

**CITY OF WATERTOWN, NEW YORK
AGENDA**

This shall serve as notice that the next regularly scheduled meeting of the City Council will be held on Monday, December 19, 2011, 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

Donna M. Dutton, City Clerk – Retirement

PRIVILEGE OF THE FLOOR

RESOLUTIONS

- Resolution No. 1 - Appointment to the Roswell P. Flower Memorial Library Board of Trustees, Robert J. Dalton

- Resolution No. 2 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 4-27-409.000 Known as 985 Marble Street To Brady S. Boynton, 730 Lawrence Street, Watertown, New York 13601

- Resolution No. 3 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 5-14-103.000 Known as 1543 State Street To Steven and Karen Roberts, 848 W. Main St, Watertown, New York 13601

- Resolution No. 4 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 1-17-210.001 Known as 451 Martin Street To TS Vendors, Inc., 329 Broadway Ave. West, Watertown, New York 13601

- Resolution No. 5 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 1-17-209.000 Known as 465 Martin Street To TS Vendors, Inc., 329 Broadway Ave. West, Watertown, New York 13601

- Resolution No. 6 - Authorizing Sale of Real Property, Known as M30 Charles Street to Ray E. Worcester, 152 Winthrop Street, Watertown, New York 13601
- Resolution No. 7 - Authorizing Sale of Real Property, Known as M32 Charles Street to Ray E. Worcester, 152 Winthrop Street, Watertown, New York 13601
- Resolution No. 8 - Authorizing Sale of Real Property, Known as M34 Charles Street to Ray E. Worcester, 152 Winthrop Street, Watertown, New York 13601
- Resolution No. 9 - Authorizing Sale of Real Property, Known as M31 Cleveland Street to Ray E. Worcester, 152 Winthrop Street, Watertown, New York 13601
- Resolution No. 10 - Authorizing Sale of Real Property, Known as 59 Woodley Street to Joseph C. DeYear, 529 West Street, Watertown, New York 13601
- Resolution No. 11 - Authorizing Sale of Real Property, Known as 60 Woodley Street to Joseph C. DeYear, 529 West Street, Watertown, New York 13601
- Resolution No. 12 - Authorizing an Agreement for Professional Services with Lu Engineers for the Remediation of Environmental Contamination at the Former Ogilvie Foods Site, 148 North Pleasant Street
- Resolution No. 13 - Authorizing an Application to the NYS DEC to Enter the Ogilvie Brownfield Site into the Brownfield Cleanup Program, and Authorizing the Subsequent Brownfield Site Cleanup Agreement
- Resolution No. 14 - Approving the Site Plan for the Construction of a 7,728 Square Foot Residence at 164 Breen Avenue, Parcel 7-14-119

ORDINANCES

LOCAL LAW

PUBLIC HEARING

STAFF PRESENTATION

City Engineer Department, Utility Manager

OLD BUSINESS

STAFF REPORTS

1. Sales Tax Revenue – November 2011
2. Elected and Appointed Officials, NYS Retirement System, New Regulation Reporting Requirements
3. 138 Court Street – Request for Proposals

NEW BUSINESS

EXECUTIVE SESSION

To discuss the employment history of particular individuals.

ADJOURNMENT

**NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS TUESDAY,
JANUARY 3, 2012.**

Res No. 1

December 6, 2011

To: Members of the City Council
From: Jeffrey E. Graham, Mayor
Subject: Appointment to the Roswell P. Flower Memorial Library Board of Trustees, Robert J. Dalton

A vacancy will occur at the end of this month on the Flower Memorial Library Board with the retirement of Council Member Marcia Gray.

In seeking a replacement, I have spoken to Robert J. Dalton of 313 Ten Eyck Street, who expressed an interest in serving on the Board. Mr. Dalton has strong business skills and is a supporter of the mission of the Flower Library. I think he will be a good addition to the Board.

I respectfully offer his name in nomination to the City Council for its consideration.

RESOLUTION

Page 1 of 1

Appointment to the Roswell P. Flower Memorial Library Board of Trustees, Robert J. Dalton

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

YEA	NAY

Introduced by

BE IT RESOLVED by the City Council of the City of Watertown, New York, that Robert J. Dalton, 313 Ten Eyck Street, Watertown, New York, is hereby appointed to the Roswell P. Flower Memorial Library Board of Trustees, for a term of eleven (11) years, which term expires December 31, 2022.

Seconded by

Res Nos. 2, 3, 4, 5

December 13, 2011

To: The Honorable Mayor and City Council
From: James E. Mills, City Comptroller
Subject: Assignment of Tax Sale Certificates

On December 13th the City Comptroller's Office held a public auction of City owned tax sale certificates on certain parcels for which the redemption period had expired but the City did not wish to take title to these parcels. All tax sale certificates included in the auction received bids. The results of the auction are as follows:

Parcel Number	Address	Bid Amount	Bidder Name
04-27-409.000	985 Marble Street	\$ 800	Brady S. Boynton
05-14-103.000	1543 State Street	\$ 13,600	Steven and Karen Roberts
01-17-210.001	451 Martin Street	\$ 1,300	TS Vendors, Inc.
01-17-209.000	465 Martin Street	\$ 1,300	TS Vendors, Inc.

The required 10% deposit has been received for each tax sale certificate. All of the above high bidders are current with property taxes and have no outstanding issues with Code Enforcement. The following resolutions have been prepared for City Council consideration to accept the high bids submitted and authorize the assignment of the tax sale certificates to the bidders listed above.

RESOLUTION

Page 1 of 1

Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 4-27-409.000 Known as 985 Marble Street To Brady S. Boynton, 730 Lawrence Street, Watertown, New York 13601

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

Total

YEA	NAY

Introduced by

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 985 Marble Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 04-27-409.000, and

WHEREAS the tax sale certificate has not been redeemed within the two year redemption period per City Charter Section 140, and

WHEREAS the City Council does not wish to take title to this property, and

WHEREAS the City Comptroller held a public auction on December 13, 2011 as authorized by City Council on November 16, 2011 for the purpose of assigning the City's tax sale certificate,

NOW THEREFORE BE IT RESOLVED that the offer of \$800.00 submitted by Brady S. Boynton for the purchase of the tax sale certificate for Parcel No. 04-27-409.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to Brady S. Boynton upon the Comptroller's receipt of certified funds in the amount of \$800.00.

Seconded by

RESOLUTION

Page 1 of 1

Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 5-14-103.000 Known as 1543 State Street To Steven and Karen Roberts, 848 W. Main St, Watertown, New York 13601

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

Total

YEA	NAY

Introduced by

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 1543 State Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 05-14-103.000, and

WHEREAS the tax sale certificate has not been redeemed within the two year redemption period per City Charter Section 140, and

WHEREAS the City Council does not wish to take title to this property, and

WHEREAS the City Comptroller held a public auction on December 13, 2011 as authorized by City Council on November 16, 2011 for the purpose of assigning the City's tax sale certificate,

NOW THEREFORE BE IT RESOLVED that the offer of \$13,600.00 submitted by Steven and Karen Roberts for the purchase of the tax sale certificate for Parcel No. 05-14-103.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to Steven and Karen Roberts upon the Comptroller's receipt of certified funds in the amount of \$13,600.00.

Seconded by

RESOLUTION

Page 1 of 1

Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 1-17-210.001 Known as 451 Martin Street To TS Vendors, Inc., 329 Broadway Ave. West, Watertown, New York 13601

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

Total

YEA	NAY

Introduced by

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 451 Martin Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 01-17-210.001, and

WHEREAS the tax sale certificate has not been redeemed within the two year redemption period per City Charter Section 140, and

WHEREAS the City Council does not wish to take title to this property, and

WHEREAS the City Comptroller held a public auction on December 13, 2011 as authorized by City Council on November 16, 2011 for the purpose of assigning the City's tax sale certificate,

NOW THEREFORE BE IT RESOLVED that the offer of \$1,300.00 submitted by TS Vendors, Inc. for the purchase of the tax sale certificate for Parcel No. 01-17-210.001, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to TS Vendors, Inc. upon the Comptroller's receipt of certified funds in the amount of \$1,300.00.

Seconded by

RESOLUTION

Page 1 of 1

Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 1-17-209.000 Known as 465 Martin Street To TS Vendors, Inc., 329 Broadway Ave. West, Watertown, New York 13601

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

Total

YEA	NAY

Introduced by

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 465 Martin Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 01-17-209.000, and

WHEREAS the tax sale certificate has not been redeemed within the two year redemption period per City Charter Section 140, and

WHEREAS the City Council does not wish to take title to this property, and

WHEREAS the City Comptroller held a public auction on December 13, 2011 as authorized by City Council on November 16, 2011 for the purpose of assigning the City's tax sale certificate,

NOW THEREFORE BE IT RESOLVED that the offer of \$1,300.00 submitted by TS Vendors, Inc. for the purchase of the tax sale certificate for Parcel No. 01-17-209.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to TS Vendors, Inc. upon the Comptroller's receipt of certified funds in the amount of \$1,300.00.

Seconded by

Res Nos. 6, 7, 8, 9, 10, 11

December 13, 2011

To: The Honorable Mayor and City Council
From: James E. Mills, City Comptroller
Subject: Sale of City Property

On December 13th the City Comptroller's Office held a public auction of City owned properties. The results of the auction are as follows:

Parcel Number	Address	Bid Amount	Bidder Name
03-06-404.000	M30 Charles Street	\$ 100	Ray Worcester
03-06-403.000	M32 Charles Street	\$ 100	Ray Worcester
03-06-402.000	M34 Charles Street	\$ 100	Ray Worcester
03-06-405.000	M31 Cleveleand Street	\$ 100	Ray Worcester
01-24-202.000	59 Woodley Street	\$ 100	Joseph DeYear
01-24-201.000	60 Woodley Street	\$ 100	Joseph DeYear

The required 10% deposit has been received for each parcel. Resolutions authorizing the sale of each property are attached for City Council consideration. All of the above high bidders are current with property taxes and have no outstanding issues with Code Enforcement.

Properties included in the auction that did not receive bids were:

<u>Parcel Number</u>	<u>Address</u>
1-10-307.000	100 Alexandria Avenue
1-10-308.000	101 Alexandria Avenue
1-10-310.000	103 Alexandria Avenue
11-12-130.001	VL Flower Avenue East
3-09-101.000	36 Stuart Street

RESOLUTION

Page 1 of 2

Authorizing Sale of Real Property,
Known as M30 Charles Street to
Ray E. Worcester, 152 Winthrop Street,
Watertown, New York 13601

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

Total

YEA	NAY

Introduced by

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as M30 Charles Street, approximately 30' x 95' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 03-06-404.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100.00 submitted by Ray E. Worcester for the purchase of Parcel No. 03-06-404.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

RESOLUTION

Page 2 of 2

Authorizing Sale of Real Property,
Known as M30 Charles Street to
Ray E. Worcester, 152 Winthrop Street,
Watertown, New York 13601

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

Total

YEA	NAY

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

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

Seconded by

RESOLUTION

Page 1 of 2

Authorizing Sale of Real Property,
Known as M32 Charles Street to
Ray E. Worcester, 152 Winthrop Street,
Watertown, New York 13601

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

Total

YEA	NAY

Introduced by

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as M30 Charles Street, approximately 50' x 100' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 03-06-403.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100.00 submitted by Ray E. Worcester for the purchase of Parcel No. 03-06-403.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

RESOLUTION

Page 2 of 2

Authorizing Sale of Real Property,
Known as M32 Charles Street to
Ray E. Worcester, 152 Winthrop Street,
Watertown, New York 13601

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

Total

YEA	NAY

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

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

Seconded by

RESOLUTION

Page 1 of 2

Authorizing Sale of Real Property,
Known as M34 Charles Street to
Ray E. Worcester, 152 Winthrop Street,
Watertown, New York 13601

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

Total

YEA	NAY

Introduced by

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as M34 Charles Street, approximately 50' x 100' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 03-06-402.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100.00 submitted by Ray E. Worcester for the purchase of Parcel No. 03-06-402.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

RESOLUTION

Page 2 of 2

Authorizing Sale of Real Property,
Known as M34 Charles Street to
Ray E. Worcester, 152 Winthrop Street,
Watertown, New York 13601

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

Total

YEA	NAY

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

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

Seconded by

RESOLUTION

Page 1 of 2

Authorizing Sale of Real Property,
Known as M31 Cleveland Street to
Ray E. Worcester, 152 Winthrop Street,
Watertown, New York 13601

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

Total

YEA	NAY

Introduced by

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as M31 Cleveland Street, approximately 70' x 30' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 03-06-405.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100.00 submitted by Ray E. Worcester for the purchase of Parcel No. 03-06-405.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

RESOLUTION

Page 2 of 2

Authorizing Sale of Real Property,
Known as M31 Cleveland Street to
Ray E. Worcester, 152 Winthrop Street,
Watertown, New York 13601

Council Member BURNS, Roxanne M.

Council Member BUTLER, Joseph M. Jr.

Council Member MACALUSO, Teresa R.

Council Member SMITH, Jeffrey M.

Mayor GRAHAM, Jeffrey E.

Total

YEA	NAY

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

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

Seconded by

RESOLUTION

Page 1 of 2

Authorizing Sale of Real Property,
 Known as 59 Woodley Street to
 Joseph C. DeYear, 529 West Street,
 Watertown, New York 13601

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

Total

YEA	NAY

Introduced by

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 59 Woodley Street, approximately 50' x 73' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 01-24-202.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100.00 submitted by Joseph C. DeYear for the purchase of Parcel No. 01-24-202.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

RESOLUTION

Page 2 of 2

Authorizing Sale of Real Property,
Known as 59 Woodley Street to
Joseph C. DeYear, 529 West Street,
Watertown, New York 13601

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

Total

YEA	NAY

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

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

Seconded by

RESOLUTION

Page 1 of 2

Authorizing Sale of Real Property,
Known as 60 Woodley Street to
Joseph C. DeYear, 529 West Street,
Watertown, New York 13601

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

Total

YEA	NAY

Introduced by

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 60 Woodley Street, approximately 50' x 73' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 01-24-201.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100.00 submitted by Joseph C. DeYear for the purchase of Parcel No. 01-24-201.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

RESOLUTION

Page 2 of 2

Authorizing Sale of Real Property,
Known as 60 Woodley Street to
Joseph C. DeYear, 529 West Street,
Watertown, New York 13601

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

Total

YEA	NAY

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

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

Seconded by

Res Nos. 12 and 13

December 14, 2011

To: The Honorable Mayor and City Council

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

Subject: Ogilvie Site Environmental Cleanup – Authorizing Lu Engineers Professional Services Agreement and Brownfield Cleanup Program Application

On July 11, 2011, the City issued a Request For Proposals for professional assistance with the U.S. Environmental Protection Agency (EPA)-funded cleanup of the Ogilvie Foods site. Nine responses were received and rated by a selection committee. The selection committee consisted of Amy Pastuf, Purchasing Manager; Kurt Hauk, City Engineer; Andrew Nichols, Planner and me. On September 19, 2011, after interviewing the top three respondents, the Committee chose Lu Engineers to recommend to the City Council.

EPA will depend on the NYS Department of Environmental Conservation (DEC) to oversee the clean-up. For DEC to oversee the project, it must be entered into one of their programs. It could be entered into the Petroleum Spills Program or the Brownfield Cleanup Program (BCP). After consultation with DEC staff, it was determined that the BCP would be the best option. It is more involved and there are additional costs involved, but the State will indemnify the City and any future owner against liability for any extant environmental contamination. It also qualifies the property for certain tax credits, which may be beneficial to future development. The City will have to reimburse the State for costs related to project oversight. This typically is \$2,000 to \$5,000 and is an eligible cost for the EPA grant.

Lu Engineers will provide the requested services for an amount not to exceed \$58,095. The scope of services assumes the City will enter the BCP. The total budget for the clean up project is \$240,000, of which the EPA will contribute 83.33%, up to \$200,000.

The first resolution attached for City Council consideration authorizes the City Manager to enter into the Agreement for Professional Services with Lu Engineers.

The second resolution authorizes the City Manager to submit an application to the Brownfield Cleanup Program and to enter into an agreement with the State. A sample agreement is attached for review.

RESOLUTION

Page 1 of 1

Authorizing an Agreement for Professional Services with Lu Engineers for the Remediation of Environmental Contamination at the Former Ogilvie Foods Site, 148 North Pleasant Street

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

Total

YEA	NAY

Introduced by

WHEREAS the City of Watertown entered into a Cooperative Agreement with the United States Environmental Protection Agency on March 23, 2011 for financial assistance with the remediation of environmental contamination at the former Ogilvie Foods property at 148 North Pleasant Street, and

WHEREAS the City issued a Request for Proposals for professional assistance related to the remediation on July 11, 2011, and

WHEREAS nine proposals were received and reviewed by a selection committee, and that committee recommended that the City award to Lu Engineers the contract for professional services, and

WHEREAS an agreement for professional services has been drafted, a copy of which has been attached and made part of this resolution, and

NOW THEREFORE BE IT RESOLVED that the City of Watertown approves the Agreement for Professional Services with Lu Engineers for professional services related to the remediation of environmental contamination at the former Ogilvie Foods property, with a fee not to exceed \$58,095.00, and

BE IT FURTHER RESOLVED that the City Manger is hereby authorized and directed to execute the Agreement on behalf of City Council.

