeopardize the employee's eligibility for an unpaid leave of absence and/or the ability to return to work. Medical certification forms are available from the City Manager's Office. The medical certification must include:

- The date the medical condition began;
- The probable duration of the medical condition;
- Pertinent medical facts; and,
- An assertion that the employee is unable to perform the employee's essential job functions or that the employee is needed to care for a family member for a specified period of time.

The City of Watertown reserves the right to request a second opinion by another health care provider. The City will pay for the second opinion. In the event a conflict occurs between the first and second opinion, the City may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the City and the employee. This third opinion will be final and binding.

Leave for the Birth, Adoption or Foster Care Placement of a Child – Leave for the birth of a child or the placement of a child for adoption or foster care must conclude within twelve months from the date of the birth or placement.

Certification for Adoption/Foster Care – An employee must produce proper certification from the appropriate agency for an unpaid leave for the adoption or foster care of a child.

Employment Restrictions During Leave of Absence – While on an approved leave, the employee may not be employed by another employer during the same hours that the employee was normally scheduled to work for the City of Watertown.

Use of Accrued Paid Leave Credits– Except as otherwise provided by a collective bargaining agreement, for the purpose of this policy, the following will apply:

- An employee taking leave for the **birth, adoption or foster placement of a child, to care for a spouse, child or parent with a serious health condition or military caregiver leave** must first use all available vacation leave credits during the authorized FMLA leave. Use of these leave credits does not extend the maximum allowable period specified by FMLA regulations.
- For leave taken due to the **employee's own serious health condition**, the employee must first use all sick or vacation leave credits, which will be included in the maximum twelve-workweek period.
- In the event that the paid leave credits are greater than the maximum twelve-workweek period, an employee may use paid leave credits to **extend** the leave of absence beyond the twelve-workweek period, **up to a maximum of one year**. If, after the completion of the one-year leave of absence, the employee is medically unable to return to work (as determined by a health care provider) and the employee has leave credits remaining, the City Council may authorize an extension of the employee's leave of absence until such benefits are exhausted. However, job reinstatement beyond the one-year leave of absence is not automatic and will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *City of Watertown Civil Service Commission Rules*.

Continuation of Benefits – For the purpose of this policy, the following will apply:

- **Accrual of Paid Leave Credits** – An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave. After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.
- **Medical Insurance** – During the period of authorized FMLA leave of absence, an employee's eligibility status for medical insurance coverage will not change. (In the event the employee has accumulated paid leave credits that extend beyond the twelve workweek period, the employee should refer to Section 711 – Workers Compensation regarding additional medical insurance coverage provisions.) All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the authorized leave of absence period has expired, provisions of COBRA (see Section 708) will apply. In

addition, the City may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:

- * The continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member, which would otherwise entitle the employee to leave under the FMLA, with proper medical certification; or,
- * Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

Workers' Compensation – Leaves taken under the Workers' Compensation Law may invoke the FMLA if the employee meets the eligibility criteria outlined in the eligibility section and the City designates such leave as FMLA leave and properly notifies the employee of such designation. In accordance with the FMLA, if an employee has elected to receive workers' compensation benefits, the City cannot require the employee to substitute paid leave credits during this period of leave. If the workers' compensation leave has been properly designated as FMLA leave by the City, it can be counted against the employee's FMLA leave.

In addition to leave provided under the Family and Medical Leave Act, employees may be eligible for a leave of absence pursuant to Civil Service Law Section 71. Section 71 provides that **covered** employees shall be entitled to a leave of absence for at least one cumulative year (unless found to be permanently disabled) when disabled due to an occupational injury or disease as defined in the Workers' Compensation Law. This leave runs concurrently with the designated Family and Medical Leave. Employees should consult with their Department Head for further details regarding this provision.

Return to Work – The following conditions for returning to work will apply:

- **Job Restoration** – At the conclusion of the leave of absence, (except for leaves beyond a one-year period) the employee, provided that the employee returns to work immediately following such leave, will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions. For authorized leave of absences beyond the one-year period, job restoration will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *City of Watertown Civil Service Commission Rules*.
- **Medical Statement** – Before resuming employment, an employee must submit a statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. The City reserves the right to have the employee examined by a physician selected and paid for by the City to determine the employee's fitness to return to work either with or without restrictions. Failure to return to work when required may be considered a voluntary termination.
- **Early Return** – An employee who intends to return to work earlier than anticipated must notify the Department Head at least five business days prior to the date the employee is able to return. The Department Head shall in turn notify the City Manager.

600 COMPENSATION

601 *Wage and Salary*

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Wage and Salary provisions set forth below and should refer to the applicable collective bargaining agreement.

Rate of Pay – An employee's rate of pay will be established by the City Council.

602 *Overtime*

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Overtime provisions set forth below **except** for Authorization, and should refer to the applicable collective bargaining agreement. In addition, any applicable provision of the FLSA will also apply.

Authorization – A Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head or supervisor before working additional hours.

FLSA Exempt Employees – In accordance with the Fair Labor Standards Act, FLSA exempt employees will not be paid for overtime nor receive "compensatory time" for any hours worked in excess of the employee's normal workday or workweek.

FLSA Non-Exempt Employees – In accordance with the Fair Labor Standards Act, an FLSA non-exempt employee will be paid one and one-half times the employee's regular hourly rate of pay for all authorized time worked over forty hours in a given workweek.

Credit for Paid Leave – Personal leave, vacation leave, sick leave, bereavement leave, jury duty leave, and holidays will be included as time worked for the purpose of computing overtime.

603 *Pay Period and Check Distribution*

Payroll Period – Normally, employees are paid on a bi-weekly basis. An employee's paycheck will be based on the amount earned during the preceding payroll period.

Payday – Payday is on Friday unless that day is a designated holiday in which case payday will be the preceding work day. Under normal circumstances paychecks will be distributed on the work day preceding the payday after 3:00p.m.

Distribution – A representative from each department not located in City Hall will pick up the employee's paychecks from the City Comptroller's office after 2:45p.m. for further distribution to employees. Paychecks for departments within City Hall will be delivered by the Comptroller's Office.

Direct Deposit – The City provides a direct deposit option for employees. If elected, the paycheck will be deposited directly into the employee’s account at the designated financial institution. The employee must submit a signed, written authorization for direct deposit to the City Comptroller’s office.

Authorized Check Release – The Department Head will not release a paycheck to anyone other than the employee unless the employee has submitted a signed, written authorization with the City Comptroller’s office.

604 *Deferred Compensation Plan*

Summary – The City of Watertown has established a Deferred Compensation Plan whereby a portion of an employee’s salary may be voluntarily withheld and invested. At the employee’s option, the money may be withheld in one of two manners (1) on a pre-tax basis, whereby neither the deferred amount nor earnings on investments are subject to current Federal and State Income Taxes. The money saved is paid out to the employee at a later date, generally during retirement years. Neither the deferred amount nor earnings on investments are subject to current Federal and State Income Taxes. Taxes become payable when the deferred income plus earnings are distributed to the employee, OR (2) On a post-tax basis, whereby taxes are paid on the deferred amount, but subsequent withdrawals of the money invested and any associated earnings will not be subject to future Federal and State Income Taxes if a qualified distribution is made. A description of the plan may be obtained from the Benefits Administrator in the City Manager’s office.

Paid Leave Conversion—Employees classified as “Management” or “Management Confidential” have the option of converting up to three sick leave and three vacation leave days per fiscal year into dollars to be contributed to the employee’s deferred compensation plan. Employees covered under a collective bargaining agreement should refer to their agreement regarding the conversion of paid leave.

