



City Council
December 12, 2011

Adjourned City Council Meeting

1. Resolution - Accepting Bid for the Purchase of Antenna System Equipment, Wells Communication

Work Session Agenda

Discussion Items:

1. Alcohol Licensing and Permitting on City Owned Facilities

Memorandum from Mary M. Corriveau, City Manager, December 9, 2011

Mr. Anthony J. Casale and City Attorney Robert J. Slye will be in attendance for this discussion.

Staff Report:

1. Bid 2011-09 Radio Combiner and Multi-Coupler Systems – Clarification

Memorandum from Amy M. Pastuf, Purchasing Manager, December 7, 2011

December 6, 2011

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Accepting Bid For the Purchase of Antenna System Equipment,
Wells Communication

The City Purchasing Department advertised in the *Watertown Daily Times* for sealed bids for the purchase of Antenna System Equipment as recommended by the Interoperable Communications Study done by Blue Wing Services Inc. Invitations to bid were issued to ten (10) prospective bidders, with three (3) bids received that were publicly opened and read in the Purchasing Department on Thursday, December 1, 2011 at 11:00 a.m.

City Purchasing Agent Amy M. Pastuf reviewed the bid received with the consultant for this project, Blue Wing Services Inc., as well as both City of Watertown and Jefferson County Public Safety personnel, and it is their recommendation that the award be issued to Wells Communication of Watertown, New York, as the lowest qualifying bidder meeting City specifications in the amount of \$17,488.01. The other bids submitted are detailed in the attached report of Mrs. Pastuf.

As with the bid previously approved by City Council for the Radio Combiner and Multi-Coupler Systems for this project, 80% of the funding to support this purchase comes from the Public Safety Interoperable Communications (PSEC) Grant received by the City, with the remaining portion being shared equally between the City of Watertown and Jefferson County. This project was included in the FY 2008-09 Capital Budget.

A Resolution has been prepared for City Council consideration.

RESOLUTION

Page 1 of 1

Accepting Bid For the Purchase of Antenna System Equipment, Wells Communication

Introduced by

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

| YEA | NAY |
|-----|-----|
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WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of Antenna System Equipment as recommended by the Interoperable Communications Study done by Blue Wing Services Inc., and

WHEREAS invitations to bid were issued to ten (10) prospective bidders, with three (3) bid being received, and

WHEREAS on Thursday, December 1, 2011, at 11:00 a.m. in the City Purchasing Department, the bid received was publicly opened and read, and

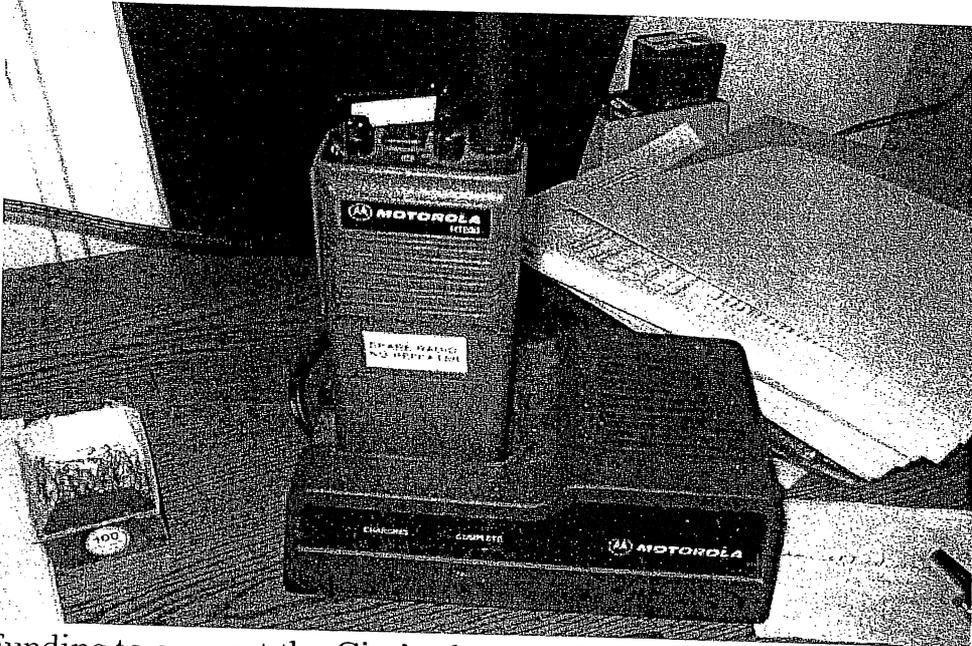
WHEREAS City Purchasing Agent Amy M. Pastuf reviewed the bids received with the consultant for this project, Blue Wing Services Inc., as well as both City of Watertown and Jefferson County Public Safety personnel and it is their recommendation that the City Council accept the bid from Wells Communication, Watertown, New York, as detailed below:

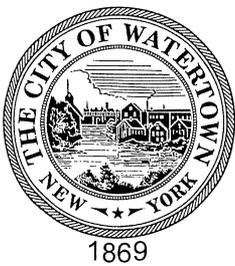
| Wells Communication Bid Pricing | |
|--|--------------------|
| Antenna System Equipment | \$17,263.01 |
| Shipping | \$225.00 |
| Total | \$17,488.01 |

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby accepts the bid submitted by Wells Communication, Watertown, New York, as detailed above, as the lowest qualified bidder meeting City specifications, for the purchase of Antenna system Equipment in the amount of \$17,488.01.

Seconded by

FISCAL YEAR 2008-2009 CAPITAL BUDGET VEHICLES AND EQUIPMENT POLICE AND FIRE

| PROJECT DESCRIPTION | COST |
|--|------------------|
| <p>Replace Radio System:</p> <p>The Departments are applying for an Interoperability for Public Safety grant to replace the current radio system and allow for interoperability with City Police, Jefferson County Sheriff's Department and other County Fire Departments. The total grant will be for approximately \$1 million dollars with a funding match of 20 percent. The 20 percent match would be divided to 10 percent by the City and 10 percent by the County. This project would replace all mobile and portable radios with digital radios utilizing VOIP technology to be able to acquire interoperability with the NY State Statewide Communications Initiative. This funding would not be spent without successful acquisition of grant funding.</p>  <p>Funding to support the City's share of this project will be through a transfer from the General Fund.</p> | <p>\$500,000</p> |
| TOTAL | \$500,000 |



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Amy M. Pastuf
Purchasing Manager

MEMORANDUM

TO: Mary Corriveau, City Manager
FROM: Amy M. Pastuf, Purchasing Manager
SUBJECT: Bid 2011-11 – Antenna System Equipment
DATE: 12/6/2011

The City's Purchasing Department advertised in the Watertown Daily Times on November 4, 2011 calling for sealed bids for the purchase of Antenna System Equipment. The equipment to be purchased will enhance public safety communications by allowing first responders to communicate effectively and in real-time. This purchase is part of the solution recommend by the Interoperable Communications Study done in conjunction with Jefferson County by the consultant firm Blue Wing. Funds to acquire this equipment will come in part from a grant through the Public Safety Interoperable Communications (PSIC) Grant Program.

Invitations to bid were issued to ten (10) prospective bidders and three (3) sealed bids were submitted to the Purchasing Department. The sealed bids were publically opened and read on Thursday, December 1, 2011 at 11:00 am, local time. The sealed bids received were from Mid-State Communications, United Radio and Wells Communication. The bid tabulation is shown below.

| | Mid-State Communications | United Radio | Wells Communications |
|--------------------------|--------------------------|--------------|----------------------|
| Antenna System Equipment | \$17,846.89 | \$17,639.41 | \$17,263.01 |
| Shipping | \$1,837.25 | \$0.00 | \$225.00 |
| Total | \$19,684.14 | \$17,639.41 | \$17,488.01 |

The bid responses were reviewed by the consultant for this project, Blue Wing, as well as City of Watertown Public Safety Personnel. It was agreed that the bid received from Wells Communication substantially complies with the requirements of the bid specifications. It is recommended that the bid for the purchase of Antenna System Equipment be awarded to Wells Communication for the amount of \$17,488.01.