Seconded by

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement dated this ___ day of _____, 2011, by and between the City of Watertown, New York, a New York municipal corporation with principal offices located at 245 Washington Street, Watertown, New York 13601 (the “City”), and Lu Engineers, a New York professional corporation with principal offices located at 175 Sullys Trail, Suite 202, Pittsford, New York 14534 (“Engineer”).

RECITALS

WHEREAS, on July 11, 2011, the City issued a Request for Proposals, providing a work plan for the provision of professional engineering services in connection with the remediation of environmental contamination at the former Ogilvie Foods property, parcels 6-15-116 and 6-15-119, between North Pleasant Street and California Avenue in the City of Watertown; and

WHEREAS, Engineer responded to the Request for Proposals by a document entitled “Proposal for Professional Environmental Assistance for the Brownfields Cleanup Program of the Former Ogilvie Foods Property” dated August 8, 2011, responding to the preliminary work plan as published in the Request for Proposals, providing a schedule of fees for services by Task, and containing an estimated fee for those services; and

WHEREAS, the City and the Engineer discussed and agreed upon certain changes to the work plan, and the Engineer submitted a final Scope of Services on October 26, 2011; and,

WHEREAS, the City and the Engineer desire to enter into an Agreement for the provision of the professional services as outlined in the Engineer’s Scope of Services; and

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

AGREEMENT

1. Scope of Services.

The scope of services to be performed by Engineer for the City in connection with the remediation of environmental contamination is as set forth on the Scope of Services which is attached as Exhibit "A."

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

2. Fee for Services

The Engineer shall be paid monthly based on work completed at the labor, direct expense, and subcontractor rates listed in the following Rate Schedule table. The Engineer's total fee under this Agreement shall not exceed \$58,095.00.

RATE SCHEDULE

LABOR	Project Manager: \$95/hour Project Scientist/Engineer: \$65/hour Field Technician: \$60/hour CADD Technician: \$55/hour
DIRECT EXPENSES	Equipment Vehicle Rental: \$85/day Staff Expenses Per Diem: \$123/day Mileage: \$0.55/mile PPE/Sampling Supplies: \$15/day GPS Rental: \$50/day PID Meter Rental: \$25/day Air Monitoring Equipment Rental: \$120/day Groundwater Sampling Equipment Rental: \$150/day

SUBCONTRACTORS	Laboratory - Subsurface Soil: \$225/sample Laboratory - Surface Soil: \$460/sample Laboratory - Water: \$225/sample Excavation (test pits): \$1000/day Well Driller: \$2020/well Data Validation: \$50/sample
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3. Insurance

Engineer shall maintain commercial general liability coverage during its performance of the services outlined in the Scope of Services—Exhibit “A”—in the minimum amount of \$1,000,000 per person/\$2,000,000 in the aggregate, naming the City as an additional insured. Engineer’s certificate of insurance evidencing this coverage is attached as Exhibit “B”.

4. City Representative.

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

5. City to Provide File Documents.

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

6. City Property.

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

7. Minority and Women's Business Enterprises

Engineer, when procuring construction equipment, services, and supplies, shall make the required "six good faith efforts" as outlined in 40 CFR § 33.301, and in Section 1 of the Administrative Conditions of the City's Cooperative Agreement with the United States Environmental Protection Agency ("EPA").

Engineer shall accept the following Fair Share Objectives for utilization of Minority Business Enterprises ("MBE") and Women's Business Enterprises ("WBE"):

- a) For MBE: Construction 6%; Equipment, Supplies, and Services 8.8%
- b) For WBE: Construction 6%; Equipment, Supplies, and Services 8.8%

8. Reporting

Engineer shall provide, no less than seven (7) calendar days prior to the report's respective deadline, sufficient information regarding project activities for completion of the following reports:

- a) Disadvantaged Business Enterprise utilization semi-annual report, EPA Form 5700-52A
- b) Quarterly Project Progress report to the EPA
- c) Property Profile Form, EPA Form 6200-03

- d) Any other report required by the EPA or the New York State Department of Environmental Conservation.

9. Term of Agreement.

The performance of services by Engineer shall commence on signing this Agreement. All services required to be performed pursuant to this Agreement shall be performed, to the Planning and Community Development Coordinator's satisfaction, no later than December 21, 2013.

10. Disputes.

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

11. Severability

If any provision of this Agreement is held invalid by a court of law, the remainder of this Agreement shall not be affected thereby, if such remainder would then continue and conform to the laws of the State of New York.

12. Termination for Cause

The City and the EPA reserve the right to unilaterally terminate this Agreement for cause, with written notice to the Engineer. In the event of termination, the City and the EPA will retain control and ownership of the products of any services already remunerated and any materials already purchased, and further reserve the right to continue work using these materials and/or information. Valid causes for termination include, but are not limited to, the following:

- a) Persistent failure to complete work in accordance with the quality or design stipulated by the contract documents.

WHEREFORE, the parties have signed this Agreement this ____ day of _____, 2011.

CITY OF WATERTOWN

By: _____
Mary M. Corriveau
City Manager

LU ENGINEERS

By: _____
Robert Hutteman, PE
President

Exhibit A

Scope of Services

Former Ogilvie Foods Brownfield Cleanup Site Scope of Services – Lu Engineers

Lu Engineers will provide professional engineering/consulting services to help the City of Watertown reach successful project completion under the NYSDEC Brownfield Cleanup Program (BCP), as follows:

1. Completion of NYSDEC Brownfield Program Application
2. Preparation of a conceptual Remedial Work Plan for submission to NYSDEC and EPA
3. Pre-remedial design investigation including additional subsurface soil sampling, surface soil sampling, well installation, and groundwater sampling
4. Preparation of a Pre-Remedial Design Investigation Report and Analysis of Brownfields Cleanup Alternatives
5. Preparation of technical plans and specifications for tank removal and soil removal (if applicable)
6. Oversight of tank removal and remedial actions
7. Completion of a Remedial Action Report
8. Assisting the City with public meetings to inform the public of findings and recommendations pursuant to requirements of the BCP
9. Completion of a Site Management Plan and project closeout documentation

The following paragraphs offer additional detail on Lu Engineers' proposed approach for completing each task.

Task 1 – NYSDEC Brownfield Cleanup Program Application

Lu Engineers will assist the City with completion of a NYSDEC Brownfield Cleanup Program (BCP) Application Form for entry into the State brownfield program as a "Volunteer". Application will include a site history, summary of previous environmental reports, site survey, and intended future use of the property.

A draft Remedial Work Plan (see Task 2 below) may be submitted with the BCP Application so that the public comment periods are concurrent.

Task 2 – Conceptual Remedial Work Plan

The conceptual Remedial Work Plan (RWP) will detail the pre-remedial design investigation activities, including:

1. Site survey (if not already completed) with metes and bounds description.
2. Additional test pits to locate the suspected remaining UST;

3. Subsurface soil sampling to confirm previous soil analytical results;
4. Installation of groundwater monitoring wells;
5. Monitoring well development and sampling;
6. Surface soil sampling along the former railroad bed to facilitate future use of the Site (Note: surface soils on the remainder of the site are covered by demolition debris and shot rock; therefore, additional surface soil sampling is not applicable).

The RWP will also specify UST removal and confirmatory sampling methods. The technical plans and specifications for the tank removal and soil removal will be included in the Remedial Action Work Plan (RAWP- aka, Remedial Design Plan), to be prepared after the above investigative activities.

The content of the Work Plan will be consistent with the requirements specified in the Brownfield Cleanup Program Guide and DER-10, and will also be consistent with applicable laws and NYSDEC and EPA requirements. The conceptual plan will be signed and stamped by a licensed New York State Professional Engineer (NYSPE).

EPA's generic QA/QC Plan and Health and Safety plans will be included as attachments to the work plan. The work plan will also include a Citizen Participation Plan (CPP) and a Community Air Monitoring Plan (CAMP).

Task 3 - Pre-Remedial Design Investigation

Task 3a- Additional Subsurface Soil Sampling

To confirm previous sampling results and further delineate the petroleum-impacted area, test pit excavations will be completed in the affected area on the northeastern portion of the Site and near the USTs to collect soil samples. Soils will be logged by an experienced Lu Engineers environmental specialist/geologist and recorded on boring logs. Soils will be screened with a calibrated photoionization detector (PID) to check for the presence of volatile organic compounds (VOCs). It is anticipated that the test pits can be completed within one day. For estimation purposes, we assume that up to 8 subsurface soil samples will be collected for laboratory analysis of the following:

- Volatile organics (VOCs)- EPA Method 8260
- Semi-volatile organics (SVOCs)- base/neutrals - EPA Method 8270

Results of the soil sampling will be compared to the Part 375 Soil Cleanup Objectives for Unrestricted and Residential Use. These results will be the basis for determining how much soil will be removed, if any, to facilitate the proposed redevelopment.

Task 3b- Surface Soil Sampling

Since most of the Site is covered by building foundation and crushed rock, we anticipate surface soil sampling will only be required along the former railroad where surface soils are exposed. It is estimated that four (4) samples will be collected for the following analyses:

- SVOCs (EPA Method 8270)
- TAL Metals
- PCBs
- Pesticides

Task 3c- Groundwater Evaluation

To date, no groundwater monitoring wells have been installed at the Site to determine groundwater quality and flow direction. As required under the BCP, we propose to install groundwater monitoring wells and collect groundwater quality samples. It is estimated that four wells will be installed up to five feet into bedrock. One well will be in the affected area and one well will be in an assumed down-gradient direction from the affected area. For estimating purposes, it is assumed that site groundwater is present within 20 feet of the ground surface.

Wells will be installed by a subcontracted drilling firm, with oversight by a qualified Lu Engineers geologist. After installation, the wells will be developed to remove sediments and drilling fluids from the wells and sand pack. At least one week subsequent to well development, Lu Engineers will collect groundwater samples using low-flow purging and sampling methods in accordance with EPA guidance. It is assumed that four groundwater samples will be collected for laboratory analysis of the following parameters:

- VOCs- EPA Method 8260
- SVOCs- base/neutrals - EPA Method 8270

Results of the groundwater sampling will determine whether groundwater remediation and/or groundwater use restrictions will be necessary.

Task 4 – Pre-Remedial Design Investigation Report & Analysis of Brownfields Cleanup Alternatives (ABCA)

Analytical results, findings, and conclusions from the pre-remedial design investigation will be presented in the report along with an analysis of cleanup alternatives. This task will include preparation of an ABCA report that presents an evaluation of alternatives for the remediation of petroleum-contaminated soil and potential groundwater impacts identified at the former Ogilvie Foods Site.

As part of the ABCA, a preliminary screening of applicable remedial methods and technologies will be completed, including:

- The No Action Alternative
- The Institutional Action Alternative (i.e., deed restrictions)
- The Soil Removal and Disposal Alternative
- The In-Situ Treatment of Soil and/or Groundwater Alternative
- The Ex-Situ Treatment of Soil and/or Groundwater Alternative

A detailed engineering evaluation of the technical feasibility and costs associated with remedial alternatives will be included in the report. Technical feasibility will be considered based on the following criteria:

- Protection of Human Health and the Environment
- Compliance with Standards, Criteria, and Guidance (SCG)
- Short-term Effectiveness & Impacts
- Long-term Effectiveness & Permanence
- Reduction of Toxicity, Mobility, or Volume of Contaminants
- Implementability
- Land Use

Only remedial approaches that meet the above criteria will be evaluated for cost effectiveness. A tabulated breakdown of estimated costs will be included for comparison. The report will be signed and stamped by a NYS licensed professional engineer (PE). A proposed remedy will then be selected by the City, in consultation with Lu Engineers.

Task 5 – Remedial Action Work Plan

The Remedial Action Work Plan (RAWP) will serve as the decision document for the remedy selection process required for BCP sites.

Lu Engineers will prepare a bid manual for any contracted cleanup work, such as tank and soil removal. The bid manual will contain a technical scope of work with specifications and required bidding and contract documents. It is assumed that the City of Watertown will provide assistance with the bidding process with respect to legal and related “front end” bid package contents.

Information for bidders will include, but not be limited to, issuance requirements for bidding, qualifications of bidders, and contract award details. Bid requirements will be outlined in the manual, including the desired format and the number of copies to be submitted. All prospective bidders must be able, on request of the City of Watertown, to prove they have the skill, experience, and resources to complete the proposed work plan. The contract will be awarded to the lowest bidder who, in the opinion of the City of Watertown, is qualified to perform the work involved.

Contract documents will include, but not be limited to, contract administration and conduct, time of performance, payment requirements, and provisions required by law. On behalf of the City of Watertown, Lu Engineers will provide technical contract administration to ensure proper execution and protect the City’s interest. Payment

requirements, including progress and final payments, will be detailed in the bid manual. The bid manual will contain provisions required by law, including wage rates and contractor responsibility.

Task 6 –Remedial Action Oversight

Lu Engineers will coordinate with NYSDEC and provide oversight and documentation for the tank removal(s) and soil removal. Tanks will be excavated and disposed of in accordance with NYSDEC protocols in DER-10 Section 5.5, Petroleum Bulk Storage Regulations in 6 NYCRR Part 613.9, and other applicable regulations. The tank(s) have reportedly been closed-in-place and lie within a sub-slab concrete containment vault. Once the tank(s) are removed from the vault, the concrete will be evaluated for evidence of leaks or spills. Remaining connecting lines will be disconnected and removed.

If evidence of a discharge is observed (e.g., staining, oily residue, odors) then a sample will be collected from below the containment vault to assess sub-slab soil conditions. The sample will be analyzed for VOCs (EPA Method 8260) and SVOCs (EPA Method 8270).

The actual quantity and location of soil to be removed, if any, will be dependent on the findings of the ABCA and pre-remedial design investigation. If soil excavation is the selected remedy, work will be completed as summarized below.

During excavation, applicable OSHA standards (1910 and 1926) will be strictly followed. All onsite workers will be required to have valid OSHA 40-hour Hazardous Waste Operations (HAZWOPER) training.

It is considered unlikely that overburden groundwater will be encountered at the Site. If encountered, the excavation contractor shall minimize liquid wastes through proper use of erosion and sediment control measures to mitigate surface water runoff into the excavation area, and covering an open excavation area to minimize the generation of potentially VOC impacted precipitation, etc. Water generated during the excavation activities, dewatering activities, and decontamination activities shall be collected and containerized by the excavation contractor. The water will be sampled/characterized as necessary based on observations by Lu Engineers' onsite representative. Temporary water storage capacity will be available, if necessary.

Appropriate shipping documents will be prepared for each waste shipment, for execution by Lu Engineers. Copies of disposal documentation will be maintained and will be available for on-site review.

Confirmation Sampling

It is assumed that confirmatory sampling will be included in the contractor's scope of work. Lu Engineers will provide oversight during sample collection. If excavation terminates on bedrock, no bottom sample will be collected. Sidewall samples will be collected approximately every 30 feet. For estimation purposes, it is anticipated that up

to six (6) confirmatory samples will be obtained for VOCs (EPA Method 8260) and SVOCs (EPA Method 8270) analyses.

Air Monitoring

Lu Engineers will provide continuous perimeter and work zone air monitoring during all soil removal and staging activities using a MiniRAE 3000 PID, or equivalent, to ensure that workers and the public are not exposed to elevated concentrations of VOCs. In accordance with the NYSDOH-required CAMP, continuous particulate monitoring will be conducted at upwind and downwind locations to ensure contaminants are not migrating off-site during excavation. To address potential fugitive dust, odors, and vapors, the contractor will have emergency controls (dust and vapor suppression equipment) available for use during excavation activities. The requirements and procedures for use of these controls are established in the CAMP.

GPS Data Collection

Geospatial and site feature data will be collected using a GPS unit. This includes sample locations, site features, excavation limits, etc. to be included on the Site Plan. Field technicians will use a Trimble GeoXT to achieve sub-meter post processed accuracy for the field data collection. Using both Terrasync and PathFinder software, Lu Engineers has the ability to achieve sub-meter accuracy of the data collected in the field and satellite tracking.

Task 7 – Remedial Action Report

Within 90 days after completion of cleanup activities, Lu Engineers will prepare for submission a Remedial Action Report to document all remedial efforts and analytical results. The report will be prepared in accordance with Section 5.8 of DER-10 and any other contractual requirements. The report will include the following:

- A description of remedial activities;
- A data usability summary report (DUSR) for final delineation samples (i.e., closure samples);
- Drawings showing all remedial work;
- Site survey map with metes and bounds description;
- Description of any institutional controls;
- Environmental easement, if required; and
- Site Management Plan for future development, if required; and
- NYSPE Certification.

For estimation purposes, it is assumed that two rounds of comments and revisions will be required to obtain final NYSDEC and EPA approval.

All documents and data associated with the project will be submitted in the required electronic format. Final hard copies of items in the Administrative Record will also be provided.

Task 8 – Public Participation

This task will include preparation of a written Citizen Participation Plan (CPP) to be submitted to the NYSDEC for approval. The plan will be made available to the public in a designated document repository.

Lu Engineers' Project Manager will be present for public meeting(s) and assist with the presentation of the findings. Throughout the project, Lu Engineers will assist the City with the public participation process by updating project reports, fact sheet mailings, and other documents as required by the NYSDEC.