700 EMPLOYEE BENEFITS

701 *Holidays*

Union Employees –An employee who is a member of a collective bargaining unit is not covered under the Holiday provisions set forth below except for Holiday Pay Requirement and should refer to the applicable collective bargaining agreement.

Designated Holidays – The City of Watertown will observe the following holidays:

1. New Year's Day	7. Columbus Day
2. Martin Luther King Day	8. Veterans' Day
3. Presidents' Day	9. Thanksgiving Day
4. Memorial Day	10. Day after Thanksgiving
5. Independence Day	11. Christmas Day
6. Labor Day	

Eligibility – A full-time employee is eligible for holiday pay at the employee's regular rate of pay. A part-time, temporary, or seasonal employee is not eligible for holiday pay. (Part-time employees paid on a salary basis will receive their regular pay during a pay period in which a holiday occurs.) Holiday pay will be based upon the employee's scheduled hours on the day the holiday occurs.

Holiday Observance – In the event a designated holiday occurs on a Saturday, the holiday will be observed on the preceding Friday. In the event a designated holiday occurs on a Sunday, the holiday will be observed on the following Monday.

Assigned to Work on a Holiday – A full-time non-exempt employee who works on a designated holiday and is not covered under a collective bargaining agreement will be paid at one and one-half times the employee's regular rate of pay. A part-time, temporary, or seasonal employee who works on a designated holiday will be paid at the employee's regular rate of pay.

702 *Vacation Leave*

Employees should refer to their respective collective bargaining agreement or management policy regarding vacation leave.

Continuous Service – Continuous Service shall mean uninterrupted service. An authorized leave of absence without pay, or a resignation followed by reinstatement within one year following such resignation, shall not constitute an interruption of continuous service. However, the duration of the absence from work without pay will be excluded from the computation of length of continuous service. Vacation is earned only for monthly pay periods during which an employee is in full pay status for at least fifteen working days during such monthly pay period.

703 Sick Leave

Union Employees –An employee who is a member of a collective bargaining unit is not covered under the Sick Leave provisions set forth below **except** for Proper Use of Sick Leave, Medical Verification, and Abuse of Sick Leave, and should refer to the applicable collective bargaining agreement.

Eligibility – A full-time employee is eligible for paid sick leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid sick leave.

Allowance – A full-time employee will be credited with one day of paid sick leave each month. The employee will be credited on the first day of the month for sick leave to be earned within that month. Sick leave is based on the average number of hours an employee is normally scheduled to work each week.

New Employee – A newly hired employee will receive a pro-rated amount of sick leave based on the time of the month that they are hired. For example, an employee hired on the fifteenth day of the month will receive one half day of sick leave upon hire.

Accrual During Leaves of Absence – An employee will be credited with sick leave credits while on a paid leave of absence, but not while on an unpaid leave of absence.

Notification of Sick Leave – In the event an employee must take sick leave, the employee must notify the employee's supervisor at least two hours before the employee's scheduled reporting time. The notification must be made personally to the supervisor, unless the Department Head authorizes the use of an answering device for this purpose. Unless an extended sick leave absence has been authorized, the employee must notify the employee's supervisor each day of the absence. These procedures must be followed to receive paid sick leave.

Proper Use of Sick Leave – Sick leave is provided to protect an employee against financial hardship during an illness, injury, or medical procedure. An employee may use sick leave credits for a personal illness, injury, or medical/dental appointment that inhibits the employee's ability to work. An employee may take sick leave only after it has been credited.

Medical Verification – The City may require medical verification of an employee's absence if the City perceives the employee is abusing sick leave, or has used an excess amount of sick leave, or when an employee is absent for more than three consecutive workdays due to an illness or injury. If an employee is on an authorized leave of absence, the provisions of the Family and Medical Leave Policy in this Employee Handbook shall apply.

Abuse of Sick Leave – An employee, who, after investigation, is found to have abused the use of sick leave or falsifies supporting documentation, will be subject to disciplinary action.

Accumulation – An employee may accumulate sick leave credits to a maximum of 180 days. It is important to recognize that paid sick leave can provide income protection and continued medical insurance coverage in the event the employee is unable to work for a long period of time due to illness or injury. Therefore, each employee should take care to manage the use of sick leave to ensure adequate time is available should such a need arise.

Sick Leave Conversion – An employee may convert cash value of up to three sick leave days into a contribution to the Deferred Compensation Plan each fiscal year.

Retirement Credit – The City Council has elected to provide Section 41(j) of the NYS Retirement and Social Security Law which can enhance pension benefits by allowing credit for up to one hundred sixty five days of accumulated sick leave at the time of retirement. To be eligible, an employee must retire directly from City employment or within one year of leaving covered employment. The additional service credit is determined by dividing the total accumulated sick leave days (not to exceed 165 days) by 260. For example: 130 accumulated sick leave days \div 260 = .50 or 6 months additional service credit.

Separation of Employment – An employee whose employment with the City is terminated for any reason, including retirement, will not receive cash payment for unused sick leave.

704 **Disclosure of Insurance Benefits**

Summary—The following is a brief description of the insurance benefits currently offered by the City to eligible employees. Eligibility for benefits is dependent upon employment classification. The description of the benefits provided is only an overview. The plan documents or specific government regulation provide a full description of the specific benefit.

Employee Communications—The Benefits Administrator is responsible for communications concerning City benefits and is available to answer questions concerning the benefit plans. A description of each of the plans may be obtained from the Benefits Administrator.

Benefits are administered according to applicable government regulation, benefit plan documents, insurance carrier master policy, or City policy.

Waiver of Benefits—An employee who is eligible to participate in any of the available insurance plans but who elects not to participate must sign an appropriate waiver of enrollment form.

Enrollment Information—The Benefits Administrator will provide the employee with the enrollment forms and assist with the administrative and operational aspects of the various insurance plans. Enrollment in a benefit plan is not automatic. Employees must complete the appropriate enrollment forms and applicable payroll deduction authorizations in order to receive benefits.

Changes in Status—Employees whose status changes from full-time to part-time are notified of the changes to their City benefits. This notification contains all legally mandated information regarding applicable benefits, including COBRA health insurance continuation. An employee must immediately notify the Benefits Administrator in the event that the employee has a change in marital or family status that may affect coverage, such as marriage, divorce, legal separation, death of a spouse or dependent, acquiring or losing a dependent, changes in address.

Beneficiary – Under some of the City’s benefit plans, each employee must designate a beneficiary for the employee’s death benefits. This designation must be made in writing and on the form provided by the Plan Administrator.

705 Medical Insurance for Active Employees

Union Employees –An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance for Active Employees set forth below and should refer to the applicable collective bargaining agreement.

Eligibility – The City currently offers medical insurance coverage to each full-time employee and their eligible dependents. A part-time, temporary, or seasonal employee is not eligible for medical insurance coverage.

Spouses Employed by the City – The City will make available one plan for spouses who both are employed by the City of Watertown.

When Coverage Begins – Coverage will begin on the first of the month following the date of hire, provided all eligibility requirements of the insurance plan are met.

When Coverage Ends – Coverage ends on the last day of the month in which the employee separates from employment. Coverage may continue for such eligible employees in accordance with COBRA regulations. Coverage will continue for eligible retirees in accordance with City policy and plan documents.

706 Medical Insurance for Retirees

Union Employees –An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement.

Non-Union Employees should refer to the current City of Watertown Management and Management Confidential Employees Benefits Policy for information regarding health insurance coverage, eligibility, and premium amounts.

707 Optional Dental and Vision Insurance

Summary – The City makes available optional dental and vision insurance. The full cost of such insurance shall be borne by the employee, the premiums of which may be voluntarily withheld from the employee's salary. Please contact the Benefits Administrator for further information on optional insurance plans.