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

December 9, 2011

To: The Honorable Mayor and City Council
From: Mary M. Corriveau, City Manager
Subject: Licensing and Permitting of Alcohol on City Owned Facilities.

On Monday December 12, 2011, Mr. Anthony J. Casale and City Attorney Robert J. Slye will join me at the City Council work session to discuss the licensing and permitting of alcohol on City owned facilities. It is hoped that at the conclusion of the meeting we will have clear direction on the proposed policies the City Council wants in place for the use of the City's facilities. Then Staff will work with Mr. Casale on developing a written policy for Council review and adoption. Once this is completed modifications to existing Lease Agreements will need to be made and our standard arena/fairgrounds use agreement can be modified to reflect the established policy.

In preparation for this meeting, Mr. Casale was provided with a list of the questions raised by the City Council at the October 16, 2011 City Council meeting. Written responses to the questions have been prepared for City Council review. To facilitate discussion on this issue Monday night, I have attached the following documents:

1. City Council and Staff Questions Involving Alcohol Licensing/Permitting
2. General Observations – These came about from some follow-on questions that Mr. Slye and I had for Mr. Casale.
3. ABC Law Rules and Guidelines – This document was provided by Mr. Casale as key points regarding ABC laws and rules. Mr. Casale has suggested that we might consider including some or all of these in any Lease Agreement as well as creating an information sheet for all permit applicants to acknowledge receipt and understanding prior to receiving a sign off from the city.

**CITY COUNCIL AND STAFF QUESTIONS INVOLVING
ALCOHOL LICENSING/PERMITTING**

BASEBALL FIELD

1. If the City proceeds to lease the Baseball Field to “baseball,” should it require that the lessee become a seasonal licensee for beer and wine? **Yes. 1, 2 or 3 year licenses can be obtained. A three-year license allows vending year round. A one-year license limits the vending.**

2. In that situation, can the City require the lessee to obtain the license prior the lease being effective? **Yes.**

3. In that lease, can the City require that all sales of beer and wine cease at the beginning of the “7th inning stretch?” **Yes. The City can also limit the sales to no earlier than one hour prior to the game. The ballpark license application should describe the method of operation.**

4. As part of the lease, can the lessee be required to be the licensed sales entity for beer and wine for any special events which may be sponsored at the ball field by others, and require the lessee to divide the net proceeds with the sponsor of the event? (We are assuming that the sponsor will be a not-for-profit.) **Yes, it can require a donation to the not-for-profit.**

5. Should the City stay out of the “percentage of profits” business, and instead impose a percentage at the gate? **Yes. If the City gets a percentage, it must be shown on the license. Instead of a percentage of the gate, consider a bid for the ball field alcohol franchise.**

6. What rules and regulations should be imposed upon the licensee, by the City, in connection with the service of alcohol during regular baseball events and/or non-special events? **Follow all applicable federal/state/local laws, and any ballpark regulations adopted by the City. See attached list of regulations that should be incorporated into future contracts.**

7. In your experience, do these licensees obtain dram shop insurance - - - can they afford it? **Unknown. But the Fair Board has obtained liquor liability coverage in the past.**

8. If the temporary seasonal license expires by its terms, and a special event is proposed to be offered during baseball’s off-season, can the not-for-profit sponsor the event with a permit issued in its name, or through a licensee operating under a catering permit? **Either. The not-for-profit would be limited to what the licensee is licensed to sell. All must be fully disclosed on the permit application.**