Task 9 – Site Management Plan & Project Close-out

This final task will include preparation of a Site Management Plan and assistance with submittal of the environmental easement and project close-out documentation. The Site Management Plan will include:

- A copy of the environmental easement (if required);
- A survey map with metes and bounds description;
- A description of the remedial activities completed and any residual contamination;
- A description of any institutional or engineering controls at the Site; and
- A Health and Safety Plan for future site work that may disturb impacted media.

Laboratory Analysis

All samples will be transferred to and analyzed by a laboratory with current NYSDOH ELAP certification. All samples will be analyzed using quality control parameters established by the NYSDEC (Contract Laboratory Protocols) and in conformance with EPA's QA/QC requirements. All laboratory data will also be validated by an independent, third-party qualified data validator in accordance with NYSDEC protocols.

Documentation of Activities as Required by the NYSDEC

The record keeping and periodic reporting required by the BCP are an essential part of each project. Submitting required documentation in an accurate and timely manner promotes prompt reimbursement of funds and keeps the project progressing. Lu Engineers will utilize a proven system to assist the City with providing all necessary documentation to the NYSDEC. This includes quarterly project Progress Reports, Minority Business Utilization, Contractor Selection Records and Insurance, Eligible Cost Determinations, and others.

Project Schedule

Generally, environmental cleanups completed under the BCP take approximately one to two years to complete. This schedule is dependant upon our findings and the workload of the regulatory agencies. A detailed schedule of work activities will be provided in the work plan for the project.

EXHIBIT "B"
CERTIFICATE OF INSURANCE

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/06/11

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Poole Professional - NY <input type="checkbox"/> 1160F Pittsford-Victor Rd. <input type="checkbox"/> Pittsford, NY 14534 <input type="checkbox"/> Mary-Beth Rumble	585-385-0428 585-662-5755	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: LUENG-1	FAX (A/C, No):
INSURED Joseph C. Lu Engineering & <input type="checkbox"/> Land Surveying, PC <input type="checkbox"/> 175 Sullys Trail, Suite 202 <input type="checkbox"/> Pittsford, NY 14534	INSURER(S) AFFORDING COVERAGE INSURER A: Travelers Property Casualty Co NAIC # 25674 INSURER B: Travelers Casualty & Surety 19038 INSURER C: Travelers Indemnity Co. 25658 INSURER D: INSURER E: INSURER F:		

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			6809256R248	09/30/11	09/30/12	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
							MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							\$
A	AUTOMOBILE LIABILITY			6809256R248	09/30/11	09/30/12	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS						BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
							\$
C	UMBRELLA LIAB			CUP3571T687	09/30/11	09/30/12	EACH OCCURRENCE \$ 2,000,000
	<input type="checkbox"/> EXCESS LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE						AGGREGATE \$
	DEDUCTIBLE						\$
	RETENTION \$ 10,000						\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			UB3570T25A	09/30/11	09/30/12	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	<input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A				E.L. EACH ACCIDENT \$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER <div style="text-align: center;">CITYWAT</div> City of Watertown <input type="checkbox"/> 245 Washington St <input type="checkbox"/> Watertown, NY 13601	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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RESOLUTION

Page 1 of 1

Authorizing an Application to the NYS DEC to Enter the Ogilvie Brownfield Site into the Brownfield Cleanup Program, and Authorizing the Subsequent Brownfield Site Cleanup Agreement

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

Total

YEA	NAY

Introduced by

WHEREAS the City of Watertown entered into a Cooperative Agreement with the United States Environmental Protection Agency on March 23, 2011 for financial assistance with the remediation of environmental contamination at the former Ogilvie Foods property at 148 North Pleasant Street (“Ogilvie Site”), and

WHEREAS the City desires to enter into the Brownfield Cleanup Program administered by the State of New York Department of Environmental Conservation, and

WHEREAS the City must therefore make an application to that Department, and subsequently enter into a Brownfield Site Cleanup Agreement in order to enjoy the benefits of the Program,

NOW THEREFORE BE IT RESOLVED that the City of Watertown hereby authorizes the City Manager to submit an application to the New York State Department of Environmental Conservation for entry of the Ogilvie Site into the Brownfield Cleanup Program, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to enter into a Brownfield Site Cleanup Agreement with the New York State Department of Environmental Conservation related to the remediation of environmental contamination on said Ogilvie Site.

Seconded by

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM
ECL 27-1401 *et seq.*

BROWNFIELD SITE CLEANUP AGREEMENT

In the Matter of a Remedial Program for

**BROWNFIELD SITE
CLEANUP AGREEMENT**

Site Name:

Index #:

DEC Site #:

Site Address:

Hereinafter referred to as "Site"

by

Applicant's Name

Applicant's Address

Hereinafter referred to as "Applicant"

WHEREAS, the New York State Department of Environmental Conservation (the "Department") is authorized to administer the Brownfield Cleanup Program (BCP) contained in Article 27, Title 14 of the Environmental Conservation Law ("ECL");

WHEREAS, the Applicant submitted an application received by the Department on [Date]; and

WHEREAS, the Department has determined that the above referenced real property and Applicant are eligible to participate in the BCP.

NOW, THEREFORE, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

I. Applicant Status

The Applicant has been accepted into the BCP as a [Participant as defined in ECL 27-1405(1)(a)] or [Volunteer as defined in ECL 27-1405(1)(b)].

II. Real Property

The Site subject to this agreement is as follows:

Subject Property Description (A Map of the Site is attached as Exhibit "A")		
Tax Map/Parcel#	Street Number	Owner
<hr/>		
<hr/>		
Approximate Total Acreage:		

III. Payment of State Costs

Invoices shall be sent to Applicant at the following address:

[Applicant's name, Contact name, post office address, phone number, e-mail address]

ADD IF PARTICIPANT In addition to the requirement to pay state costs as set forth in Appendix "A", within forty-five (45) days after the effective date of this Agreement, Applicant shall pay to the Department the sum set forth on Exhibit "B", which shall represent reimbursement for past State Costs incurred prior to the effective date of this Agreement. See Appendix A, Paragraph V.C for payment instructions. Applicant acknowledges that all State Costs incurred prior to the effective date of this Agreement are not included on the cost summary and that additional charges may be billed at a later date.

IV. Communications

A. All written communications required by this Agreement shall be transmitted by United States Postal Service, by private courier service, by hand delivery, or by electronic mail.

1. Communication from Applicant shall be sent to:

a. **DER Project Manager - name, post office address, phone number, e-mail address**

Note: Two (2) hard copies (one unbound) of work plans are required, as well as one electronic copy.

b. **Director's Name (electronic copy only)**

Bureau of Environmental Exposure Investigation
New York State Department of Health
Flanigan Square 547 River Street
Troy, New York 12180-2216
gal09@health.state.ny.us

c. **OGC Project Attorney- name, post office address, phone number, e-mail address**

Correspondence only

2. Communication from the Department to Applicant shall be sent to:

[Applicant's name, post office address, phone number, email address]

B. The Department and Applicant reserve the right to designate additional or different addressees for communication on written notice to the other.

C. Each party shall notify the other within ninety (90) days after any change in the addresses listed in this paragraph or in Paragraph III.

V. Miscellaneous

A. Applicant acknowledges that it has read, understands, and agrees to abide by all the terms set forth in Appendix A - Standard Clauses for All New York State Brownfield Site Cleanup Agreements. This Appendix is attached to, and part of, the Division of Environmental Remediation Guidance document labeled DER-32: Brownfield Cleanup Program Applications and Agreements. The terms and conditions set forth in such Appendix "A" are made a part of this Agreement as if set forth fully herein.

B. In the event of a conflict between the terms of this BCA (including any and all attachments thereto and amendments thereof) and the terms of Appendix A, the terms of this BCA shall control.

C. The effective date of this Agreement is the date it is signed by the Commissioner or the Commissioner's designee.

DATED:

[Name]
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

[Name], Director
Division of Environmental Remediation

CONSENT BY APPLICANT [for Applicants in New York State]

Applicant hereby consents to the issuing and entering of this Agreement, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Agreement.

Applicant's Name

Title: _____

Date: _____

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

Acknowledgment by an individual in New York State:

On the ___ day of _____ in the year 20__, before me, the undersigned, personally appeared _____ (full name) personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Acknowledgment by a corporation, in New York State:

On the ___ day of _____ in the year 20__, before me, the undersigned, personally appeared _____ (full name) personally known to me who, being duly sworn, did depose and say that he/she/they reside at _____ (full mailing address) and that he/she/they is (are) the _____ (president or other officer or director or attorney in fact duly appointed) of the _____ (full legal name of corporation), the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the board of directors of said corporation.

Notary Public, State of New York

CONSENT BY APPLICANT [for Applicants outside New York State]

Applicant hereby consents to the issuing and entering of this Agreement, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Agreement.

Applicant's Name

Title: _____

Date: _____

*)
) ss:
)

Acknowledgment by an individual outside of New York State:

On the _____ day of _____, in the year 20__, before me, the undersigned, personally appeared _____ (full name) personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the **_____.

Acknowledgment by a corporation outside of New York State:

On the __ day of _____ in the year 20__, before me, the undersigned, personally appeared _____ (full name) personally known to me who, being duly sworn, did depose and say that he/she/they reside at _____ (full mailing address) and that he/she/they is (are) the _____ (President or other officer or director or attorney in fact duly appointed) of the _____ (full legal name of corporation), the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the board of directors of said corporation and that such individual made such appearance before the undersigned in the **_____.

Notary Public

* Insert the State [& County], District of Columbia, Territory, Possession or Foreign Country the acknowledgment was taken

** Insert the city or other political subdivision and the state or country or other place the acknowledgement was taken

*** Signature and office of individual taking acknowledgment

EXHIBIT “A”

Map

The map(s) should be of sufficient detail, clarity and accuracy to show the following:

- 1) a distance of at least 1,000 feet around the proposed brownfield property at a scale no smaller than one inch equal to 200 feet;
- 2) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways;
- 3) proposed brownfield property boundary lines, with adjacent property owners clearly identified;
- 4) surrounding land uses; and
- 5) existing easements or rights-of-way currently in effect for the property(ies) comprising the site.

EXHIBIT "B"

Cost Summary

**Provided by:
Division of Environmental Remediation**

APPENDIX “A”

**STANDARD CLAUSES FOR ALL NEW YORK STATE
BROWNFIELD SITE CLEANUP AGREEMENTS**

APPENDIX A

STANDARD CLAUSES FOR ALL NEW YORK STATE BROWNFIELD SITE CLEANUP AGREEMENTS

The parties to the Brownfield Site Cleanup Agreement (hereinafter "the BCA" or "the Agreement" or "this Agreement") agree to be bound by the following clauses which are hereby made a part of the BCA. The word "Applicant" herein refers to any party to the Agreement, other than the New York State Department of Environmental Conservation (hereinafter "Department").

I. Citizen Participation Plan

Within twenty (20) days after the effective date of this Agreement, Applicant shall submit for review and approval a written citizen participation plan prepared in accordance with the requirements of ECL 27-1417 and 6 NYCRR 375-1.10 and 375-3.10. Upon approval, the Citizen Participation Plan shall be deemed to be incorporated into and made a part of this Agreement.

II. Development, Performance, and Reporting of Work Plans

A. Work Plan Requirements

The work plans ("Work Plan" or "Work Plans") under this Agreement shall be prepared and implemented in accordance with the requirements of ECL Article 27, Title 14, 6 NYCRR 375-1.6(a), 375-3.6, and 375-6, and all applicable laws, rules, regulations, and guidance documents. The Work Plans shall be captioned as follows:

1. "Remedial Investigation Work Plan" if the Work Plan provides for the investigation of the nature and extent of contamination within the boundaries of the Site and, if the Applicant is a "Participant", the extent of contamination emanating from such Site. If the Applicant is a "Volunteer" it shall perform a qualitative exposure assessment of the contamination emanating from the site in accordance with ECL 27-1415(2)(b) and Department guidance;

2. "Remedial Work Plan" if the Work Plan provides for the development and implementation of a Remedial Program for contamination within the boundaries of the Site and, if the Applicant is a "Participant", the contamination that has emanated from such Site;

3. "IRM Work Plan" if the Work Plan provides for an interim remedial measure; or

4. "Site Management Plan" if the Work Plan

provides for the identification and implementation of institutional and/or engineering controls as well as any necessary monitoring and/or operation and maintenance of the remedy.

5. "Supplemental" if additional work plans other than those set forth in II.A.1-4 are required to be prepared and implemented.

B. Submission/Implementation of Work Plans

1. The first proposed Work Plan to be submitted under this Agreement shall be submitted no later than thirty (30) days after the effective date of this Agreement. Thereafter, the Applicant shall submit such other and additional work plans as determined in a schedule to be approved by the Department.

2. Any proposed Work Plan shall be submitted for the Department's review and approval and shall include, at a minimum, a chronological description of the anticipated activities to be conducted in accordance with current guidance, a schedule for performance of those activities, and sufficient detail to allow the Department to evaluate that Work Plan. The Department shall use best efforts in accordance with 6 NYCRR 375-3.6(b) to approve, modify, or reject a proposed Work Plan within forty-five (45) days from its receipt or within fifteen (15) days from the close of the public comment period, if applicable, whichever is later.

i) Upon the Department's written approval of a Work Plan, such Department-approved Work Plan shall be deemed to be incorporated into and made a part of this Agreement and shall be implemented in accordance with the schedule contained therein.

ii) If the Department requires modification of a Work Plan, the reason for such modification shall be provided in writing and the provisions of 6 NYCRR 375-1.6(d)(3) shall apply.

iii) If the Department disapproves a Work Plan, the reason for such disapproval shall be provided in writing and the provisions of 6 NYCRR 375-1.6(d)(4) shall apply.

3. A Site Management Plan, if necessary, shall be submitted in accordance with the schedule set forth in the IRM Work Plan or Remedial Work Plan.

C. Submission of Final Reports

1. In accordance with the schedule contained in an approved Work Plan, Applicant shall submit a Final Report for an Investigation Work Plan prepared in accordance with ECL 27-1411(1) and 6 NYCRR 375-1.6. If such Final Report concludes that no remediation is necessary, and the Site does not meet the requirements for Track 1, Applicant shall submit an Alternatives Analysis prepared in accordance with ECL 27-1413 and 6 NYCRR 375-3.8(f) that supports such determination.

2. In accordance with the schedule contained in an approved Work Plan, Applicant shall submit a Final Engineering Report certifying that remediation of the Site has been performed in accordance with the requirements of ECL 27-1419(1) and (2) and 6 NYCRR 375-1.6. The Department shall review such Report, the submittals made pursuant to this Agreement, and any other relevant information regarding the Site and make a determination as to whether the goals of the remedial program have been or will be achieved in accordance with established timeframes; if so, a written Certificate of Completion will be issued in accordance with ECL 27-1419, 6 NYCRR 375-1.9 and 375-3.9.

3. Within sixty (60) days of the Department's approval of a Final Report, Applicant shall submit such additional Work Plans as it proposes to implement. Failure to submit any additional Work Plans within such period shall, unless other Work Plans are under review by the Department or being implemented by Applicant, result in the termination of this Agreement pursuant to Paragraph XII.

D. Review of Submittals other than Work Plans

1. The Department shall timely notify Applicant in writing of its approval or disapproval of each submittal other than a Work Plan in accordance with 6 NYCRR 375-1.6. All Department-approved submittals shall be incorporated into and become an enforceable part of this Agreement.

2. If the Department disapproves a submittal covered by this Subparagraph, it shall specify the reason for its disapproval and may request Applicant to modify or expand the submittal. Within fifteen (15) days after receiving written notice that Applicant's submittal has been disapproved, Applicant shall elect in writing to either (i) modify or expand it within thirty (30) days of receipt of the written notice of disapproval; (ii) complete any other Department-approved Work Plan(s); (iii) invoke dispute resolution pursuant to Paragraph XIII; or (iv) terminate this Agreement pursuant to Paragraph XII. If Applicant submits a revised submittal and it is disapproved, the Department and Applicant may pursue whatever remedies may be available under this Agreement or under law.

E. Department's Determination of Need for Remediation

The Department shall determine upon its approval of each Final Report dealing with the investigation of the Site whether remediation, or additional remediation as the case may be, is needed for protection of public health and the environment.

1. If the Department makes a preliminary determination that remediation, or additional remediation, is not needed for protection of public health and the environment, the Department shall notify the public of such determination and seek public comment in accordance with ECL 27-1417(3)(f). The Department shall provide timely notification to the Applicant of its final determination following the close of the public comment period.

2. If the Department determines that additional remediation is not needed and such determination is based upon use restrictions, Applicant shall cause to be recorded an Environmental Easement in accordance with 6 NYCRR 375-1.8(h).

3. If the Department determines that remediation, or additional remediation, is needed, Applicant may elect to submit for review and approval a proposed Remedial Work Plan (or modify an existing Work Plan for the Site) for a remedy selected upon due consideration of the factors set forth in ECL 27-1415(3) and 6 NYCRR 375-1.8(f). A proposed Remedial Work Plan addressing the Site's remediation will be noticed for public comment in accordance with ECL 27-1417(3)(f) and the Citizen Participation Plan developed pursuant to this Agreement. If the Department determines following the close of the public comment period that modifications to the proposed Remedial Work Plan are needed, Applicant agrees to negotiate appropriate modifications to such Work Plan. If Applicant elects not to develop a Work Plan under this Subparagraph then this Agreement shall terminate in accordance with Paragraph XII. If the Applicant elects to develop a Work Plan, then it will be reviewed in accordance with Paragraph II.D above.