708 **Section 125 Plan**

Union Employees –An employee who is a member of a collective bargaining unit is not covered by the Section 125 Plan provisions set forth below and should refer to the applicable collective bargaining agreement.

Summary – The City of Watertown offers eligible employees the opportunity to participate in a City-sponsored Section 125 plan. The benefit of participating in the Section 125 plan is that an employee's contributions to the plan are deducted from the employee's paycheck before federal, state, and social security taxes are calculated. This reduces the employee's taxable income. The options offered under this plan are shown below.

Eligibility – A full-time employee is eligible to participate in this plan. A part-time, temporary or seasonal employee may not participate in this plan.

Pre-Tax Insurance Premiums –An employee may elect to pay the employee portion of the medical insurance premiums with pre-tax dollars.

Flexible Spending Accounts – An employee may elect to have a pre-determined amount deducted from the employee's paycheck on a pre-tax basis each payroll period to be placed in a medical and/or dependent care flexible spending account (FSA). Money set aside in an employee's medical savings account may be used to cover certain health, dental, and vision care expenses that are not reimbursable through the employee's insurance plan(s). Money set aside in an employee's dependent care savings account may be used to cover eligible day care and nursery school expenses for covered dependents. To receive reimbursement from an employee's FSA account, a claim for reimbursement and proof that the expense was incurred must be submitted to the current flexible spending account third-party administrator. Further details regarding this plan may be obtained from the Benefits Administrator.

709 **Continuation of Health Insurance Benefits (COBRA)**

Summary – The federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) offers “qualified beneficiaries” the right to continue existing health insurance coverage, completely at their own expense, under certain qualifying conditions. **All required premiums and administrative fees must be paid in a timely manner in order for coverage to continue.**

Eligibility – An individual is a “qualified beneficiary” if the individual is covered under a group health plan on the day before a qualifying event as a covered employee, the spouse of a covered employee, or a dependent child of a covered employee. A child who is either born to or who is placed for adoption with the covered employee during a period of COBRA coverage is also a “qualified beneficiary” entitled to COBRA coverage.

Period of Coverage – COBRA coverage is in effect for a period of **18 or 36 months depending on the qualifying event**, following any qualifying event. The COBRA requirements do not put any limit on the number of times a qualified beneficiary may be entitled to COBRA continuation coverage.

Qualifying Events – If a qualified beneficiary loses coverage under a group health plan as a result of a “qualifying event,” the qualified beneficiary is entitled by COBRA to the continuation of group health insurance coverage at the qualified beneficiary’s own expense. Any of the following circumstances are considered to be qualifying events:

- Termination of the covered employee’s employment for any reason except gross misconduct, or the covered employee’s loss of eligibility to participate due to reduced work hours.
- When a covered employee is on a leave of absence due to military service obligations.
- Death of a covered employee.
- Divorce or legal separation from a covered employee.
- A covered dependent ceases to be a “dependent child” under the health insurance plan.
- A covered dependent child’s loss of eligibility to participate in the insurance plan due to the covered employee becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five.

Change in Beneficiary Status – An employee must notify the Benefits Administrator within sixty calendar days of a legal separation or divorce or when a dependent is no longer eligible for insurance due to the age limitations or educational status requirements established by the insurance plan. The City will not be responsible for any loss of coverage resulting from failure by the employee to give notification of such an event.

Enrollment Information – The current health insurance third-party administrator will provide the employee with the enrollment forms and assist with the administrative and operational aspects of COBRA. **Enrollment is not automatic. The employee must complete the necessary enrollment forms and return all COBRA forms to the current health insurance third-party administrator within the time indicated.** If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

710 Workers' Compensation Benefits

Coverage – The City will make available Workers' Compensation benefits, including payment of medical costs and replacement of lost wages up to the regulated maximum, to each eligible employee who suffers an accidental injury arising out of and in the course of employment, as determined by the Workers' Compensation Council. Eligibility for coverage is determined by applicable Workers' Compensation regulations.

When Coverage Begins – Coverage will begin on the employee's first day of employment, provided the employee meets all eligibility requirements.

Reporting of Injury – The employee must report any accidental injury arising out of and in the course of employment to the Department Head immediately after the occurrence of the injury. The Department Head will notify the appropriate departmental personnel who will complete and submit the required forms. The employee must also complete an "Employee Claim Form C-3" and submit it directly to the Workers' Compensation Board. The Workers' Compensation Board will provide the employee with the necessary form.

In the event that an employee must be absent from work following a workplace injury, a disability certificate completed by the employee's doctor must be submitted to the Department Head. The disability certificate must state the date the employee is cleared to return to work or the date of the next doctor's appointment.

Use of Vacation Leave Credits – An employee may draw from the employee's vacation credits to receive full wages during the Workers' Compensation waiting period.

Medical Insurance Coverage – The City will continue medical insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave Policy in this Employee Handbook.

711 The New York State Employees' Retirement System

Summary – The City will make available the New York State Employees' Retirement System pension plan to each eligible employee and Elected Official. An employee or Elected Official is eligible for service retirement benefits after completion of the required minimum period of creditable public sector service (either five or ten years depending on tier.)

Mandatory Membership – A full-time employee who began employment with the State of New York or with a participating employer, on or after July 27, 1976, must join the Retirement System. An employee who is appointed to a permanent, full-time position on a probationary basis must join the Retirement System on the effective date of the probationary appointment. Employment is considered full-time unless:

- The employee works less than thirty hours per week, or less than the standard number of hours for full-time employment as established by the employer for this position; or
- The annual compensation for the position is less than the State's minimum wage multiplied by 2,000 hours; or
- Duration of employment is for less than one year or employment is on a less than a 12 month per year basis; or
- The position is either provisional or temporary under Civil Service Law.

Optional Membership – An employee or Elected Official who is not mandated to join may join the Retirement System. Such employee or Elected Official will be informed, in writing, that the employee or Elected Official may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Comptroller's Office. If the employee or Elected Official elects to join the Retirement System, the employee or Elected Official must complete the application form and return it to the Comptroller's Office.

Waiver of Enrollment – An employee who is not mandated to join the Retirement System, and who chooses not to join, must complete a waiver of enrollment form.

712 Police and Fire Retirement System

Summary – The Police and Fire Retirement System covers all eligible members of the Police and Fire Departments. All eligible members must enroll in the Police and Fire Retirement System effective on the first day of employment, unless otherwise excepted in accordance with the provisions of that plan.

800 COMPLIANCE POLICIES

801 *Equal Employment Opportunity*

Policy Statement –The City of Watertown is an Equal Opportunity Employer. The City does not unlawfully discriminate on the basis of race, religion, color, sex, age, national origin, citizenship, disability, marital status, pregnancy, application to or present membership in the uniformed services, veteran status, arrest or conviction record, genetic information, predisposition or carrier status, sexual orientation, domestic violence victim status, or any other protected class or status. Likewise, the City prohibits employees, Elected Officials, vendors, suppliers, visitors, customers, and any other non-employee from discriminating against City employees based on these protected groups. Discrimination based on any of the above is strictly prohibited. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, compensation, promotion, transfer, training, leave of absence, and termination.

Notification of Policy Violations – An employee should immediately report any perceived violation of this policy to the employee’s Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the City Manager. In the event the employee is unable to discuss the matter with the City Manager, the complaint should be made to the City Attorney. All complaints of discrimination will be investigated discreetly and promptly. This procedure is not intended to restrict an individual’s rights to make a complaint to a federal or state agency. An employee who reports discrimination will not suffer adverse employment consequences as a result of making the complaint.