9. If it is through a licensee operating under a catering permit, to whom must the facility be rented for the event? The not-for-profit, or to the licensee with a catering permit? **The not-for-profit and they hire the caterer. The licensee must have control of the premises.**

10. If the answer to the previous question is to a licensee with a catering permit, can the City, again, condition the temporary rental of the facility to the licensee upon its division of proceeds with the not-for-profit? **N/A.**

11. Can the City also control the hours that alcohol will be served under a catering permit, beer and wine permit, and/or license? **Yes. As part of its rules which should be part of the permit application.**

ICE ARENA

1. If only a half dozen events are held a year, should the City continue to lease the facilities, allowing all alcohol sales by permit? **Yes. Ensure full disclosure of all involvement by all parties.**

2. Again, if a catering permit is issued to a licensee for the event, must the licensee be the lessee of the facility for the evening? **No, but must be disclosed on the permit.**

3. Is a licensee limited to four catering permits per year? **A for-profit is limited to 4 at one location; a not-for-profit is unlimited.**

4. Could the City award a franchise to a licensee which agrees to provide catering services by permit to special event sponsors? The purpose of this question is to inquire whether, under the terms of a franchise, the city could impose requirements for the donation of proceeds with the not-for-profit, and impose some year-long standards on the licensee. **Yes. Limited to 4.**

5. Can the city auction the franchise for the sale of alcohol by catering permit issued to an existing licensee? **Yes.**

6. Could you assist us in preparing a set of guidelines following State laws for a not-for-profit organization operating under permit? **Yes.**

7. Could the City share profits with a not-for-profit organization? **Make it part of the lease so the City stays off the license. Or develop a list of approved licensees for the lease.**

JEFFERSON COUNTY AGRICULTURAL SOCIETY (“JCAS”)

1. When the JCAS holds a function in its building, must it obtain a permit to serve alcohol/beer? **Yes.**
2. Is there a limit to the number of permits per year it can obtain? **No.**
3. Could the JCAS obtain a license? **Yes.**
4. If it obtains a license, could it serve as a caterer for events sponsored by not-for-profit organizations and split the proceeds (not-for-profit with not-for-profit)? **Get a catering hall license.**
5. Is there a limit to the number of catering permits which a licensed not-for-profit can obtain? **No.**
6. Could the City require in the lease with JCAS for the lands that they obtain a license to serve alcohol in its building? **Yes.**

GENERAL QUESTIONS

1. Must both a licensee and a permittee buy their alcohol from a licensed wholesaler? **Yes.**
2. May the City issue a permit to itself so that residents can bring alcohol for personal use during the July 4th concert in Thompson Park (4,000 – 5,000 people)? **Yes.**
3. If not, how else can we do it? **N/A.**
4. Can the City continue to issue permits to individuals holding private parties in City parks, regulating their conduct by City-issued permit requirements? **Yes.**
5. How does a fair permit work? Who is it issued to? Who is responsible for the sale of alcohol at the fair? **The lessee/permittee.**
6. Should we care if the licensee files the appropriate sales tax returns? Should we make that a requirement of our Lease? **It’s between the licensee and the Sales Tax Department.**
7. Could you assist us in preparing a set of guidelines following State Laws for a not-for-profit organization operating under permit? **Guidelines supplied.**

GENERAL OBSERVATIONS

BALLPARK:

Ballpark should have at least a seasonal license. If a non-profit wishes to host an event while license is active, lessee should sell alcohol and make donation to non-profit. During the months when license is not active, non-profit can apply for permit with permission from the City.

A ballpark beer license can be issued for 2 yrs. or 3 yrs., good for year-round vending. Or you can limit the ballpark license to one season, ending when baseball ends. Sometimes a separate operating entity exists to operate the facility, different from the ball team. This can, presumably, be put out to bid.