F. Institutional/Engineering Control Certification

In the event that the remedy for the Site, if any, or any Work Plan for the Site, requires institutional or engineering controls, Applicant shall submit a written certification in accordance with 6 NYCRR 375-1.8(h)(3) and 375-3.8(h)(2).

III. Enforcement

Except as provided in Paragraph V, this Agreement shall be enforceable as a contractual agreement under the laws of the State of New York. Applicant shall not suffer

any penalty except as provided in Paragraph V, or be subject to any proceeding or action if it cannot comply with any requirement of this Agreement as a result of a Force Majeure Event as described at 6 NYCRR 375-1.5(b)(4) provided Applicant complies with the requirements set forth therein.

IV. Entry upon Site

A. Applicant hereby agrees to provide access to the Site and to all relevant information regarding activities at the Site in accordance with the provisions of ECL 27-1431. Applicant agrees to provide the Department upon request with proof of access if it is not the owner of the site.

B. The Department shall have the right to periodically inspect the Site to ensure that the use of the property complies with the terms and conditions of this Agreement. The Department will generally conduct such inspections during business hours, but retains the right to inspect at anytime.

C. Failure to provide access as provided for under this Paragraph may result in termination of this Agreement pursuant to Paragraph XII.

V. Payment of State Costs

A. Within forty-five (45) days after receipt of an itemized invoice from the Department, Applicant shall pay to the Department a sum of money which shall represent reimbursement for State Costs as provided by 6 NYCRR 375-1.5 (b)(3)(i).

B. Costs shall be documented as provided by 6 NYCRR 375-1.5(b)(3)(ii). The Department shall not be required to provide any other documentation of costs, provided however, that the Department's records shall be available consistent with, and in accordance with, Article 6 of the Public Officers Law.

C. Each such payment shall be made payable to the New York State Department of Environmental Conservation and shall be sent to:

Director, Bureau of Program Management
Division of Environmental Remediation
New York State Department of Environmental
Conservation
625 Broadway
Albany, New York 12233-7012

D. Each party shall provide written notification to the other within ninety (90) days of any change in the foregoing addresses.

E. If Applicant objects to any invoiced costs under this Agreement, the provisions of 6 NYCRR 375-1.5

(b)(3)(v) and (vi) shall apply. Objections shall be sent to the Department as provided under subparagraph V.C above.

F. In the event of non-payment of any invoice within the 45 days provided herein, the Department may seek enforcement of this provision pursuant to Paragraph III or the Department may commence an enforcement action for non-compliance with ECL 27-1423 and ECL 71-4003.

VI. Liability Limitation

Subsequent to the issuance of a Certificate of Completion pursuant to this Agreement, Applicant shall be entitled to the Liability Limitation set forth at ECL 27-1421, subject to the terms and conditions stated therein and to the provisions of 6 NYCRR 375-1.9 and 375-3.9.

VII. Reservation of Rights

A. Except as provided in Subparagraph VII.B, Applicant reserves all rights and defenses under applicable law to contest, defend against, dispute, or disprove any action, proceeding, allegation, assertion, determination, or order of the Department, including any assertion of remedial liability by the Department against Applicant, and further reserves all rights including the rights to notice, to be heard, to appeal, and to any other due process respecting any action or proceeding by the Department, including the enforcement of this Agreement. The existence of this Agreement or Applicant's compliance with it shall not be construed as an admission of any liability, fault, wrongdoing, or violation of law by Applicant, and shall not give rise to any presumption of law or finding of fact which shall inure to the benefit of any third party.

B. Notwithstanding the foregoing, Applicant hereby waives any right it may have to make a claim pursuant to Article 12 of the Navigation Law with respect to the Site and releases the State and the New York Environmental Protection and Spill Compensation Fund from any and all legal or equitable claims, suits, causes of action, or demands whatsoever with respect to the Site that Applicant may have as a result of Applicant's entering into or fulfilling the terms of this Agreement.

VIII. Indemnification

Applicant shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless from any claim, suit, action, and cost of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Agreement by Applicant prior to the Termination Date except for those claims, suits, actions, and costs arising from the State's gross negligence or willful or intentional misconduct by the Department, the State of New York,

and/or their representatives and employees during the course of any activities conducted pursuant to this Agreement. In the event that the Applicant is a Participant, this provision shall also include the Trustee of the State's Natural Resources. The Department shall provide Applicant with written notice no less than thirty (30) days prior to commencing a lawsuit seeking indemnification pursuant to this Paragraph.

IX. Change of Use

Applicant shall notify the Department at least sixty (60) days in advance of any change of use, as defined in ECL 27-1425, which is proposed for the Site, in accordance with the provisions of 6 NYCRR 375-1.11(d). In the event the Department determines that the proposed change of use is prohibited, the Department shall notify Applicant of such determination within forty-five (45) days of receipt of such notice.

X. Environmental Easement

A. Within sixty (60) days after the Department's approval of a Remedial Work Plan which relies upon one or more institutional and/or engineering controls, or within sixty (60) days after the Department's determination pursuant to Subparagraph II.E.2 that additional remediation is not needed based upon use restrictions, Applicant shall submit to the Department for approval an Environmental Easement to run with the land in favor of the State which complies with the requirements of ECL Article 71, Title 36 and 6 NYCRR 375-1.8(h)(2). Applicant shall cause such instrument to be recorded with the recording officer for the county in which the Site is located within thirty (30) days after the Department's approval of such instrument. Applicant shall provide the Department with a copy of such instrument certified by the recording officer to be a true and faithful copy within thirty (30) days of such recording (or such longer period of time as may be required to obtain a certified copy provided Applicant advises the Department of the status of its efforts to obtain same within such thirty (30) day period), which shall be deemed to be incorporated into this Agreement .

B. Applicant or the owner of the Site may petition the Department to modify or extinguish the Environmental Easement filed pursuant to this Agreement at such time as it can certify that the Site is protective of public health and the environment without reliance upon the restrictions set forth in such instrument. Such certification shall be made by a Professional Engineer or Qualified Environmental Professional as defined at 6 NYCRR 375-1.2(ak) approved by the Department. The Department will not unreasonably withhold its consent.

XI. Progress Reports

Applicant shall submit a written progress report of its

actions under this Agreement to the parties identified in Subparagraph III.A.1 of the Agreement by the 10th day of each month commencing with the month subsequent to the approval of the first Work Plan and ending with the Termination Date, unless a different frequency is set forth in a Work Plan. Such reports shall, at a minimum, include: all actions relative to the Site during the previous reporting period and those anticipated for the next reporting period; all approved activity modifications (changes of work scope and/or schedule); all results of sampling and tests and all other data received or generated by or on behalf of Applicant in connection with this Site, whether under this Agreement or otherwise, in the previous reporting period, including quality assurance/quality control information; information regarding percentage of completion; unresolved delays encountered or anticipated that may affect the future schedule and efforts made to mitigate such delays; and information regarding activities undertaken in support of the Citizen Participation Plan during the previous reporting period and those anticipated for the next reporting period.

XII. Termination of Agreement

Applicant or the Department may terminate this Agreement consistent with the provisions of 6 NYCRR 375-3.5(b), (c), and (d) by providing written notification to the parties listed in Paragraph III of the Agreement.

XIII. Dispute Resolution

A. In the event disputes arise under this Agreement, Applicant may, within fifteen (15) days after Applicant knew or should have known of the facts which are the basis of the dispute, initiate dispute resolution in accordance with the provisions of 6 NYCRR 375-1.5(b)(2).

B. All cost incurred by the Department associated with dispute resolution are State costs subject to reimbursement pursuant to this Agreement.

C. Notwithstanding any other rights otherwise authorized in law or equity, any disputes pursuant to this Agreement shall be limited to Departmental decisions on remedial activities. In no event shall such dispute authorize a challenge to the applicable statute or regulation.

XIV. Miscellaneous

A. If the information provided and any certifications made by Applicant are not materially accurate and complete, this Agreement, except with respect to Applicant's obligations pursuant to Paragraphs V, VII.B, and VIII, shall be null and void *ab initio* fifteen (15) days after the Department's notification of such inaccuracy or incompleteness or fifteen (15) days after

issuance of a final decision resolving a dispute pursuant to Paragraph XIII, whichever is later, unless Applicant submits information within that fifteen (15) day time period indicating that the information provided and the certifications made were materially accurate and complete. In the event this Agreement is rendered null and void, any Certificate of Completion and/or Liability Limitation that may have been issued or may have arisen under this Agreement shall also be null and void *ab initio*, and the Department shall reserve all rights that it may have under law.

B. By entering into this Agreement, Applicant agrees to comply with and be bound by the provisions of 6 NYCRR 375-1, 375-3 and 375-6; the provisions of such subparts that are referenced herein are referenced for clarity and convenience only and the failure of this Agreement to specifically reference any particular regulatory provision is not intended to imply that such provision is not applicable to activities performed under this Agreement.

C. The Department may exempt Applicant from the requirement to obtain any state or local permit or other authorization for any activity conducted pursuant to this Agreement in accordance with 6 NYCRR 375-1.12(b), (c), and (d).

D. 1. Applicant shall use “best efforts” to obtain all Site access, permits, easements, approvals, institutional controls, and/or authorizations necessary to perform Applicant’s obligations under this Agreement, including all Department-approved Work Plans and the schedules contained therein. If, despite Applicant’s best efforts, any access, permits, easements, approvals, institutional controls, or authorizations cannot be obtained, Applicant shall promptly notify the Department and include a summary of the steps taken. The Department may, as it deems appropriate and within its authority, assist Applicant in obtaining same.

2. If an interest in property is needed to implement an institutional control required by a Work Plan and such interest cannot be obtained, the Department may require Applicant to modify the Work Plan pursuant to 6 NYCRR 375-1.6(d)(3) to reflect changes necessitated by Applicant’s inability to obtain such interest.

E. The paragraph headings set forth in this Agreement are included for convenience of reference only and shall be disregarded in the construction and interpretation of any provisions of this Agreement.

F. 1. The terms of this Agreement shall constitute the complete and entire agreement between the Department and Applicant concerning the implementation of the activities required by this Agreement. No term, condition, understanding, or agreement purporting to modify or vary any term of this Agreement shall be

binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestion, or comment by the Department shall be construed as relieving Applicant of its obligation to obtain such formal approvals as may be required by this Agreement. In the event of a conflict between the terms of this Agreement and any Work Plan submitted pursuant to this Agreement, the terms of this Agreement shall control over the terms of the Work Plan(s). Applicant consents to and agrees not to contest the authority and jurisdiction of the Department to enter into or enforce this Agreement.

2. i. Except as set forth herein, if Applicant desires that any provision of this Agreement be changed, Applicant shall make timely written application to the Commissioner with copies to the parties in Subparagraph III.A.1 of the Agreement.

ii. If Applicant seeks to modify an approved Work Plan, a written request shall be made to the Department’s project manager, with copies to the parties listed in Subparagraph III.A.1 of the Agreement.

iii. Requests for a change to a time frame set forth in this Agreement shall be made in writing to the Department’s project attorney and project manager; such requests shall not be unreasonably denied and a written response to such requests shall be sent to Applicant promptly.

G. 1. If there are multiple parties signing this Agreement, the term “Applicant” shall be read in the plural, the obligations of each such party under this Agreement are joint and several, and the insolvency of or failure by any Applicant to implement any obligations under this Agreement shall not affect the obligations of the remaining Applicant(s) under this Agreement.

2. If Applicant is a partnership, the obligations of all general partners (including limited partners who act as general partners) under this Agreement are joint and several and the insolvency or failure of any general partner to implement any obligations under this Agreement shall not affect the obligations of the remaining partner(s) under this Agreement.

3. Notwithstanding the foregoing Subparagraphs XIV.G.1 and 2, if multiple parties sign this Agreement as Applicants but not all of the signing parties elect to implement a Work Plan, all Applicants are jointly and severally liable for each and every obligation under this Agreement through the completion of activities in such Work Plan that all such parties consented to; thereafter, only those Applicants electing to perform additional work shall be jointly and severally liable under this Agreement for the obligations and activities under such additional Work Plan(s). The parties electing not to implement the additional Work Plan(s) shall have no

obligations under this Agreement relative to the activities set forth in such Work Plan(s). Further, only those Applicants electing to implement such additional Work Plan(s) shall be eligible to receive the Liability Limitation referenced in Paragraph VI.

and all of which shall together constitute one and the same.

4. Any change to parties pursuant to this Agreement, including successors and assigns through acquisition of title, is subject to approval by the Department, after submittal of an application acceptable to the Department.

H. Applicant shall be entitled to receive contribution protection and/or to seek contribution to the extent authorized by ECL 27-1421(6) and 6 NYCRR 375-1.5(b)(5).

I. Applicant shall not be considered an operator of the Site solely by virtue of having executed and/or implemented this Agreement.

J. Applicant and Applicant's agents, grantees, lessees, sublessees, successors, and assigns shall be bound by this Agreement. Any change in ownership of Applicant including, but not limited to, any transfer of assets or real or personal property, shall in no way alter Applicant's responsibilities under this Agreement.

K. Unless otherwise expressly provided herein, terms used in this Agreement which are defined in ECL Article 27 or in regulations promulgated thereunder shall have the meaning assigned to them under said statute or regulations.

L. Applicant's obligations under this Agreement represent payment for or reimbursement of State costs, and shall not be deemed to constitute any type of fine or penalty.

M. In accordance with 6 NYCRR 375-1.6(a)(4), the Department shall be notified at least 7 days in advance of, and be allowed to attend, any field activities to be conducted under a Department approved work plan, as well as any pre-bid meetings, job progress meetings, substantial completion meeting and inspection, and final inspection and meeting; provided, however that the Department may be excluded from portions of meetings where privileged matters are discussed.

N. In accordance with 6 NYCRR 375-1.11(a), all work plans; reports, including all attachments and appendices, and certifications, submitted by a remedial party shall be submitted in print, as well as in an electronic format acceptable to the Department.

O. This Agreement may be executed for the convenience of the parties hereto, individually or in combination, in one or more counterparts, each of which shall be deemed to have the status of an executed original

ATTACHMENT “B”

**BROWNFIELD CLEANUP PROGRAM
APPLICATION APPROVAL LETTER**

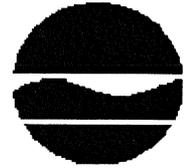
New York State Department of Environmental Conservation

Division of Environmental Remediation, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 - Fax: (518) 402-9020

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

Certified Mail, Return Receipt Requested

Applicant
Address
City, State and Zip

Re: **Site Name**
 Tax Map ID No.:
 Property County:
 Site No.:

Dear Applicant:

Your application for the above-referenced Brownfield Cleanup Program (BCP) project has been reviewed by the New York State Department of Environmental Conservation ("Department"). On behalf of Commissioner Grannis, I am pleased to inform you that your request is accepted. The acceptance is based upon your participation as follows:

Applicant is a *Participant [or Volunteer]* as defined in ECL 27-1405(1)(a)[or (b)].

The Department's project manager will assist you in completing your project. You can arrange a meeting to discuss the program's requirements and work plan. The work plan will determine the scope of work to be conducted and completed.

For purposes of the tax credits under Sections 21, 22 and 23 of the Tax Law, only those costs incurred on or after the effective date of the Brownfield Site Cleanup Agreement ("BCA") are eligible for consideration for credits. Based upon the facts and information in the application, information contained in the Department's records, and a timely return of signed copies of the BCA, the Department is prepared to execute a BCA for the above-described property.

Enclosed are three copies of the proposed BCA. Please have an authorized representative sign all three copies where indicated and return them to the project attorney's attention along with proof that the party executing the BCA is authorized to bind the Requestor. The BCA shall not be effective until it is fully executed by the parties. A reassessment of eligibility may result in a denial of the application if there are any changes to material facts and information before the BCA is fully executed. **Please note, if the BCA is not signed and received by the Department within 60 days of the date of this letter, the Department will consider the Application withdrawn and the offer to enter the BCP will be deemed rescinded.**

The Department looks forward to working with you on this project. You may contact the Department's project team as set forth in Paragraph IV of the attached draft BCA to discuss the next steps.

Sincerely,

[Name], Director
Division of Environmental Remediation

Enclosures

Department's Copies:

ec:

Applicant's Copies:

ec:

Res No. 14

December 15, 2011

To: The Honorable Mayor and City Council

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

Subject: Request for Site Plan Approval for the Construction of a 7,728 Square Foot Residence at 164 Breen Avenue, Parcel 7-14-119

A request has been submitted by Patrick Scordo of GYMO, PC for the above subject site plan approval. The Planning Board reviewed the request at its December 6, 2011 meeting.

At that meeting, the Planning Board adopted a motion recommending that the City Council approve the site plan with the ten conditions. On December 14, 2011, the applicant submitted revised plans meeting all of those conditions except the two listed in the resolution.

Attached are a copy of the report on the request prepared for the Planning Board and an excerpt from its minutes.

The City Council must respond to the questions in Part 2 of the Short Environmental Assessment Form before it may vote on the resolution. The resolution prepared for City Council consideration states that the project will not have a significant negative impact on the environment, and approves the site plan submitted to the City Engineering Department on December 14, 2011 with the two remaining conditions recommended by the Planning Board.

RESOLUTION

Page 1 of 2

Approving the Site Plan for the Construction of a 7,728 Square Foot Residence at 164 Breen Avenue, Parcel 7-14-119.