Prohibition Against Retaliation–Retaliation against any employee who brings a written or verbal complaint of discrimination or who assists or participates in the investigation of such a complaint is strictly prohibited. The City will not tolerate or permit adverse treatment of employees because they report discrimination or provide information related to such complaints, or who otherwise oppose an unlawful employment practice. Any employee who participates in the procedure may do so without fear of retaliation. Violations of this policy may result in disciplinary action up to and including termination of employment.

Application of Policy – This policy is for City use only and does not apply in any criminal or civil proceeding. This policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this policy will only form the basis for City administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

802 *The Americans with Disabilities Act*

Policy Statement – It is the policy of the City of Watertown to comply fully with the provisions and spirit of the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities. All employment practices, such as recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, employer-sponsored activities, including recreational or social programs, will be conducted so as not to discriminate unlawfully against persons with disabilities. This also extends to prohibit unlawful discrimination based on a person's relationship or association with a disabled individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) along with work assignments, classifications, seniority, leave, and all other forms of employment compensation or advantage.

Reasonable Accommodation – Reasonable accommodation is available to all qualified employees and applicants with disabilities, unless it imposes an undue hardship on the City and/or operations of a program. The City may require medical documentation or other information necessary to verify the existence of the disability and the need for accommodation. Following receipt of an accommodation request, the City will meet with the requestor to discuss and identify the precise limitations resulting from the disability and the potential accommodation(s) that the City might make to help overcome those limitations.

The City will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodations(s), and the accommodation's impact on City operations.

Pre-Employment Inquiries – Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position and not any disabling condition. Pre-employment physical exams will only be requested when in compliance with the law. The City of Watertown intends to base employment decisions on principles of equal employment opportunity and nondiscrimination, as defined by law.

Notification of Policy Violations – An employee should immediately report any perceived violation of this policy to the employee's Department Head. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the City Manager. If the employee is unable to discuss this matter with the City Manager, the report should be made to the City Attorney. All complaints of possible violations will be investigated discreetly and promptly. An employee who reports a possible violation will not suffer adverse employment consequences as a result of making the complaint. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency.

Application of Policy – This policy is for City use only and does not apply in any criminal or civil proceeding. This policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this policy will only form the basis for City administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

803 Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace

Policy Statement– It is the policy of the City of Watertown to promote a productive work environment and to prohibit conduct by any employee that disrupts or interferes with another’s work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the City of Watertown is committed to educate employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. Any conduct that discriminates against, denigrates or shows hostility or aversion towards a person on the basis of gender, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, genetic predisposition, sexual orientation, domestic violence victim status, or any other protected status is strictly prohibited. In short, the City will not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to an employee who, in good faith, files such complaint.

Applicability of Policy– This policy applies to all Elected Officials employees, supervisors, and Department Heads, whether employed full or part-time, temporary or seasonal, whether elected or appointed and regardless of compensation level, and all personnel in a contractual relationship with the City. Depending on the extent of the City’s exercise of control, this policy may be applied to the conduct of non-City employees with respect to harassment of City employees in the workplace.

Supervisory Responsibility– Department Heads and supervisory personnel are responsible for ensuring a work environment that is free from discrimination and harassment, including sexual harassment. Supervisors must take immediate and appropriate corrective action when instances of discrimination or harassment come to their attention in order to assure compliance with this policy.

Prohibited Activity – No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person. Employees shall not make offensive or derogatory comments based on race, color, sex, religion, national origin, or any other protected status either directly or indirectly to another person. Employees shall not produce offensive or inappropriate written materials or electronic communications (e.g. letters, e-mail or text messages, or graffiti.) These are examples of harassment that are a prohibited form of discrimination under State and Federal employment law and also considered misconduct subject to disciplinary action by the City; it is not intended to be a comprehensive list and does not limit the City’s ability to take disciplinary action in other appropriate instances.

Definition of Sexual Harassment –This policy places special attention on the prohibition of sexual harassment in the workplace. Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term of condition of an individual's employment; OR
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual; OR
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment refers to behavior that is not welcome, that is personally and objectively offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with an employee's work performance and/or effectiveness or creates an intimidating, hostile or offensive working environment. Exposure to such conduct that serves to alter the terms and conditions of employment is prohibited by this policy and state and federal law.

Forms of Sexual Harassment –Specific forms of behavior that the City of Watertown considers sexual harassment and which are prohibited include, but are not limited to, the following:

- Quid pro quo threats or promises by a supervisor (loss of job or promise of job, promotion, or other employment benefit).
- Verbal harassment of a sexual nature related to an employee's gender, including sexual innuendoes, slurs, sexual slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.
- Sexually oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment.
- Any sexual advance that is unwelcome or any demand for sexual favors.
- Sexually suggestive written, recorded or electronically transmitted material, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.
- Physical contact of any kind which is not welcome, including touching, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against a person's body.

Reporting of Discrimination and Harassment (including Sexual Harassment) – Employees are strongly encouraged to report any incident of harassment (including sexual harassment) to their immediate supervisor or Department Head as soon as possible after its occurrence. In the event the employee is unable to discuss this matter with the Department Head, the complaint should be reported in writing to the City Manager. If the employee is unable to discuss this matter with the City Manager, the report should be made to the City Attorney. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the City Manager, or the City Attorney. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the City Manager, or the City Attorney at home if these individuals do not work during the employee's shift.

Discrimination and Harassment (including Sexual Harassment) Complaint Form–To ensure that all discrimination and harassment complaints are managed appropriately, effectively and in accordance with the City's policy, discrimination and harassment complaints, including sexual harassment complaints, will be recorded in writing by using the City sanctioned Complaint Form. These forms can be obtained from the City Manager's Office. If needed, additional guidance can be obtained from the City Manager's Office.

Confidentiality –Complaints of harassment will be handled and investigated promptly and in a manner that is as impartial and confidential as possible. In no event will information concerning a complaint be released by the City to third parties or to anyone within the City employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

Investigation of Complaint –The City Manager will convene with the City Attorney to determine the appropriate individual(s) to conduct the investigation. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. Any complaints received will be investigated promptly, thoroughly, and in as impartial a manner as possible. All employees are required to cooperate in an investigation, if so directed.

Employee or Elected Official Defense – Any employee or Elected Official charged with discrimination or harassment, including sexual harassment, will be afforded a full and fair opportunity to offer and present information in their defense. Such information will be confidential to the extent possible.

Employee Rights – Nothing in this policy should be construed as in any way limiting employees' rights to use the grievance procedure contained in their collective bargaining agreement or to file a formal complaint with appropriate state or federal agencies responsible for administering anti-discrimination laws.

Disciplinary Action – Any employee or official who is found to have committed an act of workplace discrimination or harassment, including sexual harassment, will be subject to disciplinary action, up to and including termination of employment, as provided by City operating procedures, including Civil Service Law Section 75, or the disciplinary procedures contained in a collective bargaining agreement. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the City is empowered to take such action.

Prohibition Against Retaliation—Retaliation against any employee who brings a written or verbal complaint of discrimination or harassment or who assists or participates in the investigation of such a complaint is strictly prohibited. The City will not tolerate or permit adverse treatment of employees because they report discrimination or harassment or provide information related to such complaints. Any employee who participates in the procedure may do so without fear of retaliation. Violations of this policy may result in disciplinary action up to and including termination of employment.

False Accusations – An employee who knowingly makes a false accusation against another individual as to allegations of harassment or discrimination as set forth in this policy will be subject to disciplinary action up to and including termination of employment in accordance with the provisions of this handbook and applicable legal guidelines.