If the operator of a facility such as a ballpark holds a liquor license, the SLA would most always deny another entity, even a non-profit, to have a temporary permit for its own event. They might grant a permit under special circumstances but this would be very rare.

A for-profit entity (e.g. ballpark operator) that is not licensed, may allow a non-profit entity to apply for a temporary permit to serve beer and wine at its facility (e.g. a concert venue) but the for-profit entity may only share in the proceeds from alcohol if it is included on the permit.

With respect to landlord/tenant relationships the SLA would not be concerned with any additional restrictions placed upon the lessee with respect to sale of alcohol (hours of operation, etc). The SLA concerns with a lease relate to full disclosure of the landlord, how rent is paid, licensee's control of the premises, etc.

ARENA:

There does not seem to be enough regular activity at the arena to justify a license. City, at its discretion should allow those using the facility to apply for a temporary permit or to engage a local licensee to cater the event.

JEFFERSON COUNTY FAIR BUILDING:

City should restrict Ag Society's ability to serve alcohol to that property currently leased to them. City should insist that all state laws be followed and that the City be advised of any and all activities on the property.

With respect to landlord/tenant relationships the SLA would not be concerned with any additional restrictions placed upon the lessee with respect to sale of alcohol (hours of operation, etc). The SLA concerns with a lease relate to full disclosure of the landlord, how rent is paid, licensee's control of the premises, etc.

SYMPHONY CONCERT IN THOMPSON PARK:

With respect events at a public park for individual, family-type parties and general public events, the SLA would not be involved in a BYOB situation as long as there is no charge to attend or to use the facility. If there is a charge, the SLA could argue that a permit or license may be required

City should establish rules and guidelines for the sale of alcohol on its property and incorporate them into all of its leases.

ABC Law Rules and Guidelines

- You as the licensee are responsible for the activities of employees and patrons in all parts of the licensed premises, even if you are not always physically present, to ensure that the business is operating in accordance with the ABC Law.
- Your license certificate must be displayed so that it is in a conspicuous place inside the premises near the point of sale. Copies of the certificate for posting purposes are not acceptable.
- If you wish to make any changes in the structure of your corporation, or if you wish to change the individuals on the license, you must file the appropriate application and obtain approval from the Authority before making these changes.
- Appropriate books and records detailing purchases with invoices and the amount of each sale must be maintained at the premises and made available for inspection by SLA investigators.
- Bartenders, waitresses, waiters, hostesses and/or any persons who handle and receive payment for alcoholic beverages must be at least 18 years old.
- Bus persons and dishwashers who handle containers which have held alcoholic beverages must be at least 16 years old and must be directly supervised by someone at least 21 years old.
- According to Section 260.21 of the Penal Law, persons under the age of 16 must be accompanied by a parent or guardian to enter an on premises establishment.
- Alcoholic beverages must be consumed on the premises.
- Hours of sale are determined by the closing hours in the county where your establishment is located. Be sure you know the proper hours.
- You must have a valid bond in effect at all times.
- Purchases of alcoholic beverages must be made from duly licensed manufacturers and wholesalers. Purchases from retail stores or from any other retail licensee for resale are not permitted.
- Gambling of any type, either professional or social, is not permitted on any licensed premises. Exceptions are the sale of lottery tickets when licensed by the Division of the Lottery and bingo or games of chance when authorized by the State Racing and Wagering Board.
- Refilling or tampering with the contents of any container containing alcoholic beverages is not permitted.
- An alcoholic beverage must be dispensed from the container in which it was received from the wholesaler.
- Any plans to make major physical changes or to substantially alter the licensed premises in any way may require permission from the Authority prior to construction.