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

Total

YEA	NAY

Introduced by

WHEREAS Pat Scordo of GYMO, PC has made an application for site plan approval for the construction of a 7,728 square foot residence at 164 Breen Avenue, parcel 7-14-119, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on December 6, 2011, and recommended that the City Council of the City of Watertown approve the site plan with ten conditions, and

WHEREAS the applicant submitted revised plans to the City Engineer on December 14, 2011, and those plans satisfied all of the Planning Board’s recommended conditions of approval except for the following:

- 1) The applicant shall coordinate with the City regarding the lowering of the conduit prior to installation of the driveway entrance.
- 2) The applicant shall either submit a Stormwater Pollution Prevention Plan to the Department of Environmental Conservation (copy to the City Engineer’s office), or provide calculations showing the disturbed area to be less than one acre.

And,

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of

RESOLUTION

Page 2 of 2

Approving the Site Plan for the Construction of a 7,728 Square Foot Residence at 164 Breen Avenue, Parcel 7-14-119.

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

Watertown declares that the proposed construction and site plan constitute an Unlisted Action for

the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

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

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that site plan approval is hereby granted to Patrick Scordo of GYMO, PC for the construction of a 7,728 square foot residence at 164 Breen Avenue, parcel 7-14-119, as submitted to the City Engineer on December 14, 2011, contingent on the applicant making the revisions and meeting the conditions recommended by the Planning Board as listed above.

Seconded by



MEMORANDUM

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

TO: Planning Board Members

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

SUBJECT: Site Plan Approval – 164 Breen Avenue Residence 

DATE: November 30, 2011

Request: Site Plan Approval for the construction of a 7,728 square foot residence at 164 Breen Avenue, parcel 7-14-119

Applicant: Patrick J. Scordo, PE, GYMO

Proposed Use: Temporary residence

Property Owner: DGI, LLC

Submitted:	
Property Survey: Yes	Preliminary Architectural Drawings: Yes
Site Plan: Yes	Preliminary Site Engineering Plans: Yes
Vehicle and Pedestrian Circulation Plan: Yes	Construction Time Schedule: Yes
Landscaping and Grading Plan: Yes	Description of Uses, Hours & Traffic Volume: Yes

SEQRA: Unlisted

County Review: No

Zoning Information:	
District: Residence C	Maximum Lot Coverage: 40%
Setback Requirements: 20' front, 5' side, 25' rear	Buffer Zone Required: No

Project Overview: The applicant is requesting approval of the site plan for the construction of a 7,728 square foot boarding-house type residence with 7 bedrooms and 3 shared bathrooms. The building will be situated at the rear of large vacant parcel at 164 Breen Avenue. The site plan includes a small parking lot with 5 spaces, a driveway approximately 200 feet in length, small gardens between the parking lot and main doors, and a six-foot fence around the rear of the building.

Parking: The applicant provides 5 exterior parking spaces and 2 interior, for a total of 7. Code requires one space for each room or suite, plus 10%. Because there are 7 bedrooms, the applicant must provide 8 parking spaces. An additional space should be required as a condition of approval.

Pedestrian and Vehicle Circulation: The applicant proposes a new 20' wide driveway, approximately 200 feet in length, connecting the parking lot to Breen Avenue. Two sidewalks connect the front and rear entrances to the parking lot.

The parcel has two existing driveway entrances, which will be made obsolete. The applicant should remove the asphalt associated with these entrances and re-cover with topsoil and seed.

The proposed driveway entrance uses large, 20-foot turn radii. This causes the total cut at the curb line to be 55 feet. The applicant should reduce the turn radii so that the total curb cut is not more than 30 feet wide.

The street margin is wide enough to maintain the existing sidewalk grade across the curb cut, rather than lowering it several inches as proposed. The plans should be altered to either leave the existing sidewalk blocks in place, or install new 6" sidewalk blocks at the same grade.

Due to the recent completion of the Breen Avenue reconstruction project, and the shallow depth of the conduit in the margin, the existing curb shall remain in place—sawcut to achieve the necessary wipedown.

Utilities: The plans do not depict the underground fiber optic conduit in the Breen Avenue margin. The applicant must depict this conduit, and add a note requiring the contractor to use caution and soft-dig methods when excavating near the street.

Water and sanitary sewer service will be served by extending existing stubs, which were installed during the Breen Avenue reconstruction. No capacity issues are apparent.

Drainage & Grading: The proposed building and pavement will significantly increase the parcel's impervious area, creating additional runoff. Grassy swales are proposed to direct runoff to three catch basins which connect to the Breen Avenue sewer. The proposed drainage design is acceptable.

The applicant must add the existing storm sewer rim and invert elevations, pipe sizes, and pipe types to the plan—and must also provide a detail for connecting to the existing storm sewer manhole, specifying a rubber boot connection.

Assuming the proposed development disturbs 1.871 acres as listed in the SEQR questionnaire, this project will require the submission of a Stormwater Pollution Prevention Plan. The applicant must submit the SWPPP to the NYSDEC, and provide a copy to the City—or provide further documentation showing that the disturbed area is smaller than 1 acre.

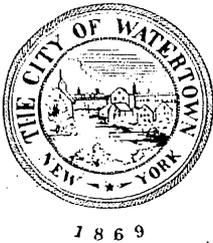
Landscaping: The applicant proposes planting 21 trees of varying species. No tree removal is specified. Plantings are evenly spaced throughout the yard, with some concentration near the parking lot and front entrance.

Summary:

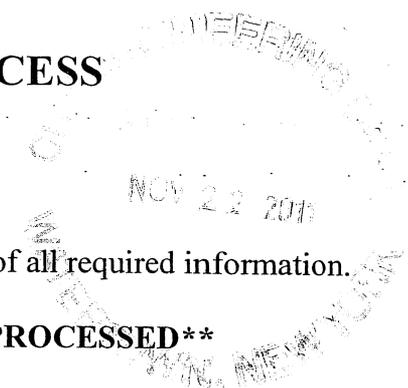
1. The applicant shall provide off street parking for one additional vehicle, thus providing eight total spaces.
2. The applicant shall remove asphalt from obsolete driveway entrances, and replace it with topsoil and seed.
3. The applicant shall reduce the turn radii of the driveway entrance such that the curb cut width is reduced to 30 feet or less.
4. The applicant shall maintain the existing sidewalk, or replace it at the same grade.
5. The existing curb shall remain in place along the proposed driveway entrance, sawcut to achieve the necessary wipedown.
6. The applicant shall depict the existing fiber optic conduit in the street margin, and add the following note to the plans: "The contractor shall use extreme caution and soft-dig methods when excavating in the street margin area."
7. The applicant shall add the existing sewer rim elevations, invert elevations, pipe sizes, and pipe types to the plan.

8. The applicant shall provide a detail for connection to the existing storm sewer, specifying a rubber-booted connection.
9. The applicant shall submit a Stormwater Pollution Prevention Plan to the Department of Environmental Conservation, and provide a copy to the City Engineer's office.

Cc: City Council Members
Robert J. Slye, City Attorney
Justin Wood, Civil Engineer II
Patrick Scordo, GYMO



CITY OF WATERTOWN SITE PLAN APPLICATION PROCESS



The applicant is responsible for completeness of application and inclusion of all required information.

****INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED****

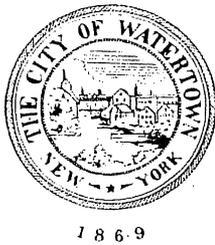
In order to expedite the Site Plan review process, all applicants are encouraged to have a pre-application meeting with Planning & Engineering staff. Staff can be reached at (315) 785-7740.

In the interest of expediting site plan approvals, the City of Watertown wishes to advise you of the procedures in applying for these referrals:

A. Fill out the Site Plan / Site Plan Waiver - Determination Flow Chart below:

1. Is the use a one, two, or three family dwelling?
 YES (Site Plan Review is **not** required. You may apply directly for Building Permit.)
 NO (Go to question 2)
2. Is your building or parking lot construction or expansion less than or equal to 400 sq. ft.?
 YES (Site Plan Review is not required. You may apply directly for Building Permit.)
 NO (Go to question 3)
3. Does your building or parking lot construction or expansion exceed 2500 sq. ft.?
 YES (Site Plan Review required. Submit the Site Plan Application Form.)
 NO (Go to question 4)
4. Is your proposed building the first on the lot?
 YES (Site Plan Review required. Submit the Site Plan Application Form.)
 NO (Go to question 5)
5. Does your project involve a change in the property boundaries?
 YES (Site Plan Review required. Submit the Site Plan Application Form.)
 NO (Go to question 6)
6. Does your building or parking lot construction or expansion change or impair the overall grading, circulation, drainage, utility services, and appearance and visual effect of the property?
 YES (Site Plan Review required. Submit the Site Plan Application Form.)
 NO (*Site Plan Waiver allowed. Submit the Site Plan Waiver Form.)

* The City of Watertown Planning Board reserves the right to require Site Plan Review.



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

** Provide responses for all sections. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED. Failure to submit required information by the submittal deadline will result in **not** making the agenda for the upcoming Planning Board meeting.

PROPERTY LOCATION

Proposed Project Name: BREEN AVENUE RESIDENCE
Tax Parcel Number: 7-14-119
Property Address: 164 BREEN AVENUE
Existing Zoning Classification: RESIDENTIAL C

OWNER OF PROPERTY

Name: OJI, LLC
Address: _____
Telephone Number: _____
Fax Number: _____

APPLICANT

Name: PATRICK J. SORDO, P.E.
Address: 220 STERLING STREET
WATERTOWN, NY 13601
Telephone Number: (315) 788-3900
Fax Number: (315) 788-0668
Email Address: PAT@GYMOPL.COM

ENGINEER/ARCHITECT/SURVEYOR

Name: PATRICK J. SORDO
Address: 220 STERLING STREET
WATERTOWN, NY 13601
Telephone Number: (315) 788-3900
Fax Number: (315) 788-0668
Email Address: PAT@GYMOPL.COM

PROJECT DESCRIPTION

Describe project and proposed use briefly:

7,728 SF RESIDENCE W/ RELATED UTILITIES
AND APPURTENANCES

Is proposed Action:

New Expansion Modification/Alteration

Amount of Land Affected:

Initially: 1,871 Acres Ultimately: 1,871 Acres

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

Yes No If no, describe briefly

What is present land use in vicinity of project?

Residential Industrial Commercial Agriculture
 Park/Forest/Open Space Other

Describe: PRIMARILY RESIDENTIAL

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

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

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

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

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

Yes No

Proposed number of housing units (if applicable): N/A

Proposed building area: 1st Floor 7,728 Sq. Ft.

2nd Floor — Sq. Ft.

3rd Floor — Sq. Ft.

Total 7,728 Sq. Ft.

Area of building to be used for the boiler room, heat facilities, utility facilities
and storage: 744 Sq. Ft.

Number of parking spaces proposed: 5

Construction Schedule: COMMENCE SPRING 2012

Hours of Operation: 24 HOURS

Volume of traffic to be generated: NEGLECTIBLE ADT

REQUIRED DRAWINGS:

** The following drawings with the listed information **ARE REQUIRED, NOT OPTIONAL**. If the required information is not included and/or addressed, the Site Plan Application will **not** be processed.

ELECTRONIC COPY OF ENTIRE SUBMISSION (PDF preferred)

BOUNDARY & TOPOGRAPHIC SURVEY

(Depict existing features as of the date of the Site Plan Application. This Survey and Map must be performed and created by a Professional Land Surveyor licensed and currently registered to practice in the State of New York. This Survey and Map must be stamped and signed with an original seal and signature on at least one copy, the rest may be copies thereof.

All elevations are National Geodetic Vertical Datum of 1929 (NGVD29).

1' contours are shown & labeled with appropriate spot elevations.

All existing features on and within 50 feet of the subject property are shown and labeled.

All existing utilities on and within 50 feet of the subject property are shown and labeled.

All existing easements and/or right-of-ways are shown and labeled.

Existing property lines (bearings & distances), margins, acreage, zoning, existing land use, reputed owner, adjacent reputed owners & tax parcel numbers are shown and labeled.

The north arrow & graphic scale are shown.

DEMOLITION PLAN (If Applicable)

All existing features on and within 50 feet of the subject property are shown and labeled.

All items to be removed are labeled in darker text.

SITE PLAN

All proposed above ground features are depicted and clearly labeled.

All proposed features are clearly labeled "proposed".

All proposed easements & right-of-ways are shown and labeled.

N/A

- Land use, zoning, & tax parcel number are shown.
- The Plan is adequately dimensioned including radii.
- The line work & text for all proposed features is shown darker than existing features.
- All vehicular & pedestrian traffic circulation is shown including a delivery or refuse vehicle entering and exiting the property. *N/A*
- Proposed parking & loading spaces including ADA accessible spaces are shown and labeled.
- Refuse Enclosure Area (Dumpster), if applicable, is shown. Section 161-19.1 of the Zoning Ordinance states, "No refuse vehicle or refuse container shall be parked or placed within 15 feet of a party line without the written consent of the adjoining owner, if the owner occupies any part of the adjoining property".
N/A
- The north arrow & graphic scale are shown.

GRADING PLAN

- All proposed below ground features including elevations & inverts are shown and labeled.
- All proposed above ground features are shown and labeled.
- The line work & text for all proposed features is shown darker than existing features.
- All proposed easements & right-of-ways are shown and labeled.
- 1' existing contours are shown dashed & labeled with appropriate spot elevations.
- 1' proposed contours are shown & labeled with appropriate spot elevations.
- All elevations are National Geodetic Vertical Datum of 1929 (NGVD29). *NAVD 88
STATIC GPS*
- Sediment & Erosion control are shown & labeled on the grading plan unless separate drawings have been provided as part of a Stormwater Pollution Prevention Plan (SWPPP).

UTILITY PLAN

- All proposed above & below ground features are shown and labeled.
- All existing above & below ground utilities including sanitary, storm water, water, electric, gas, telephone, cable, fiber optic, etc. are shown and labeled.
- N.A. All proposed easements & right-of-ways are shown and labeled.
- The Plan is adequately dimensioned including radii.
- The line work & text for all proposed features is shown darker than existing features.
- The following note has been added to the drawings stating, "All water main and service work must be coordinated with the City of Watertown Water Department. The Water Department requirements supercede all other plans and specifications provided."

LANDSCAPING PLAN

- All proposed above ground features are shown and labeled.
- All proposed trees, shrubs, and other plantings are shown and labeled.
- All proposed landscaping & text are shown darker than existing features.
- All proposed landscaping is clearly depicted, labeled and keyed to a plant schedule that includes the scientific name, common name, size, quantity, etc.
- For additional landscaping requirements where nonresidential districts and land uses abut land in any residential district, please refer to Section 310-59, Landscaping of the City's Zoning Ordinance. N/A
- Site Plan complies with and meets acceptable guidelines set forth in Appendix A - Landscaping and Buffer Zone Guidelines (August 7, 2007).**

PHOTOMETRIC PLAN (If Applicable)

- N/A
- All proposed above ground features are shown.
- Photometric spot elevations or labeled photometric contours of the property are clearly depicted. Light spillage across all property lines shall not exceed 0.5 foot-candles.

CONSTRUCTION DETAILS & NOTES

- All details and notes necessary to adequately complete the project including, but not limited to, landscaping, curbing, catch basins, manholes, water line, pavement, sidewalks, trench, lighting, trash enclosure, etc. are provided.
- Maintenance & protection and traffic plans & notes for all required work within City streets including driveways, water laterals, sanitary laterals, storm connections, etc. are provided. *N/A*
- The following note must be added to the drawings stating:
“All work to be performed within the City of Watertown margin will require sign-off from a Professional Engineer, licensed and currently registered to practice in the State of New York, that the work was built according to the approved site plan and applicable City of Watertown standards. Compaction testing will be required for all work to be performed within the City of Watertown margin and must be submitted to the City of Watertown Codes Department.”

PRELIMINARY ARCHITECTURAL PLANS (If Applicable)

- Floor plan drawings, including finished floor elevations, for all buildings to be constructed are provided.
- Exterior elevations including exterior materials and colors for all buildings to be constructed are provided.
- Roof outline depicting shape, slope and direction is provided.

ENGINEERING REPORT

**** The engineering report at a minimum includes the following:**

- Project location
- Project description
- Existing & proposed sanitary sewer flows & summary
- Water flows & pressure
- Storm Water Pre & Post Construction calculations & summary
- Traffic impacts
- Lighting summary *N/A*
- Landscaping summary

GENERAL INFORMATION

ALL ITEMS ARE STAMPED & SIGNED WITH AN ORIGINAL SIGNATURE BY A PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR SURVEYOR LICENSED AND CURRENTLY REGISTERED TO PRACTICE IN THE STATE OF NEW YORK.

If required, a copy of the Stormwater Pollution Prevention Plan (SWPPP) submitted to the NYSDEC will also be sent to the City of Watertown Engineering Department. *N/A*

If required, a copy of all submittals sent to the New York State Department of Environmental Conservation (NYSDEC) for the sanitary sewer extension permit will also be sent to the City of Watertown Engineering Department
N/A

If required, a copy of all submittals sent to the New York State Department of Health (NYSDOH) will also be sent to the City of Watertown Engineering Department. *N/A*

Signage will not be approved as part of this submission. It requires a sign permit from the Codes Department. See Section 310-52.2 of the Zoning Ordinance. *N/A*

Plans have been collated and properly folded.