804 ***Violence in the Workplace***

Policy Statement—The City of Watertown is committed to maintaining a work environment that is safe and free from violence from co-employees and members of the public. The City will respond promptly to threats, acts of violence and acts of aggression by employees and members of the general public against employees. Employees who engage in violent behavior of any type will be subject to disciplinary action, which may include termination from employment. Threatening or violent behavior also may, in the appropriate circumstances, be reported to law enforcement authorities. This policy sets forth standards for all employees and guidelines for reasonable precautions. The accompanying procedures outline response to threats or violence, should they occur in the workplace.

Prohibited Conduct

- A. The City of Watertown does not tolerate any act or threat of violence made on City property, or while in work status at a workplace. The City will not tolerate any type of workplace violence committed by any City employee against any other employee. The City also will not tolerate any acts of violence committed by or against visitors to City buildings or property, as well as customers, vendors, and contractors of the City.
- B. No person may engage in violent conduct or make threats of violence, implied or direct, on City property or in connection with:
 - The use of force with the intent to cause harm, e.g. physical attacks, any unwanted contact such as hitting, fighting, punching or throwing objects;
 - Behavior that diminishes the dignity of others through sexual, racial, religious or ethnic harassment;
 - Acts or threats which are intended to intimidate, harass, threaten, bully, coerce, or cause fear of harm whether directly or indirectly; and/or
 - Acts or threats made directly or indirectly by oral or written words, gestures or symbols that communicate a direct or indirect threat of physical or mental harm.
- C. No person, except sworn Police personnel in the line of duty, may carry, possess, or use any dangerous weapon on City property, owned or leased, or City buildings or facilities.

Workplace Violence Prevention Program—Pursuant to the City's commitment to zero tolerance of workplace violence, the City adopts the following as its Workplace Violence Prevention Program:

Protected Persons —The City of Watertown does not tolerate any type of workplace violence committed by or against any City employee or representative by any customer, vendor, contractor of the City, or member of the public, whether on City property or while City employees are performing their jobs in the community. The City will work to guard against such incidents of workplace violence and will encourage the participation of law enforcement agencies to safeguard its employees.

Risk Assessment –In preparing this Workplace Violence Prevention Program, the City has engaged in an analysis of the factors and situations which may put City employees at risk of occupational assaults and homicides. The City has identified the following instances as potentially high risk for workplace violence:

- Employees who work in a public setting (e.g., clerks, assessors, tax collectors, meter readers, police officers, firefighters, public transportation drivers, public works personnel, library, parks and recreation personnel, and codes enforcement personnel);
- Employees who work late at night or early in the morning;
- Employees who exchange money with the public;
- Employees who work alone or in small numbers; and
- Situations where there is uncontrolled access to the workplace.

Methods to be used by the City to Prevent Workplace Violence –To address the risk of occupational assaults and homicides, the methods to be utilized by the City will include:

- Making high-risk areas more visible to more people;
- Installing good external lighting;
- Using drop safes or other methods to minimize cash on hand;
- Providing training in conflict resolution and nonviolent self-defense responses; and
- Establishing and implementing reporting systems for incidents of aggressive behavior.

Advisory Committee–The City Manager will establish an Advisory Committee on Workplace Violence whose members will include union and management representatives. It will be the responsibility of the Advisory Committee to monitor safety and make recommendations for improved safety, as appropriate, based on the following guidelines:

- Risk evaluation of the workplace to determine the presence of factors or situations that might place employees at risk of workplace violence;
- Assess the City’s readiness for dealing with workplace violence;
- Facilitate appropriate responses to reported incidents of workplace violence;
- Assess the potential problem of workplace violence;
- Evaluate incidents to prevent future occurrences;
- Utilize prevention, intervention, and interviewing techniques in responding to workplace violence; and
- Develop workplace violence prevention tools, ie. pamphlets and guidelines to assist in recognizing and preventing workplace violence.

Reporting Procedures –Any incidents of violence, threats of violence or observations of violence in the City are not to be ignored by any member of the organization. Workplace violence should be reported immediately to the employee’s immediate supervisor. If the employee is fearful of reporting a situation to a supervisor, the report may instead be made to the employee’s department head or directly to the City Manager. When an employee believes that a serious violation of this Workplace Violence Prevention Program exists or that an imminent danger otherwise exists, the employee should bring the matter to the attention of a supervisor in the form of a written notice. The City will investigate the matter and determine an appropriate and corrective response. All employees are encouraged to report behavior they reasonably believe poses a potential for workplace violence in order to maintain a safe working and learning environment. In general, reports will be treated confidentially to the extent consistent with an adequate investigation and appropriate corrective action.

Information and Training for Employees

- A. The City shall make this Workplace Violence Prevention Policy and Program available, upon request, to its employees and their designated representatives.
- B. At the time of the initial adoption of this policy, at the time of an employee's initial assignment, and annually thereafter, the City shall provide its employees with the following information and training on the risks of violence in their workplace:
 - Be informed of the requirements of NYS Labor Law §27-b;
 - The risk factors in their workplace;
 - The location and availability of the written workplace violence prevention program; and
 - Training sessions that outline the measures employees can take to protect themselves from such risks, including specific procedures the City has implemented to protect employees and the details of the City's written workplace violence prevention program.

Record Keeping and Reporting to the NYS Department of Labor –All record keeping and reporting shall be made in compliance with the then applicable law and regulations. A copy of the City's Workplace Violence Policy and Program is available in the City Clerk's Office.

Retaliation –An employee will not be subject to retaliation because he or she has raised an issue concerning violence in the workplace or because he or she has participated in any matter related to the investigation and prevention of violence in the workplace. Retaliatory action against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.

805 **Drug-Free Workplace / Drug Free Awareness Program**

Policy Statement – It is the policy of the City of Watertown that the unlawful manufacture, distribution, dispensation, possession, or use of an illegal controlled substance as defined in the Federal Drug-Free Workplace Act, is prohibited on the job or at the workplace.

Coverage – The City of Watertown’s Drug-Free Workplace Policy pertains to all individuals who are employed by the City of Watertown.

Compliance with Federal Drug-Free Workplace Act – The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the City must certify to the granting Federal agency that it will provide a drug-free workplace in accordance with the legislation. As a recipient of Federal grants, the City hereby complies with the requirements of the Drug-Free Workplace Act by adopting this policy and drug-free awareness program:

Prohibited Conduct – No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverage, illegal drugs, or any other intoxicating substance, nor be under the influence of such, while on duty, at any job site or workplace, or in a City vehicle, a vehicle leased for City business, or a privately owned vehicle being used for City business. An employee who, after investigation, is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment and will be subject to criminal, civil and disciplinary penalties, up to and including termination of employment. Any work-related accident or injury involving a City vehicle, equipment, and/or property where it can be demonstrated that the use of alcohol, illegal drugs, or any other intoxicants may have been a contributing factor will result in disciplinary action which may include penalties up to and including termination of employment.

Use of Prescription and Over-the-Counter Drugs – Prescription drugs must be in the possession of the individual to whom the prescription was written, taken in the dosage prescribed, and maintained in their original containers. Employees in public safety or safety-sensitive positions must inform their supervisors of any prescription or legal, nonprescription (i.e., over-the-counter) drugs they are currently taking that could in any way affect or impair the employee's ability to perform the job safely. The legal use of prescribed and over-the-counter drugs is permitted on the job only if it does not impair an employee's ability to perform the job safely and if it does not affect the safety or well being of other individuals in the workplace.

Non-Discrimination Policy – The City of Watertown will not discriminate against an applicant or employee because of past substance abuse provided it can be demonstrated that the applicant/employee has received appropriate treatment and tests negative for controlled substance use. It is the current use of alcohol and controlled substances that will not be tolerated in the workplace.