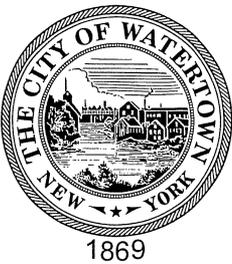
- Patrons may consume drinks purchased before closing hours up until one-half hour after the legal closing hours.
- To prevent sales to minors ask for proof. It is a crime to give or sell alcoholic beverages to anyone under the age of 21. You should instruct your employees to check for proof of age before selling any alcoholic beverages. Acceptable documents for identification:
 - Valid New York State driver's license or a valid driver's license from any other state or Canada.
 - Valid identification issued by the New York Department of Motor Vehicles (Non-Driver ID card).
 - Valid United States military identification.
 - Valid passport or visa from the United States government or any other country.

COLLEGE ID OR SHERIFF'S ID CARDS ARE *NOT* ACCEPTABLE PROOF OF AGE

- Have a written policy on what you expect from employees when making alcoholic beverage sales.
- Post the policy for all employees to see.
- Post a "Date Born After" sign in close proximity to all cash registers.
- Establish an ongoing training and education program for all employees.
- Be sure your bartenders, wait staff and clerks understand that they can be arrested for selling alcoholic beverages to minors and/or intoxicated persons.
- Support your employees when they refuse to make a sale.
- Encourage responsible drinking when advertising your establishment. Do not use advertising and/or promotions which are designed as inducements for teenagers to drink.

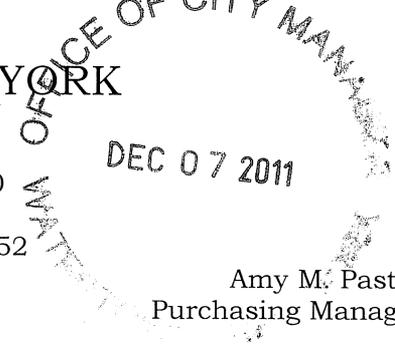
Recognize the signs of intoxication:

slurred speech
 mood swings
 the smell of alcohol
 loud, abusive, profane language
 staggering or falling



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Amy M. Pastuf
Purchasing Manager

MEMORANDUM

TO: Mary Corriveau, City Manager
FROM: Amy M. Pastuf, Purchasing Manager
SUBJECT: Bid 2011-09 – Radio Combiner and Multi-Coupler Systems - *Clarifications*
DATE: 12/7/2011

In response to discussion that took place at the City Council Meeting on December 5, 2011 I wish to provide information to correct a clerical error on the recommendation memo for the award of the Radio Combiner and Multi-Coupler Systems. I am also providing additional information that was requested in reference to the list of potential bidders that received bid invitations.

The date of the original legal ad was October 20, 2011, not October 30, 2011. The second ad published on October 30, 2011 was issued to notify the public that the bid opening date was extended from November 9, 2011 to November 16, 2011. The additional time was added to grant potential bidders additional time to respond to bid addendums.

The invitations to bid were mailed to potential vendors on October 19, 2011 with an original due date of November 9, 2011 giving potential bidders 21 days to respond. Due to bid addendums that were issued in response to vendor questions, the City extended the due date to November 16, 2011, giving potential bidders a total of 28 days to respond to the bid.

Invitations to bid were issued to the ten (10) prospective bidders below. Please note that we sent two bid packets to Sinclair Technologies as directed by our consultant, Blue Wing.

| | |
|------------------------------|----------------------------|
| Bush Electronics | Liverpool, NY 13088 |
| Motorola | Montvale, NJ 0764 |
| Primus Electronics | Morris, IL 60450 |
| Sinclair Technologies | Aurora ON., Canada L4G 6X5 |
| Sinclair Technologies | Hamburg, NY 14075 |
| Talley | Rutherford, NJ 07070 |
| Telewave, Inc. | San Jose, CA 95133 |
| Tessco Incorporated | Hunt Valley, MD 21031-1494 |
| TX RX Systems Brand Products | Angola, NY 14006 |
| Wells Communication | Watertown, NY 13601 |

If there are any further questions or concerns in regards to this bid, please contact me at your convenience.