Explanation for any item not checked in the Site Plan Checklist.

- Items not checked were not applicable to this residence.

Completed SEQR – Short Environmental Assessment Form – Part I.

*A copy of the SEQR Form can be obtained from the City of Watertown website.

SIGNATURE

I certify that the information provided above is true to the best of my knowledge.

Applicant (please print) PATRICK J. SCORDO

Applicant Signature Patrick J. Scordo Date: 11-22-11

B. SITE PLAN APPROVAL SUBMITTAL REQUIREMENTS*

1. **3 complete, collated sets of the site plan application package** that includes the following documents:
 - a. Cover letter explaining the proposal.
 - b. Completed Site Plan Application Form.
 - c. Full size copies of all required plans (24"x36"), including 1 stamped & signed original.
 - d. Engineering Report.
2. **13 complete, collated sets of the site plan application package** that includes the following documents:
 - a. Cover letter explaining the proposal.
 - b. Completed Site Plan Application Form.
 - c. Reduced size copies of all required plans (11"x17") if they are legible. (otherwise submit full size sets)
3. **An electronic (pdf) copy** of the entire site plan application package to include the following:
 - a. A single, combined pdf containing the cover letter, the site plan application form and the Engineering Report.
 - b. A single, combined pdf containing all of the plan sheets and drawings.
 - c. The pdf may be submitted via email or on a CD.

Note: When Jefferson County Planning Board (239-M) Review is necessary, one additional full size set as described in # 1 above is required.

*Planning Board Recommendation and City Council Approval is required for Site Plans.

C. WAIVER OF SITE PLAN APPROVAL SUBMITTAL REQUIREMENTS**

1. **2 complete, collated sets of the site plan application package** that includes the following documents:
 - a. Cover letter explaining the proposal.
 - b. Completed Site Plan Waiver Application Form.
 - c. Full size copies of all required plans (24"x36"), including 1 signed original.
2. **8 complete, collated sets of the site plan application package** that includes the following documents:
 - a. Cover letter explaining the proposal.
 - b. Completed Site Plan Waiver Application Form.
 - c. Reduced size copies of all required plans (11"x17") if they are legible. (otherwise submit full size sets)
3. **An electronic (pdf) copy** of the entire site plan waiver application package to include the following:
 - a. A single, combined pdf containing the cover letter and the site plan waiver application form.
 - b. A single, combined pdf containing all of the plan sheets and drawings.
 - c. The pdf may be submitted via email or on a CD.

** Site Plan Approval of City Council may be waived by the City Planning Board.

D. Address submittals to:

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

E. A **\$50.00** application fee must accompany the submittal.

A **\$50.00** application fee must accompany each resubmittal. You will be notified by the Engineering Department if an application requires a resubmittal.

Make checks payable to the City of Watertown.

F. All Site Plan submittals must be received by the City Engineer at least 14 calendar days prior to the next Planning Board Meeting; 21 calendar days if Jefferson County Planning Board action is necessary. Failure to meet the submittal deadline will result in **not** making the agenda for the upcoming Planning Board Meeting. **THERE ARE NO EXCEPTIONS.** The City Planning Board meets on the first Tuesday of each month at 4:00 P.M. in the City Council Chambers on the 3rd Floor of City Hall.

G. 2011 Meeting Schedules.

CITY OF WATERTOWN PLANNING BOARD 2011 (1 ST TUES. MONTH @ 4 PM)		CITY OF WATERTOWN CITY COUNCIL 2011 (1 ST & 3 RD MONDAY @ 7 PM)		JEFFERSON COUNTY PLANNING BOARD 2011 (LAST TUES. MONTH)	
MEETING DATE	DEADLINE	MEETING DATE		MEETING DATE	DEADLINE
Jan. 4	Dec. 21	Jan. 3, 18		Jan. 25	Jan. 11
Feb. 1	Jan. 18	Feb. 7, 22		Feb. 22	Feb. 8
March 1	Feb. 15	March 7, 21		March 29	March 15
April 5	March 22	Apr. 4, 18		April 26	April 12
May 3	April 19	May 2, 16		May 24	May 10
June 7	May 24	Jun. 6, 20		June 28	June 14
July 5	June 21	July 5, 18		July 26	July 12
Aug. 2	July 19	Aug. 1, 15		Aug. 30	Aug. 16
Sept. 6	Aug. 23	Sept. 6, 19		Sept. 27	Sept. 13
Oct. 4	Sept. 20	Oct. 3, 17		Oct. 25	Oct. 11
Nov. 1	Oct. 18	Nov. 7, 21		Nov. 29	Nov. 15
Dec. 6	Nov. 22	Dec. 5, 19		Dec. 27	Dec. 13

Excerpt from 12/6/11 Planning Board Meeting Minutes

SITE PLAN REVIEW – RESIDENCE 164 BREEN AVENUE – PARCEL 7-14-119

The Planning Board then considered a request submitted by Patrick Scordo of GYMO, PC for construction of a 7,728 square foot residence at 164 Breen Avenue, parcel 7-14-119.

Ryan Churchill, Ed Olley, and Elaina Marra were present to represent the applicant.

Mr. Churchill approached the Board to respond to the summary items in the Staff Report. Before he began, Mr. Fontana asked if any fencing was going to be replaced. Mr. Churchill stated that the only fence being construction was the 6 foot semicircular fence in the back yard. He continued, explaining that a parking spot had been added to a revised drawing, along with notes requiring the removal of asphalt from obsolete driveway entrances, reduction of the curb cut size, preservation of the current sidewalk grade, and use of a rubber-booted manhole connection.

Mr. Churchill explained that they still want to replace the sidewalk at the same grade with thicker concrete, since cars will now be driving over it. Mr. Wood said that this is acceptable.

Mr. Churchill said that they would sawcut the curb for the new entrance, and asked Mr. Wood about the conduit running behind the curb.

Mr. Wood stated that DPW was going to dig out the existing conduit and replace it at a greater depth. The plans should require the contractor to coordinate with DPW regarding this conduit.

Mr. Churchill said that this was acceptable. He continued, saying that he was planning to re-calculate the disturbed areas for the purposes of the SWPPP, and try to confirm that it is less than one acre. He explained that GYMO will issue a new set of plans with all the changes in place.

Mrs. Freda asked if there were issues of confidentiality that caused the information regarding the use of this property to be sparse. Mrs. Marra confirmed that this was the case.

Mr. Harris mentioned that there are 20 beds in the proposed facility, and only 8 parking spaces. Even though this meets code, it seems low.

Mrs. Marra responded that many of the residences will not bring automobiles with them. Typically the building will only be 50% full, and many of those will be children or adults dependent on public transit.

Mr. Fontana asked about staffing. Mrs. Marra stated that the building is staffed 24 hours per day, 7 days per week, by a total of 4 employees. The staff is there to enforce rules that help ensure safety of the residents and the neighbors—for example, signing in and out of residents, locking doors, and prohibiting overnight absences.

Mrs. Freda asked what the typical duration of a resident's stay would be. Mrs. Marra responded that the average is five to ten days. She also mentioned that there will be no delivery trucks.

Anthony Doldo of 119 Breen Avenue approached the Board. He expressed concern on behalf of himself and some other neighbors regarding the size and conspicuousness of the structure. He said that he appreciates the purpose of the building and the organization within, but he and his cohorts are worried about the affect on the quality of the neighborhood and the resale value of their homes. He said that he had been in contact with a real estate agent regarding this issue.

Mrs. Freda said that she was also concerned about the size. Mrs. Marra said that it will not be institutional in appearance, and should fit in with the neighborhood despite being rather large. Mr. Olley added that the goal of the large setback was keep the visual size from the street similar to other building on the block.

Mr. Harris mentioned that this is a large house, but it is also a large parcel—at nearly two acres.

Mr. Doldo again reminded the Board of his concerns regarding property values, and also the risk of attracting violence due to the nature of the occupancy.

Mr. Mix reminded the Board the use is allowed as of right in the Residence C district, and the purpose of this review is only to ensure an acceptable layout.

Mr. Olley asked what other uses might be allowed in this district. Mr. Mix listed several—pointing out that a multi-family building with up to 30+ units could theoretically be built on the parcel.

Mrs. Freda asked what the disposition of the building might be, if it were no longer needed. Mr. Olley said that it could be sold as a single-family residence.

Mr. Harris then moved to approve the site plan submitted by Patrick Scordo of GYMO, PC for construction of a 7,728 square foot residence at 164 Breen Avenue, parcel 7-14-119, with the following ten conditions:

1. The applicant shall provide off street parking for one additional vehicle, thus providing eight total spaces.
2. The applicant shall remove asphalt from obsolete driveway entrances, and replace it with topsoil and seed.
3. The applicant shall reduce the turn radii of the driveway entrance such that the curb cut width is reduced to 30 feet or less.

4. The applicant shall maintain the existing sidewalk, or replace it at the same grade.
5. The existing curb shall remain in place along the proposed driveway entrance, sawcut to achieve the necessary wipedown.
6. The applicant shall depict the existing fiber optic conduit in the street margin, and add the following note to the plans: "The contractor shall use extreme caution and soft-dig methods when excavating in the street margin area."
7. The applicant shall coordinate with the City regarding the lowering of the conduit prior to installation of the driveway entrance.
8. The applicant shall add the existing sewer rim elevations, invert elevations, pipe sizes, and pipe types to the plan.
9. The applicant shall provide a detail for connection to the existing storm sewer, specifying a rubber-booted connection.
10. The applicant shall either submit a Stormwater Pollution Prevention Plan to the Department of Environmental Conservation (copy to the City Engineer's office), or provide calculations showing the disturbed area to be less than one acre.

Mr. Coburn seconded, all voted in favor with Mrs. Gervera abstaining.

Mr. Olley then appealed to those in the room to exercise discretion regarding the dissemination of information regarding this project.

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

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

1. APPLICANT/SPONSOR GYMO, P.C.	2. PROJECT NAME BREEN AVENUE RESIDENCE
3. PROJECT LOCATION: Municipality CITY OF WATERTOWN County JEFFERSON	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 164 BREEN AVENUE	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: 7,728 SF TEMPORARY RESIDENCE	
7. AMOUNT OF LAND AFFECTED: Initially 1.871 acres Ultimately 1.871 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: RESIDENTIAL NEIGHBORHOOD	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
12. AS A RESULT OF PROPOSED ACTION, WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: GYMO & PATRICK J. SCARDINO	Date: 11 22 11
Signature: Patrick J. Scardino	

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

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?

If yes, coordinate the review process and use the FULL EAF.

Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If NO, a negative declaration may be superseded by another involved agency.

Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

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

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

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

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

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

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

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?

Yes No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

Yes No If yes, explain briefly

PART III – DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

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)

Date

December 15, 2011

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

The City has received the monthly sales tax revenue numbers from Jefferson County. In comparison to November 2010, the November 2011 sales tax numbers are up \$4,847 or 0.40%, actual to actual. In comparison to our original budget projection for the month of November, the sales tax numbers are down (\$29,570) or -2.39%.

The year to date actual to actual receipts are up \$317,702 or 4.76%, year to date budget to actual receipts are up \$126,826 or 1.85%. Year to date revenues for the current Fiscal Year are \$6,989,799.

The attached spreadsheet shows the detail collections for this year and last year, along with the budgeted numbers. Collections for Fiscal Year's 2007-2008; 2008-2009; 2009-10, and 2010-2011 have been added to provide historical prospective.

Please note that this is a monthly estimate issued by the State, and the true-up will be done in the payment we receive in January 2012.

	<u>Actual 2007-08</u>	<u>Actual 2008-09</u>	<u>Actual 2009-10</u>	<u>Actual 2010-11</u>	<u>Actual 2011-12</u>	<u>Variance</u>	<u>% Inc/(Dec)to Prior Year</u>
July	\$ 1,202,556	\$ 1,276,583	\$ 1,054,235	\$ 1,294,030	\$ 1,359,433	\$ 65,403	5.05%
August	\$ 1,150,965	\$ 1,268,437	\$ 1,111,868	\$ 1,250,127	\$ 1,319,714	\$ 69,587	5.57%
September	\$ 1,777,545	\$ 1,529,231	\$ 1,805,736	\$ 1,777,374	\$ 1,886,899	\$ 109,525	6.16%
October	\$ 1,041,228	\$ 1,103,267	\$ 1,081,394	\$ 1,147,531	\$ 1,215,872	\$ 68,341	5.96%
November	\$ 1,089,851	\$ 1,106,240	\$ 1,056,203	\$ 1,203,035	\$ 1,207,881	\$ 4,847	0.40%
December	\$ 1,554,307	\$ 1,413,485	\$ 1,606,018	\$ 1,681,408	\$ -	\$ -	0.00%
January	\$ 1,055,815	\$ 1,073,261	\$ 1,103,884	\$ 1,213,794	\$ -	\$ -	0.00%
February	\$ 925,894	\$ 843,971	\$ 921,272	\$ 984,089	\$ -	\$ -	0.00%
March	\$ 1,591,250	\$ 1,458,063	\$ 1,572,098	\$ 1,445,902	\$ -	\$ -	0.00%
April	\$ 1,044,484	\$ 954,271	\$ 1,121,188	\$ 1,190,708	\$ -	\$ -	0.00%
May	\$ 1,070,945	\$ 960,159	\$ 1,079,512	\$ 1,164,270	\$ -	\$ -	0.00%
June	\$ 1,689,660	\$ 1,479,763	\$ 1,709,687	\$ 1,654,800	\$ -	\$ -	0.00%
YTD	<u>\$ 15,194,501</u>	<u>\$ 14,466,732</u>	<u>\$ 15,223,095</u>	<u>\$ 16,007,069</u>	<u>\$ 6,989,799</u>	<u>\$ 317,702</u>	<u>4.76%</u>

Original Budget 2011-

	<u>12</u>	<u>Actual 2011-12</u>	<u>Variance</u>	<u>%</u>
July	\$ 1,331,050	\$ 1,359,433	\$ 28,383	2.13%
August	\$ 1,285,891	\$ 1,319,714	\$ 33,823	2.63%
September	\$ 1,828,221	\$ 1,886,899	\$ 58,677	3.21%
October	\$ 1,180,359	\$ 1,215,872	\$ 35,512	3.01%
November	\$ 1,237,451	\$ 1,207,881	\$ (29,570)	-2.39%
December	\$ 1,729,510	\$ -	\$ -	0.00%
January	\$ 1,248,519	\$ -	\$ -	0.00%
February	\$ 1,012,242	\$ -	\$ -	0.00%
March	\$ 1,487,266	\$ -	\$ -	0.00%
April	\$ 1,224,772	\$ -	\$ -	0.00%
May	\$ 1,197,578	\$ -	\$ -	0.00%
June	\$ 1,702,142	\$ -	\$ -	0.00%
YTD	<u>\$ 16,465,000</u>	<u>\$ 6,989,799</u>	<u>\$ 126,826</u>	<u>1.85%</u>

December 13, 2011

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Elected and Appointed Officials, NYS Retirement System,
New Regulation Reporting Requirements

In August 2009, the New York State Retirement System adopted new regulations for the establishment of a standard work day and the reporting of days worked for elected and appointed officials, who are elected or appointed to a new term. This year, this requirement will affect the Mayor and City Council Members who are sworn into a new term of office, and are also members of the NYS Retirement System.

I've attached for your review, a summary of the reporting requirements; a description of the standard work day and reporting resolution; a write-up on keeping a record of activities; and a list of questions and answers prepared by the State Retirement System.

Based on the new regulations, by July 2, 2012, the City Council will need to adopt a resolution that includes the title and the standard work day for each of its members, the resolution must also:

- Identify the term of office and expiration for each elected official;
- Attest that each official has submitted a sample three-month log or time sheets of actual time worked; and
- Specify the number of days per month to be reported for each official based on his or her log.

In order to have the information needed to draft this resolution, members of the City Council who are members of the Retirement System must prepare a record of work-related activities (log) for three consecutive months within 150 days of the start of a new term or appointment. For 2012 the logs must be completed by May 29th.

These records must be submitted to the City Clerk, who must retain the record of activities for a period of at least 10 years. The required resolution must be adopted at the first regular meeting held after 180 days of term's beginning. Therefore the records of activities must be submitted to the City Clerk no later than June 18, 2012.

I've attached an example of one month of an Elected Official's Record of Activities for your review along with calendars for the months of January through May 2012. Please review the guidelines for activities that are / are not considered work-related to determine which of your activities should be reported.

Once adopted, the resolution must be posted on our website for at least 30 days, and an affidavit of the posting and a copy of the resolution must be filed by the City Clerk with the Office of the State Comptroller within 45 days of adoption.

A Step-by-Step Guide for Appointed/Elected Officials

New Regulation 315.4 outlines additional reporting requirements for elected or appointed officials and more clearly defines the process for reporting time worked by those officials. The regulation became effective August 12, 2009.

Whether you are an elected or appointed official, member of a governing board or secretary or clerk, we think you'll find this step-by-step guide a helpful resource.