Employee Assistance – It is the policy of the City to work with an employee suffering from substance abuse so that the employee will receive assistance necessary to overcome dependency. An employee seeking such assistance is encouraged to contact the employee’s Department Head to discuss the situation before problems begin to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential to the greatest extent practicable. The employee's decision to seek assistance will not be used as the basis for disciplinary action nor used against the employee in any disciplinary proceeding.

Employee Responsibilities – As a condition of the City receiving Federal grant monies, each employee must abide by this policy and notify the employee’s Department Head of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days of the conviction.

City Responsibilities – The City will notify the granting federal agency within ten days after receiving notice from an employee of such a conviction or otherwise receiving actual notice of such conviction. In addition, within thirty calendar days of receiving notice of a conviction, the City will take disciplinary action against the employee and/or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program pursuant to Sections 702 and 703 of the Drug-Free Workplace Act.

Drug-Free Awareness Program – It is the policy of the City of Watertown to maintain a drug-free workplace. In accordance with that policy, the City is providing the following drug-free awareness information to raise employee awareness of the dangers associated with drug abuse in the workplace.

Dangers of Drug Abuse in the Workplace

Employees with chemical dependence problems have a major negative impact on productivity, staff morale, and labor/management relations. Their hidden illness is responsible for:

1. Declining Performance

- poor concentration
- confusion in following directions
- noticeable change in the quality of work
- inability to meet deadlines
- errors in judgment affecting the health and safety of others
- customer complaints and injuries

2. Increased Costs

- five times the average sick and accident benefits
- higher job turnover, replacement and training costs
- greater workers’ compensation and health insurance payments
- 3 to 5 times more on-the-job accidents
- unemployment claims

3. Absenteeism and Tardiness

- double the normal rate
- repeatedly being late for work and often leaving early
- extended lunch hours
- frequent illness and accidents both on and off the job

4. Damaged Relationships

- emotional outbursts, over-reaction to criticism, mood swings, complaints from co-workers, associates and the public often leading to damaged relations.

806 *Controlled Substance and Alcohol Testing*

Statement of Compliance – The City Council has adopted a Controlled Substance and Alcohol Testing Policy that is in compliance with the "Omnibus Transportation Employee Testing Act of 1991" (OTETA). The purpose of this policy is to reduce accidents resulting from an employee's use of controlled substances and alcohol, thus reducing fatalities, injuries and property damage.

Covered Employees – The City's Controlled Substance and Alcohol Testing Policy applies to all covered drivers as defined by the federal regulations, which includes all employees who drive commercial motor vehicles (as defined in Sec. 382.107 of the OTETA) requiring a commercial driver's license to operate.

Acknowledgment Form – A covered employee will receive a written copy of the Controlled Substance and Alcohol Testing Policy and must sign an Employee Acknowledgment Form. This form will be placed in the employee's personnel file.

807 *Smoking*

Policy Statement – Smoking is prohibited in the workplace, which includes all City property and buildings, entranceways and all City vehicles. This prohibition includes the use of e-cigarettes or similar devices.

900 SAFETY

901 *Workplace Safety*

Policy Statement – Prevention of injury and illness in the workplace requires the cooperation of all employees in all safety and health matters. It is the policy of the City to reduce the number of workplace injuries and illnesses to an absolute minimum. Accidents can be prevented through use of reasonable precautions and the practice of safe working habits.

Employee Responsibility – In an effort to protect all employees and to safeguard equipment and property, before an employee begins a given task, it is the employee's responsibility to understand the correct operation and possible hazards involved, safety procedures, and necessary safety equipment required to perform the job.

Safety Program – The City's safety program includes, but is not limited to, the following:

- Providing mechanical and physical safeguards to the maximum extent possible;
- Conducting inspections to find and eliminate unsafe working conditions and practices, control health hazards, and comply with the safety and health standards for every job;
- Training all employees in safety and health practices;
- Providing necessary personal protective equipment and instructions for its use and care;
- Developing and enforcing safety and health rules and requiring that employees cooperate with these rules as a condition of employment;
- Investigating, promptly and thoroughly, every accident to find the cause and correct the problem to prevent future occurrences;
- Providing First Aid kits and fire extinguishers throughout buildings and facilities.

Accident Plan – In the event of an accident, an employee must immediately stop work and take the following steps:

- Eliminate the immediate cause of the accident;
- Provide aid to the injured person and summon for assistance;
- Call the Department Head immediately;
- If the accident appears serious, call 911; and
- Take steps to prevent additional accidents.

Accident Reporting Procedures – In the event an accident occurs in the workplace or in the course of employment, the following procedures will apply:

- When an accident occurs which results either in the loss of an employee's work time, or in the provision of medical care to an employee, the employee must immediately notify the Department Head who will in turn notify the City Manager. The appropriate departmental personnel must complete an *Employer's Report of Injury Form*) and submit according to operating procedures.
- When an accident occurs which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee must immediately notify the Department Head who will in turn notify the City Manager. The Department Head will maintain appropriate documentation of the incident.
- The Department Head will keep a log of the injury or illness for five years following the end of the calendar year to which it relates. A copy of this log, which includes totals and information for the year, must be posted in each department or areas where notices to employees are customarily posted.

902 Hazard Communication Program

Statement of Compliance – The City of Watertown is committed to providing a safe and healthy work environment and complies with all Federal, State and local laws regarding hazard recognition, accident prevention, and working conditions. The City considers Hazard Communication and the prevention of workplace injuries and illnesses to be of prime importance.

Guidelines – The following guidelines for the identification of chemical hazards and the preparation and proper use of containers, labels, placards, and other types of warning devices must be adhered to:

- **Chemical Inventory** – The City must maintain an inventory of all known chemicals in use. An employee may obtain the chemical inventory from the employee's supervisor or Department Head.
- **Container Labels** – All chemicals on a work-site must be stored in the original or approved containers with the proper label attached. The Department Head must ensure that each container is labeled with the identity of the hazardous chemical contained and any appropriate hazard warnings. The City will rely on manufacturer applied labels whenever possible. A container that is not labeled or on which the manufacturer's label has been removed, must be properly labeled. A container not properly labeled must be given to the Department Head for labeling or proper disposal.
- **Dispensing Chemicals** – An employee may dispense chemicals from original containers only in small quantities intended for immediate use. Any chemical leftover must be returned to the original container or to the Department Head for proper handling. No unmarked containers of any size are to be left in the work area unattended.

Safety Data Sheets (SDS) – An employee working with a Hazardous Chemical shall obtain a copy of the Safety Data Sheet (SDS) and a standard chemical reference from the employee's Department Head.

Employee Training – An employee must be trained to work safely with hazardous chemicals. This training program must cover the following areas:

- Methods used to detect the release of hazardous chemicals in the workplace;
- Physical and health hazards of chemicals and the measures used to protect employees;
- Safe work practices;
- Emergency responses to the exposure of hazardous chemicals;
- Proper use of personal protective equipment; and
- Hazard Communication Standards, including labeling and warning systems, and an explanation of the use of Safety Data Sheets.

Personal Protective Equipment (PPE) – Depending on job duties, an employee must routinely wear protective devices, such as gloves and safety glasses, as directed by the supervisor. An employee who is required to wear special safety equipment as directed by the supervisor must comply with the supervisor's request.

Emergency Response – Any incident of overexposure or spill of a hazardous chemical/substance must immediately be reported to the employee's supervisor. The supervisor must insure that proper emergency response actions are taken.

Hazards of Non-Routine Tasks – The Department Head must inform employees of any special tasks that may arise which would involve possible exposure to hazardous chemicals. Review of safe work procedures and use of required PPE must be conducted prior to the start of these tasks. Where necessary, areas will be posted to indicate the nature of the hazard involved.

1000 COMMUNICATION PROCEDURES

1001 Organizational Communications

Summary – The City Council is committed to assuring effective communications between the Council and employees. The success of the organization is dependent upon a set of common interests and goals that are achieved through teamwork, sharing of ideas, and effective communications of our short-term and long-term plans. From time to time, information and updates will be distributed to employees. All employees are encouraged to discuss this information with their Department Head should there be any questions.

Methods of Communication – Information will be communicated to employees in a variety of ways, including general and departmental meetings, e-mail distributions, memos and other written correspondence, notices distributed with paychecks, and posting of information. Employees should check bulletin boards frequently to keep informed on changes in employment matters and other items of interest. Except as otherwise provided by a collective bargaining agreement, all material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the appropriate Department Head.

1002 Adverse Communications

Policy Statement – An employee who receives any communication of a negative nature directed to the City, or to any of its officers or employees in their official capacity, shall immediately notify and/or forward the communication to the Department Head. The Department Head will forward adverse communications to the City Manager when deemed appropriate. The term “communication” shall refer to both written and verbal communications, and includes, but is not limited to, memoranda, faxes, messages, letters, legal notices, e-mails, summonses and other communications.

1003 Suggestions

Policy Statement – Giving and receiving feedback is encouraged in order to promote a positive, productive, and cooperative atmosphere. Employees should notify their supervisor or Department Head of any suggestions which may be valuable to the City’s productivity and success. All suggestions will be carefully reviewed and may be implemented if feasible.

1004 Public Relations

Policy Statement – The courteous, professional treatment of members of the public by all employees helps to build confidence among the citizens we serve. We require all employees to make every effort to represent the City in a polite and professional manner.

Public Appearances - A City employee may on occasion be asked to speak or appear in an official capacity as a representative of the City before various groups or organizations (e.g. Chamber of Commerce, Rotary Club, schools, neighborhood groups, etc.). The employee must obtain prior approval from the City Manager or his/her designee before agreeing to do so.

1005 Press Policy

Policy Statement – All requests for information directed to a City employee from the media (e.g. television, radio, newspaper) regarding any aspect of City affairs must be referred to the employee's Department Head. The Department Head should use cautionary judgment in responding and notify the City Manager's Office of the request. If the request is concerned with something of a sensitive nature, the City Manager or City Attorney should be notified prior to the release of any statement or information. Department Heads may refer all such requests to the City Manager's Office or the City Attorney with notification to the City Manager.

All press releases, publications, articles and any other documents for release to the media or the public must be approved in advance by Department Heads and copied in advance to the City Manager's Office.

1006 Reporting of Improper Activities

Policy Statement – Any employee who witnesses or becomes aware of an inappropriate action, improper financial circumstance, inappropriate use of City funds or property, safety issue, or other matter that appears to be improper, should immediately make his or her Department Head or supervisor, the City Manager, or any City Council member aware of the issue. When an imminent and serious danger to public health or safety exists, an employee may see fit to immediately report violations to law enforcement or other applicable governing body. Even if you are in doubt about what you witnessed or were made aware of you should report the matter.

Retaliation – Under Section 75-B of New York State Civil Service Law, New York State Public Sector Whistleblower Law, an employee, who in good faith, discloses to a governmental body information regarding a violation of law, a substantial and specific danger to the public health or safety, or an improper governmental action which the employee reasonably believes to be true, shall be protected from any adverse personnel action including, but not limited to: termination, disciplinary action, or changes in compensation. Any City employee or officer who commits or condones any form of retaliation against anyone who in good faith reports alleged misconduct will be subject to discipline up to, and including, termination.

1100 DISPUTE RESOLUTION

1101 *Dispute Resolution Procedure*

Policy Statement – The City Council has established a set of procedures to provide for the orderly resolution of differences at the earliest possible stage and to promote a harmonious and cooperative relationship between employees, Department Heads and members of the City Council which will enhance the overall operation of the City. The City will attempt to resolve all work-related complaints that are appropriate for handling under this policy.

Definition of Dispute – For the purpose of this Employee Handbook, a “dispute” will mean a claimed violation, misinterpretation or inequitable application of any of the provisions of this Employee Handbook. In addition, the term “dispute” shall not apply to any matter as to which the City is without authority to act. A few examples of matters that may be considered appropriate disputes under this policy include:

- A belief that City policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
- Alleged discrimination because of race, color, sex, age, religion, sexual orientation, national origin, marital status, disability; or any other protected class; and
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or seniority.

Step One – An employee who claims to have a dispute may present the dispute to the employee’s immediate supervisor. The dispute must be submitted, in writing, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge. The dispute will specify the date of submission, the name of the aggrieved employee, the date the dispute arose, the nature of the dispute, the provision of the Employee Handbook that was allegedly violated and a statement of facts, times, dates, and the remedy sought.

Within seven working days after receiving the dispute, the employee’s immediate supervisor will meet with the employee to discuss and attempt to resolve the matter.

Step Two – In the event the informal dispute is not resolved at Step One, or the employee reasonably believes that the employee cannot present the dispute to the employee’s immediate supervisor, the employee may submit the matter to the employee’s Department Head. The dispute must be submitted, in writing, within seven working days from receiving the Step One response, or when the response should have been received or if Step One is not utilized for the above reason, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge. The Department Head will forward a copy of the dispute to the City Manager.

Within seven working days after receiving the dispute, the Department Head will meet with the employee to discuss and attempt to resolve the matter. Within seven working days from the meeting, the Department Head will issue a written response which will be given to the City Manager and the employee.

Step Three – In the event the employee is not satisfied with the response at Step Two, the employee may submit the matter to the City Manager. The dispute must be submitted, in writing, within seven working days from receiving the Step Two response, or when the response should have been received.

Within seven working days after receiving the dispute, the City Manager will investigate the matter and issue a written response which will be given to the employee.

Step Four – In the event the employee is not satisfied with the response at Step Three, the employee may submit the matter to the City Council by filing a Request for Hearing with the City Clerk. The Request for Hearing must be submitted, in writing, within seven working days from receiving the Step Three response, or when the response should have been received. The Request for Hearing will include a written statement of the dispute as outlined in Step One of this Procedure.

The City Council will set the time and place for the hearing. All decisions rendered by the City Council will be final and binding.

Time Limits – The employee must adhere to the time limits set forth in this dispute procedure. In the event the employee does not advance the dispute to the next step within the established time limit, the dispute will be considered withdrawn and no further appeal will be accepted. The time limits may be extended by mutual agreement provided the extension is in writing, dated and signed by the employee and the person who is to receive the dispute.

Final Decisions – Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are stated as official City policy.

Proper Use of Dispute Resolution Procedure – Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises a dispute in bad faith or solely for the purposes of delay or harassment, or repeatedly raises meritless disputes. Implementation of the dispute procedure by an employee does not limit the right of the City to proceed with any disciplinary action that is not in retaliation for the use of this procedure.

Refusal to Proceed with Dispute – The City Council may, at its discretion, refuse to proceed with any dispute it determines is improper or baseless under this policy.

Union Employees – An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement to determine if the employee's dispute (grievance) may be subject to the grievance procedure contained in the employee's collective bargaining agreement.

1200 EMPLOYEE ACKNOWLEDGEMENT FORM

Detach and place in employee's personnel file.

<p style="text-align: center;">CITY OF WATERTOWN</p> <p style="text-align: center;">EMPLOYEE HANDBOOK ACKNOWLEDGMENT</p>
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I hereby acknowledge that I have received a copy of the **City of Watertown Employee Handbook** outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the City of Watertown. I further acknowledge that I have read, or will read, the contents of the Employee Handbook and will contact my Department Head or the City Manager if I have any questions.