Responsible Party	Responsibility	Deadlines & Details
Elected or Appointed Official*	Keeps three-month record of work activities.	Starts record when term or appointment begins. Record must be complete within 150 days of taking office.
Elected or Appointed Official*	Submits record to secretary or clerk of the governing board.	Record must be submitted within 180 days of taking office.
Governing Board	Adopts the Standard Work Day and Reporting Resolution.**	At first regular meeting held after 180 days of term's beginning.
Governing Board	Posts resolution on the employer's website or, if no website is available to the public, on the official sign-board or at the main entrance to the clerk's office or similar office.	Resolution must be posted for a minimum of 30 days.
Secretary or Clerk	Files a certified copy of the resolution and affidavit of posting with the Office of the State Comptroller.	Certified copy and affidavit of posting must be filed within 45 days of resolution's adoption.
Secretary or Clerk	Retains records of work activities for 10 years.	
Secretary or Clerk	Provides complete copies to the Comptroller upon his or her request.	

* Elected and appointed officials are required to keep a record of work activities if:

- They are members of the Retirement System and
- They do not participate in an employer's time keeping system that shows hours worked. (This includes systems that keep track of accruals used and attest that, other than time charged to accruals, full hours were worked.)

Officials who are not Retirement System members do not need to prepare a record.

** The Standard Work Day and Reporting Resolution ensures days worked reported to the Retirement System are correct. It establishes the number of hours in a standard work day for each elected or appointed office and must also state:

- The term expiration;
- That the employer maintains daily records of time worked or the official has submitted a record of work activities to the clerk or secretary;
- The total number of days per month to be reported for each official.

If the governing board does not adopt a resolution, the official's service credit and membership benefits are suspended until the resolution is adopted, posted and filed.

Decision Tree

DAY 1 If Your Term of Office or Appointment To Office Begins On...	DAY 150 Your Log Should Be Completed By	DAY 180 Submit Your Log To Clerk By
August 12, 2009	January 8, 2010	February 7, 2010
January 1, 2010*	May 30, 2010	June 29, 2010
April 1, 2010	August 28, 2010	September 27, 2010
July 1, 2010	November 27, 2010	December 27, 2010
January 1, 2011	May 30, 2011	June 29, 2011
April 1, 2011	August 28, 2011	September 27, 2011
July 1, 2011	November 27, 2011	December 27, 2011

* As an example, a County Sheriff who is elected on Tuesday, November 3, 2009 would begin his/her new four-year term on January 1, 2010.

About the Regulation

[Overview](#)

[Changes to Reporting Requirements](#)

[Your Record of Work Activities \(Log\)](#)

[The Standard Work Day and Reporting Resolution](#)

[Frequently Asked Questions](#)

[Contact Us](#)

Resources

[Step-by-Step Guide \(pdf\)](#)

[Record of Work Activities Example \(pdf\)](#)

[Work-Related & Non-Work-Related Activities \(pdf\)](#)

[Decision Tree — Due Dates for Your Log](#)

[Sample Standard Work Day and Reporting Resolution \(pdf\)](#)

[Sample Affidavit of Posting \(pdf\)](#)

[Regulation 315.4 \(pdf\)](#)

Frequently Asked Questions

Q: I've never been asked to keep a record of activities before. Was I supposed to?

A: Since 1976, every elected or appointed official who is a member of the Retirement System has been required to keep a record of work activities and submit it to his/her governing board if you do not participate in your employer's time keeping system which shows hours worked. (This includes systems that keep track of accruals used and attest that, other than time charged to accruals, full hours were worked.)

Q: When do I have to submit my record of activities to the clerk of the governing board?

A: Effective August 12, 2009, you have to prepare your log within 150 days of the start of a new term or appointment, and you have to submit it to the clerk no later than 180 days of taking office. See our [decision tree](#) for help determining what to do and when to do it.

Q: My term of office began before August 12, 2009. What does this new regulation mean to me? How do I comply with it?

A: The first time these new requirements will affect those who are currently serving as elected or appointed officials will be the start of the term after their next election/appointment to office.

Q: Do I have to submit a record of my work activities if my term of office began before August 12, 2009?

A: You still have to keep a log and submit to your governing board. Since your term began prior to August 12, 2009, you are only required to keep a log for one month. We encourage everyone to keep a three-month log, but the regulation doesn't require this until the start of the term after your next election/appointment to office.

Q: I was appointed to my position prior to August 12, 2009 and serve continuously. Will the new regulation apply to me?

A: Yes. Your term is considered to be coterminous with your appointer's term of office. You will need to comply with the requirements of the new regulation at the beginning of your appointer's term after his or her next election or appointment to office.

Q: What should I do if I take a two week vacation during the three-month time period when I'm keeping a record of my work activities?

A: You should extend your record by two weeks.

Q: I already submit time sheets. Do I also need to keep a log?

A: Not if your time sheets track the actual hours you've worked. Like the regulation it amends, new regulation 315.4 does not require officials who already submit records of the time they've worked to keep a log.

Q: Could you give me examples of activities that are, and are not, considered work-related?

A: Work-related activities can include attending an employer-sponsored event, addressing constituent matters and responding to an emergency. Activities that should be excluded from your log are hours spent attending electoral and campaign events, attending a candidates forum, on call time and time spent socializing after board meetings.

Q: I know that I cannot receive service credit for electoral fundraisers, but how about other events like attending testimonial dinners or fundraising events for not-for-profit organizations?

A: An event can be included on your [record of activities \(log\) \(pdf\)](#), if you attended in your capacity as an elected or appointed official — not as a private citizen. For example, a testimonial dinner at which you presented a formal proclamation would be considered work-related and could be included in your log. However, a fundraising dinner for a not-for-profit organization on whose board you sit as a private citizen cannot be included.

Q: What should I do if, after preparing a record of work activities for three consecutive months, I decide that the log isn't a good representation of the time I actually work?

About the Regulation

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[Changes to Reporting Requirements](#)

[Your Record of Work Activities \(Log\)](#)

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Resources

[Step-by-Step Guide \(pdf\)](#)

[Record of Work Activities Example \(pdf\)](#)

[Work-Related & Non-Work-Related Activities \(pdf\)](#)

[Decision Tree — Due Dates for Your Log](#)

[Sample Standard Work Day and Reporting Resolution \(pdf\)](#)

[Sample Affidavit of Posting \(pdf\)](#)

[Regulation 315.4 \(pdf\)](#)

A: You can submit a new record of work activities for a different three-month period.

Q: Do I need to keep a log each time I begin a new term?

A: If you feel a previously submitted three-month log is still representative of the time you actually work, you can certify in writing that your duties, responsibilities and hours have not changed substantially. You would submit your written certification to the governing board no later than 180 days of taking office. A record of work activities can be valid for up to eight years.

Q: Who can I contact if I have questions about following these new regulations?

A: You can always email our Member & Employer Services Bureau if you are unsure about how to correctly comply with this new regulation.

Elected and Appointed Officials

Keeping a Record of Activities (Log)

Since elected and appointed officials do not usually work a fixed schedule or have pre-set work hours, they must keep a record of their work-related activities so you can accurately determine the number of days worked to report.

Effective August 12, 2009, each elected or appointed official who is a member of the Retirement System and who does not participate in your time and attendance system must prepare a record of work-related activities (log) for three consecutive months within 150 days of the start of a new term or appointment.

The log must contain a daily detail of hours worked and duties performed that are directly related to the elected or appointed position, including official duties performed outside normal business hours. Activities can include attending an employer-sponsored event, addressing constituent concerns and responding to an emergency. Activities that would **not** be considered work-related include time attending electoral and campaign events, time spent socializing after town board meetings, attendance at a candidates forum and on call time.

By certifying that a previously submitted three-month log is still representative of time worked, officials elected or appointed to new terms will not have to keep a new log for up to eight years. If an official who believes their initial three-month log is not representative of the average number of hours worked, he or she may submit a new record of activities for an alternative three-month period.

A new record of activities should be kept periodically to ensure the accuracy of the days worked being reported or

- If the number of hours worked changes or
- When a new person is elected or appointed to the position.

Please note: the legislative clerk or secretary must retain each record of activities for a period of at least ten years and provide full and complete copies to the Office of the State Comptroller upon request.

Reviewing the Record and Calculating Days Worked

Before you can properly determine the number of days worked to report, you must know:

- The standard work day for that member's position and
- The total hours that member worked during the reporting period.

After an elected or appointed official completes his or her record of activities, the governing board must review it to determine:

- If the activities listed constitute reasonable and appropriate work for the position and
- If the hours reported seem appropriate for the duties.

Once approved, you must keep the record of activities on file.

Now that you know the standard work day for the position and the number of hours the official typically works in a three-month period, you can calculate the number of days to report. Divide the total number of hours approved by the governing board by three to find the average number of monthly hours worked. Next divide the monthly average by the standard work day. The result is the number of days you report each month.

Formula:

$$\begin{array}{l} \text{Approved number of} \\ \text{hours on the record} \\ \text{of activities} \end{array} \div 3 \div \begin{array}{l} \text{Number of hours in the} \\ \text{standard work day} \end{array} = \begin{array}{l} \text{Number of days worked to} \\ \text{be reported (rounded up to} \\ \text{2 decimal points)} \end{array}$$

Example:

$$\begin{array}{l} 186 \text{ approved} \\ \text{hours on the record} \\ \text{of activities} \end{array} \div 3 \div 6 \text{ hour standard work day} = \begin{array}{l} 10.34 \text{ days to include on} \\ \text{the monthly report} \\ (10.333 \text{ rounded up to 2} \\ \text{decimal points}) \end{array}$$

Example of One Month of an Elected/Appointed Official's Record of Activities

APRIL

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

<i>DO NOT INCLUDE ON CALL HOURS</i>						
3	4	5	6	7	8	9
	1:00-2:00 taxpayer meeting 2:00-3:00 return phone calls 12:00 mid - 1:00 emergency call re: dog warden	12:00-3:00 prepare speech for 4/6 luncheon 3:00-4:00 return phone calls	9:00-11:00 routine correspondence 1:00-3:00 guest speaker - luncheon mtg. 6:00-7:00 return phone calls	9:00-9:30 conference call with East and North Anytowns 9:30-12:00 prepare for meeting on 4/13 1:00-2:00 return phone calls	9:00-11:00 prepare speech and materials for 4/11 meeting 11:00-12:00 routine correspondence 4:00-5:00 return phone calls	9:00-12:00 committee meeting on zoning
	3 hrs.	4 hrs.	5 hrs.	4 hrs.	4 hrs.	3 hrs.
10	11	12	13	14	15	16
	8:00-10:00 guest speaker breakfast meeting Rotary Club 1:00-2:00 routine correspondence 2:00-3:00 return phone calls	9:00-11:00 meeting with attorney-board issues 11:00-12:00 return phone calls 7:00-10:00 Board meeting	9:00-10:00 travel to Anytown 10:00-1:00 meeting with East and North Anytowns 1:00-2:00 return travel 3:00-4:00 return phone calls	9:00-11:00 finalize minutes of meeting 4/13 and distribute 1:00-3:00 routine correspondence 3:00-4:00 return phone calls	9:00-12:00 budget preparation 12:00-1:00 return phone calls	
	4 hrs.	6 hrs.	6 hrs.	5 hrs.	4 hrs.	
17	18	19	20	21	22	23
	12:00-4:00 meeting with attorney-preparation for 4/25 meeting 6:00-7:00 return phone calls	9:00-12:00 budget preparation 1:00-3:00 preparation for meeting 4/21 3:00-4:00 return phone calls	10:00-12:00 routine correspondence 1:00-2:00 finalize arrangements for meeting 4/21 3:00-4:00 return phone calls 11:00-2:00 crisis meeting	1:00-3:00 luncheon meeting with West Anytown 5:00-6:00 return phone calls	11:00-12:00 finalize preparation for meeting 4/25 1:00-2:00 return phone calls	
	5 hrs.	6 hrs.	7 hrs.	3 hrs.	2 hrs.	
24	25	26	27	28	29	30
5:00-7:00 travel to meeting site	9:00-12:00 meeting session 1 Solid Waste Mgmt. with muni. assn. 1:00-3:00 session 2 5:00-8:00 dinner session and discussion	10:00-12:00 return travel 1:00-3:00 finalize meeting notes 3:00-4:00 return phone calls	11:00-12:00 budget preparation 12:00-2:00 opening day ceremony Little League 3:00-4:00 return phone calls	9:00-11:00 prepare for budget meeting tonight 12:00-1:00 return phone calls 7:00-10:00 budget meeting	12:00-2:00 routine correspondence 2:00-3:00 return phone calls	
2 hrs.	8 hrs.	5 hrs.	4 hrs.	6 hrs.	3 hrs.	

Appropriate Time

- Answering constituent phone calls or letters
- Attending town-sponsored forum
- Discussing issues with constituents while at market
- Town board and committee meetings
- Preparing for town board meetings

Inappropriate Time

- Time attending campaign events
- Attendance at political party rally/candidates forum
- On call time
- Board and committee meetings for private organizations
- Socializing after town board meeting

December 2011

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
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January 2012

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February 2012

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March 2012

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April 2012

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Sunday	Monday	Tuesday
1 1/365 New Year's	2 2/364	3 3/363
8 8/358	9 9/357	10 10/356
15 15/351	16 16/350 Martin Luther King, Jr. Day (US)	17 17/349
22 22/344	23 23/343 Lunar New Year	24 24/342
29 29/337	30 30/336	31 31/335

Wednesday	Thursday	Friday	Saturday
4 4/362	5 5/361	6 6/360	7 7/359
11 11/355	12 12/354	13 13/353	14 14/352
18 18/348	19 19/347	20 20/346	21 21/345
25 25/341	26 26/340	27 27/339	28 28/338

January 2012

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April 2012

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June 2012

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Sunday	Monday	Tuesday
5	36/330 Anniversary of the Constitution (M)	7 38/328
12	43/323 Lincoln's Birthday (US)	14 45/321 Valentine's Day
19	50/316	21 52/314
26	57/309	28 59/307
	27 58/308 Eastern Orthodox Lent begins	

Wednesday	Thursday	Friday	Saturday
1 32/334	2 33/333	3 34/332	4 35/331
8 39/327	9 40/326	10 41/325	11 42/324
15 46/320	16 47/319	17 48/318	18 49/317
22 53/313 Washington's Birthday (US) Ash Wednesday	23 54/312	24 55/311 Flag Day (M)	25 56/310
29 60/306			

February 2012

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March 2012

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April 2012

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May 2012

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June 2012

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July 2012

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Sunday	Monday	Tuesday
4 64/302	5 65/301	6 66/300
11 71/295 Daylight Saving Time begins	12 72/294	13 73/293
18 78/288	19 79/287	20 80/286 Spring begins
25 85/281	26 86/280	27 87/279

Wednesday	Thursday	Friday	Saturday
	1 61/305	2 62/304	3 63/303
7 67/299	8 68/298	9 69/297	10 70/296
14 74/292	15 75/291	16 76/290	17 77/289 St. Patrick's Day
21 81/285 Benito Juarez' Birthday (M)	22 82/284	23 83/283	24 84/282
28 88/278	29 89/277	30 90/276	31 91/275

March 2012

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April 2012

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May 2012

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June 2012

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July 2012

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August 2012

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Sunday	Monday	Tuesday
1 92/274 Palm Sunday	2 93/273	3 94/272
8 99/267 Easter	9 100/266 Easter Monday (C)	10 101/265
15 106/260 Eastern Orthodox Easter	16 107/259	17 108/258
22 113/253 Earth Day	23 114/252	24 115/251
29 120/246	30 121/245	

Wednesday	Thursday	Friday	Saturday
4 95/271	5 96/270	6 97/269 Good Friday Passover begins at sundown	7 98/268 Passover
11 102/264	12 103/263	13 104/262	14 105/261
18 109/257	19 110/256 Holocaust Remembrance Day	20 111/255	21 112/254
25 116/250 Administrative Professionals Day (C, US)	26 117/249	27 118/248	28 119/247

April 2012

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May 2012

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June 2012

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July 2012

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August 2012

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September 2012

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Sunday	Monday	Tuesday
		1 122/244 Labor Day (M)
6 127/239	7 128/238	8 129/237
13 134/232 Mother's Day (C, US)	14 135/231	15 136/230
20 141/225	21 142/224 Victoria Day (C)	22 143/223
27 148/218	28 149/217 Memorial Day, Observed (US)	29 150/216

Wednesday	Thursday	Friday	Saturday
2 123/243	3 124/242	4 125/241	5 126/240 Battle of Puebla (M)
9 130/236	10 131/235 Mother's Day (M)	11 132/234	12 133/233
16 137/229	17 138/228	18 139/227	19 140/226 Armed Forces Day (US)
23 144/222	24 145/221	25 146/220	26 147/219
30 151/215	31 152/214		

December 14, 2011

To: The Honorable Mayor and City Council
From: Kenneth A. Mix, Planning and Community Development Coordinator
Subject: 138 Court Street – Request for Proposals

Attached for City Council's information is a copy of the Request for Proposals for 138 Court Street that will be sent to people interested in acquiring and redeveloping the property. Proposals will be accepted until Tuesday, January 24, 2012, at 4:00 p.m.

City of Watertown
DOWNTOWN RENTAL APARTMENTS PROGRAM

REQUEST FOR PROPOSALS

138 Court Street



During the past several years, major improvements have been made in downtown Watertown with a combination of federal, state and local funding. The NYS-DOT has completed reconstruction of State Street and portions of Coffeen Street improving the entrances to the city from the east and from the west. At the same time, the city has rebuilt the Public Square with new paving, curbs and sidewalks and major upgrades to the underground utilities. Improvements have also been made along the riverfront with state funding under the Local Waterfront Revitalization Program; and that work is designed to build connections between the Public Square and new development along the river in order to bring activity back to the downtown area and support continued public and private investment in that part of the city.