I understand that the Employee Handbook is not meant to create a contract of employment, nor should it be construed as creating a contract of employment and that the City Manager of the City of Watertown reserves the right to interpret, change or modify any section of the Employee Handbook at any time. Except as otherwise provided by law, I understand that I am an employee at will.

I understand that, if I am covered by a collective bargaining agreement between the City of Watertown and an employee organization as defined by the Public Employees' Fair Employment Act, in the event an expressed and explicit provision set forth in a collective bargaining agreement should conflict with an employee benefit, personnel policy, personnel procedure, or other provision set forth in the Employee Handbook, the expressed and explicit provision of the collective bargaining agreement will control. Otherwise, unless expressly excluded herein, the Employee Handbook is applicable to all employees.

I agree to abide by the personnel policies, procedures, rules and regulations outlined in the Employee Handbook.

I understand that the Employee Handbook and the changes contained herein are intended to supersede all prior manuals and guidelines issued by the City of Watertown, and may be changed from time to time, by the City of Watertown.

Employee name (please print)

Department Head Name (please print)

Employee Signature

Department Head Signature

Date of Signature

Date of Signature

Michael Waters MD
212 Thompson Blvd
Watertown, NY 13601
Cell: 607-226-1640



November 18, 2016

Sharon Addison
City Manager – City Hall
245 Washington Street - Room 302
Watertown, NY 13601

RE: The Change of Pedestrian Cross Signals across Washington Street at Thompson Boulevard

Dear Ms. Addison,

I am writing you, as a resident of Watertown, to introduce a topic regarding a change to lengthen the timing of the pedestrian cross walk across Washington Street at Thompson Boulevard and Chestnut Street.

Due to an accident 18 months ago I have sustained many injuries that have left me completely blind and have made it difficult for me to walk. Part of my rehabilitation has been working to re-learn to walk without sight, including crossing streets to access stores and services independently. As part of that training, I have a Mobility Instructor who assists me in my training. We have found that the pedestrian crossing at Washington Street is too short to allow for my safe passage across the street. This was particularly apparent when a couple weeks ago, while trying to cross the street with my instructor, the light changed before I was able to make it to the other side and a driver ignored us in the crosswalk and came very close to hitting us. As you can imagine, this is a terrifying situation as I would need to cross this street in order to have access to the hospital, a pharmacy, supermarket and hardware store and maintain some independence.

Currently, pedestrian crosswalks across Thompson and Chestnut are both engineered to allow pedestrians to lengthen the time so they can safely cross. The more hazardous crossing, Washington, has no such time changes and we are asking that you consider either lengthening the time manually, or adding in the same function for pedestrians to lengthen the time by pressing a button as Thompson and Chestnut. We also wanted to note, that audible lights and truncated domes are key safety features for the blind that we would like to discuss with you and the council further.

We've spoken to the Department of Public Works, the Electric Department Supervisor and the City Engineer regarding this issue and have been directed to you.

I appreciate your consideration in bringing this to the attention of the City Council.

Regards,

A handwritten signature in black ink, appearing to read "Michael Waters", written over a horizontal line.

Michael Waters MD

November 18, 2015

To: The Honorable Mayor and City Council
From: James E. Mills, City Comptroller
Subject: Sales Tax Revenue – October 2015

The City has received the monthly sales tax revenue amount from Jefferson County. In comparison to October 2014, the October 2015 sales tax revenue on an actual to actual basis is down \$66,043 or 4.70%. In comparison to the original budget projection for the month of October, sales tax is down \$102,589 or 7.11%.

The year-to-date actual receipts are down \$245,882 or 3.92% while the year-to-date receipts on a budget basis are down \$408,965 or 6.35%. Year-to-date sales tax revenue is at \$6,027,330.

The attached spreadsheet shows the detail collections for this year and last year along with the budgeted amounts. Collections for the Fiscal Years' 2011-12, 2012-13, 2013-14 and 2014-15 have been included for historical perspective.

Please note that this payment represents an estimated payment made by the State to the County and will be trued up by the State with the January payment.

	<u>Actual 2011-12</u>	<u>Actual 2012-13</u>	<u>Actual 2013-14</u>	<u>Actual 2014-15</u>	<u>Actual 2015-16</u>	<u>Variance</u>	<u>% Inc/(Dec)to Prior Year</u>	<u>Quarterly Variance</u>	<u>% Inc/(Dec) to Prior Quarter</u>
July	\$ 1,359,433	\$ 1,361,364	\$ 1,492,579	\$ 1,412,829	\$ 1,509,325	\$ 96,496	6.83%		
August	\$ 1,319,714	\$ 1,357,130	\$ 1,463,877	\$ 1,247,954	\$ 1,494,788	\$ 246,834	19.78%		
September	\$ 1,886,899	\$ 2,071,785	\$ 1,760,254	\$ 2,206,655	\$ 1,683,486	\$ (523,169)	-23.71%	(179,839)	-3.69%
October	\$ 1,215,879	\$ 1,301,624	\$ 1,584,174	\$ 1,405,774	\$ 1,339,731	\$ (66,043)	-4.70%		
November	\$ 1,207,881	\$ 1,274,589	\$ 1,116,784	\$ 1,398,402	\$ -				
December	\$ 1,897,409	\$ 1,714,672	\$ 1,543,425	\$ 1,540,727	\$ -			(66,043)	-1.52%
January	\$ 1,195,675	\$ 1,276,483	\$ 1,238,468	\$ 1,261,235	\$ -				
February	\$ 1,036,230	\$ 1,160,663	\$ 1,076,005	\$ 1,059,321	\$ -				
March	\$ 1,624,451	\$ 1,453,454	\$ 1,471,964	\$ 1,295,074	\$ -			-	0.00%
April	\$ 1,217,913	\$ 1,293,493	\$ 1,271,765	\$ 1,286,204	\$ -				
May	\$ 1,224,057	\$ 1,373,513	\$ 1,298,653	\$ 1,288,547	\$ -				
June	\$ 2,029,525	\$ 1,609,032	\$ 1,699,052	\$ 1,726,963	\$ -			-	0.00%
YTD	<u>\$ 17,215,066</u>	<u>\$ 17,247,801</u>	<u>\$ 17,017,001</u>	<u>\$ 17,129,685</u>	<u>\$ 6,027,330</u>	<u>\$ (245,882)</u>	<u>-3.92%</u>		

Original Budget

	<u>2015-16</u>	<u>Actual 2015-16</u>	<u>Variance</u>	<u>%</u>	<u>Quarterly Variance</u>	<u>% Inc/(Dec) to Prior Quarter</u>
July	\$ 1,449,558	\$ 1,509,325	\$ 59,767	4.12%		
August	\$ 1,280,396	\$ 1,494,788	\$ 214,392	16.74%		
September	\$ 2,264,021	\$ 1,683,486	\$ (580,535)	-25.64%	(306,376)	-6.13%
October	\$ 1,442,320	\$ 1,339,731	\$ (102,589)	-7.11%		
November	\$ 1,434,756	\$ -				
December	\$ 1,580,780	\$ -			(102,589)	-2.30%
January	\$ 1,294,023	\$ -				
February	\$ 1,086,860	\$ -				
March	\$ 1,328,741	\$ -			-	0.00%
April	\$ 1,319,641	\$ -				
May	\$ 1,322,045	\$ -				
June	\$ 1,771,860	\$ -			-	0.00%
YTD	<u>\$ 17,575,000</u>	<u>\$ 6,027,330</u>	<u>\$ (408,965)</u>	<u>-6.35%</u>		