One way to bring activity downtown is to increase the number of people who are living there. Efforts are being made to rehabilitate existing housing and create new apartments throughout the downtown area. That has been the focus of rehabilitation activities that have been promoted in recent years using federal and state funding that is available to the city and Neighbors of Watertown. Those efforts have created 27 new apartments on the upper floors of three commercial properties including 16 apartments in the Franklin Building, four apartments at 16 Public Square (Cahill's) and seven apartments at 101 Public Square (Rent-A-Zone).

Each of those projects was completed with a combination of public and private financing that was secured by the city and Neighbors of Watertown; and those resources are still available for projects that will create new affordable housing and attract new investment in businesses that will increase employment opportunities in downtown Watertown.

Other projects will be considered when the current property owners are ready to invest in redevelopment of their downtown commercial buildings; and funding applications can be developed specifically for each property. The city will also consider using the available resources to redevelop properties that are acquired by tax foreclosure. For those projects, it will be necessary to identify private developers who will complete each project when the necessary federal, state and local financing has been secured by the city and Neighbors of Watertown.

City of Watertown
DOWNTOWN RENTAL APARTMENTS PROGRAM

REQUEST FOR PROPOSALS
138 Court Street



The City of Watertown is accepting proposals from private individuals, corporations or partnerships who will acquire the property at 138 Court Street and redevelop the existing building for commercial and residential use. It is assumed that the ground floor will be marketed for retail commercial activity and the second floor may include a mix of commercial and/or residential uses while the third floor will be restricted to residential apartments.

138 Court Street is located in the Public Square Historic District where modifications to the existing structures are strictly limited to preserve the historic character of each building and enhance the district as a whole. It is expected that facade improvements will be included in each proposal and special funding will be available to help finance that work (see below). Those activities must be approved by the State Historic Preservation Office (SHPO).

The city and Neighbors of Watertown will submit applications in the 2012 competition for Community Development Block Grant (CDBG), HOME and New York Main Street (NYMS) funding to support this project; and those resources could total \$870,000 or more (depending on residential and commercial mix). Each of those programs includes restrictions and regulatory requirements that must be satisfied for the project (see outline on page 5). Developers will be expected to provide current financial statements and credit references to support those applications if any public funding will be used for the project.

Proposal Submission and Review:

Proposals will be accepted at the Community Development Office in City Hall until 4:00 PM on Tuesday, January 24, 2012. As a minimum, each proposal should include the information outlined below. Those details will be required to evaluate the feasibility of each proposal and eligibility for the public funding that will be required for the project.

1. **Purchase Price** - a cash payment (if applicable) to offset the real estate taxes that have been lost on the property.
2. **Developer Experience and Qualifications** - listing similar projects that have been completed by the developer. Include the location, number of apartments, square feet of commercial space, project cost and financing, ownership structure and management arrangements for each project.
3. **Project Proposal** - including the number of apartments, income limits and proposed rents for those apartments, plans for retail commercial space on the ground floor and other commercial space that may be included in the building. Proposed facade improvements and any exterior modifications to the building should also be detailed.
4. **Development Cost & Financing** - including the source of all cost estimates and detailed assumptions used to develop those estimates. Operating costs should be detailed in a pro forma income and expense projection with details of the terms for all financing that is proposed for the project.

All proposals will be reviewed and evaluated by the Planning & Community Development Office. That review is expected to be completed in 30-45 days to allow time for development of the applications that will be required to secure CDBG, HOME and NYMS funding for the project.

The City Council reserves the right to reject any or all of the proposals and to negotiate with the developer that is selected to modify details of the project and negotiate terms of the financing that is required for the project. All materials that are submitted with each proposal become the property of the city and there will be no compensation from the city for any costs incurred in developing proposals or negotiating the details of any proposal that is considered for redevelopment of the property at 138 Court Street.

Assistance in Developing Project Proposals:

Staff from the Planning & Community Development Office will be available to provide assistance for developers who are considering proposals for redevelopment of the property at 138 Court Street. They will assist in gathering information from other city offices (eg: assessment, taxes, utilities, etc.). They will also provide information about the terms that can be considered for CDBG, HOME and NYMS financing based on past experience with projects in Watertown and discussions with representatives of the funding agencies. Some of that work may be done by consultants who are retained by the city to prepare the federal and state applications and to administer those programs. Those activities will be coordinated by the Planning & Community Development Coordinator, Ken Mix, who can be contacted at 315/785-7730.

Selection of Preferred Developer:

The Planning & Community Development Office will compile a summary of the proposals received and make a recommendation to the City Council based on the following criteria:

- Feasibility - based on details of the proposal and experience of the developer
- Suitability for the available public financing (CDBG/HOME/NYMS)
- Benefit to city (number of apartments, job creation, purchase price & taxes)

Schedule:

The following schedule assumes that federal and state funding (CDBG/HOME/NYMS) will be required for the project and those resources will be secured from applications that are submitted in 2012. In the past, those applications were submitted in the spring, grant awards were announced in the fall and 24 months were allowed for completion of program activities. That schedule has been assumed for the 2012 competitions, subject to change by the funding agencies.

	2012				2013				2014			
Activity	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Selection of Preferred Developer	X											
Financing Applications	X	X										
Grant Awards (anticipated)			X									
Final Design & Bidding				X	X	X	X					
Financing Commitments						X	X					
Construction Period								X	X	X	X	

Proposals are due at City Hall on January 24, 2012. They will be reviewed during the next 30-45 days and consultation may be required to clarify details of each proposal and negotiate terms of the proposed financing. It is anticipated that a recommendation will be made to the City Council, which will name a preferred developer in March 2012.

Applications for CDBG, HOME, and NYMS funding will be prepared for submission in April and May 2012 (application deadlines are assumed based on past schedules). If those funding competitions are completed on schedule, grant awards are anticipated in August or September 2012. We will have 24 months from the grant award dates to complete the project.

The developer will be responsible for completion of final plans, specifications and construction documents subject to approval by the city and each funding agency. Other local and state approvals may also be required to satisfy federal, state and local regulations (eg: building permits, SHPO review).

Final commitment of the CDBG, HOME and NYMS financing will be made after bids are received when firm cost figures are known and all other financing commitments are in place. All construction activities must be completed by September 2014.

City of Watertown
DOWNTOWN RENTAL APARTMENTS PROGRAM

Applications will be prepared to secure federal and state funding in the 2012 competitions for Community Development Block Grant (CDBG), HOME and New York Main Street (NYMS) funding to support redevelopment of the property at 138 Court Street. Those funds can be combined to provide the financing that is outlined below:

<p>CDBG funds (up to \$360,000) can be used to help pay for improvements that are required to create new apartments on the upper floors of the building if more than half of those apartments will be occupied by tenants who qualify as low or moderate income (80% of the Median). CDBG funds can also be used to help prepare space to be rented for retail or office use if the commercial tenants who locate here will create new employment opportunities for low and moderate income persons. The CDBG financing will be structured as a loan that is repaid to the city on terms that are negotiated with the developer.</p>
<p>HOME funds (up to \$360,000) can be used to help pay for improvements that are required to create new apartments on the upper floors of the building; and that financing will be structured as a deferred payment loan that will not be repaid if the property owner complies with all program requirements during a ten year regulatory period. However, HOME funds cannot be used in the commercial areas; and all of the apartments must be occupied by lower income tenants (60% of the Median) if HOME financing is used for the project.</p>
<p>NYMS funds (up to \$150,000) can be used to help pay for facade improvements and other work required to redevelop the property at 138 Court Street. The NYMS grant must be matched by the developer using private funds or other non-state resources.</p>

Any additional cost beyond what can be financed with CDBG or HOME or NYMS funds must be covered by the developer from its own resources or private bank financing. Other terms and conditions will be imposed on the project to comply with applicable federal and state regulations, as follows:

<p>At least half of the 50% match required for NYMS financing must be provided by the developer using its funds or private financing.</p> <p>The property at 138 Court cannot be sold for ten years after the work is completed unless all outstanding loans are repaid and a portion of the grants are recaptured by the city and/or Neighbors of Watertown.</p> <p>The income limits and rent restrictions that are outlined above will be effective for a period of ten years after the work is completed on the project. The developer will be required to document compliance with those restrictions annually as a condition of the financing that is provided for the project.</p>

City of Watertown
DOWNTOWN RENTAL APARTMENTS PROGRAM

138 Court Street

The structure at 138 Court Street has been acquired by the city of Watertown in a tax foreclosure proceeding. It has been vacant since November 2008. The following details have been assembled in response to questions raised by potential developers who have toured the building recently. This list will be expanded to include the answers to other questions that are raised during the RFP process and updated information will be forwarded to each developer who registers at the Planning & Community Development Office.

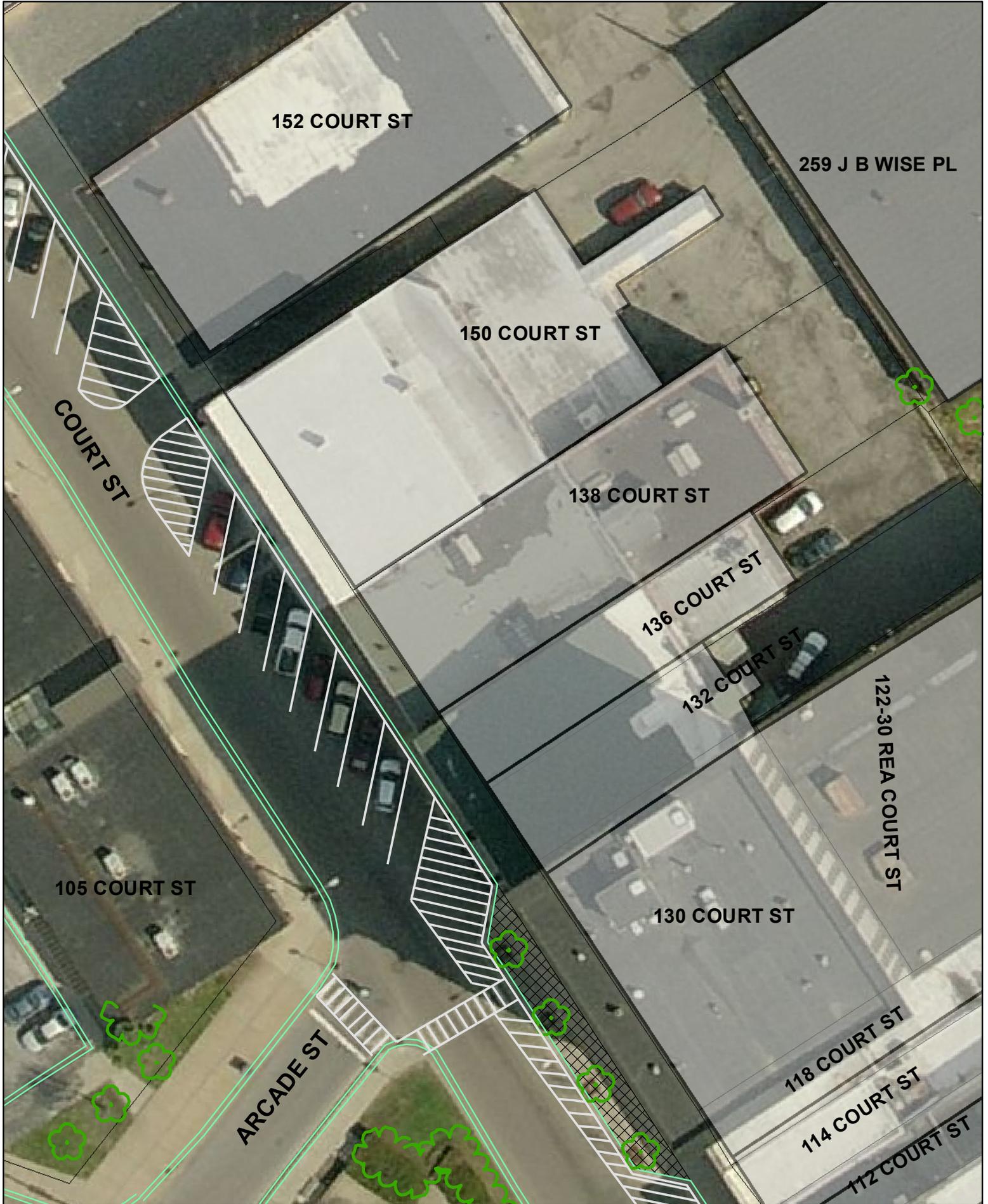
Building Age:	Built in the 1860's	
Floor Area:	Basement	5,160 square feet
	Ground Floor	5,160 square feet
	Second Floor	5,160 square feet
	Third Floor	<u>3,010</u> square feet
	Total	18,490 square feet
Current Assessment:	\$ 158,300	(95% equalization)
Real Estate Taxes:	\$1,061.40	(county @ \$6.704962/\$1,000)
	1,142.61	(city @ \$7.218/\$1,000)
	<u>1,535.50</u>	(school @ \$9.699955/\$1,000)
	\$3,739.51	Total

Note: The assessment has been reduced to \$89,100 for 2012 and the Assessor expects that the equalization rate will also go down next year. He has projected an assessment at \$690,000 when the property is redeveloped based on preliminary plans that include retail commercial space on the ground floor, office space in the front half of the second floor and seven apartments on the second and third floors with an estimated development cost of \$976,000.

The site plan on the next page shows the subject building in relation to its neighbors on Court Street. Additional mapping and information about site utilities can be obtained from the Planning & Community Development Office in City Hall.

Contact: Ken Mix, Planning & Community Development Coordinator
City Hall, 245 Washington Street, Watertown, NY 13601-3380
Telephone: 315/785-7730; Fax: 315/782-9014
Email: KMix@watertown-ny.gov

138 Court Street



CITY OF WATERTOWN

DOWNTOWN RENTAL APARTMENTS PROGRAM

HOUSEHOLD INCOME LIMITS FOR CDBG FINANCING ELIGIBILITY

Applicable to non-metropolitan areas in New York State

(Effective May 31, 2011)

<u>Family Size</u>	<u>Household Income Limit</u>
--------------------	-------------------------------

(80% of Median)

1 Person	\$ 31,450
2 Person	\$ 35,950
3 Person	\$ 40,450
4 Person	\$ 44,900
5 Person	\$ 48,500
6 Person	\$ 52,100
7 Person	\$ 55,700
8 Person	\$ 59,300

Income Limits for Households larger than Eight Persons are determined by adding \$3,600 for each additional person in the household. These figures are adjusted annually to match the Income Limits established by the U.S. Department of Housing and Urban Development for the Section 8 Rental Assistance Program.

Source: HUD NOTICE PDR-2011-02 dated May 31, 2011

From: Robert C. Ryan

Acting Federal Housing Commissioner

Re: Fiscal Year 2011 Income Limits

for Public Housing and Section 8 Programs

CITY OF WATERTOWN

DOWNTOWN RENTAL APARTMENTS PROGRAM

HOUSEHOLD INCOME LIMITS FOR HOME FINANCING ELIGIBILITY

Applicable to non-metropolitan areas in New York State

(Effective May 31, 2011)

<u>Family Size</u>	<u>Household Income Limit</u>
--------------------	-------------------------------

(60% of Median)

1 Person	\$ 23,550
2 Person	\$ 26,950
3 Person	\$ 30,300
4 Person	\$ 33,650
5 Person	\$ 36,350
6 Person	\$ 39,050
7 Person	\$ 41,750
8 Person	\$ 44,450

Income limits for households larger than eight persons are determined by adding \$2,700 for each additional person in the household. These figures are adjusted annually to match the income limits established by the U.S. Department of Housing and Urban Development for the Section 8 Rental Assistance Program.

Source: HUD NOTICE PDR-2011-02 dated May 31, 2011

From: Robert C. Ryan

Acting Federal Housing Commissioner

Re: Fiscal Year 2011 Income Limits

for Public Housing and Section 8 Programs

CITY OF WATERTOWN

DOWNTOWN RENTAL APARTMENTS PROGRAM

HUD SECTION 8 EXISTING HOUSING FAIR MARKET RENTS

RENT LIMITS FOR APARTMENTS WITH CDBG OR HOME FINANCING

Applicable to Jefferson County in New York State

(Effective October 1, 2011)

<u>Unit Size</u>	<u>Fair Market Rent</u>
0 Bedroom	\$696 / month
1 Bedroom	\$697 / month
2 Bedroom	\$838 / month
3 Bedroom	\$1,080 / month
4 Bedroom	\$1,135 / month

The Rent Limits listed above are 100% of the Fair Market Rents (FMR) established by the U.S. Department of Housing and Urban Development for the Section 8 Housing Choice Voucher Program. They apply to gross rents, including shelter rent and the cost of utilities (except telephone) that are paid by the tenant in qualified apartments. These figures are adjusted annually based on Census data updated by random digit dialing (RDD) telephone surveys and set at the 40th percentile of standard quality rental housing in Jefferson County in New York State.

For apartments with more than 4 bedrooms, the Rent Limits are calculated by adding 15% to the 4 bedroom Rent Limit for each extra bedroom.

Source: Federal Register, Volume 76, Number 190, September 30, 2011