

**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, February 7, 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

PRIVILEGE OF THE FLOOR

RESOLUTIONS

- Resolution No. 1 - Approving Memorandum of Understanding Between the City of Watertown and the NYS Department of Taxation and Finance, Office of Real Property Services

- Resolution No. 2 - Authorizing an Application to the New York State Department of Environmental Conservation for Funding Through the 2007-2008 Urban and Community Forestry Program

- Resolution No. 3 - Approving Agreement Between the City of Watertown and State of New York, Unified Court System

- Resolution No. 4 - Finding That Changing the Approved Zoning Classification of 234-238 High Street, Parcel No. 6-07-218, From Light Industrial District to Residence C District Will Not Have a Significant Impact on the Environment

ORDINANCES

LOCAL LAW

- Local Law No. 1 - Amending City Code of the City Of Watertown, §205, Noise

PUBLIC HEARING

- 7:30 p.m. Ordinance Approving the Zone Change Request Submitted by Stacey Mack to Change the Approved Zoning Classification of 234-238 High Street, Parcel No. 6-07-218 From Light Industrial District to Residence C District
- 7:30 p.m. Small Cities Community Development Block Grant Funding Application

OLD BUSINESS

STAFF PRESENTATION

1. J. B. Wise Access Road Alternatives

STAFF REPORTS

1. R. P. Flower Memorial Library Board of Trustees Meeting Minutes of January 11, 2011
2. Installation and Maintenance of Smoke & Carbon Monoxide Alarms/Detectors
3. NYCOM 2007 Water and Sewer Rate Report

NEW BUSINESS

EXECUTIVE SESSION

1. To discuss the employment history of a particular individual.

ADJOURNMENT

NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS TUESDAY, FEBRUARY 22, 2011.

January 31, 2011

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Approving Memorandum of Understanding Between the City of Watertown and the State of New York Department of Taxation and Finance, Office of Real Property Services

The New York State Department of Taxation and Finance, Office of Real Property Services is responsible for calculating equalization rates and residential assessment ratios. These calculations are applied by, and among, local governments throughout New York State for, among other things, the apportionment of municipal and school taxes, the allocation of State Aid, the establishment of constitutional tax and debt limits and for the administrative and judicial review of assessments.

Reports on real property sales by local governments are the mechanism whereby significant market data are incorporated into the rate calculation process. The rates and ratios calculated by the State are key to the orderly administration of local government public school finance. The State has a vital interest in establishing timely rates and ratios based on this sales data.

To that end, the State asked the City to consider partnering in the collection and electronic transmission of sales data between the City and the State. This partnership will foster improved real property tax administration. In return for the City's providing the State with the requested data in electronic format, the State agrees to pay fifty cents (\$0.50) for each report of transfer (each sale) they receive from the City via internet.

A Memorandum of Understanding between the City and the State of New York Department of Taxation and Finance, Office of Real Property Services is attached for City Council review. The City entered into a similar Agreement with the Office of Real Property Services in 2007, however, now that their office has been combined with the Department of Taxation and Finance a new Agreement is required. Payments shall be made to the City on a quarterly basis. While there is no specific term to this MOU, it may be cancelled by either party with thirty days written notice.

Staff is recommending that the City Council support this initiative.

RESOLUTION

Page 1 of 2

Approving Memorandum of Understanding
Between the City of Watertown and the NYS
Department of Taxation and Finance,
Office of Real Property Services

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

| YEA | NAY |
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Total

Introduced by

WHEREAS the New York State Department of Taxation and Finance, Office of Real Property Services is responsible for calculating equalization rates and residential assessment ratios, and

WHEREAS these calculations are applied by, and among, local governments throughout New York State for, among other things, the apportionment of municipal and school taxes, the allocation of State Aid, the establishment of constitutional tax and debt limits and for the administrative and judicial review of assessments, and

WHEREAS reports on real property sales by local governments are the mechanism whereby significant market data are incorporated into the rate calculation process, and

WHEREAS the rates and ratios calculated by the State are key to the orderly administration of local government public school finance, and

WHEREAS the State has a vital interest in establishing timely rates and ratios based on this sales data, and

WHEREAS the State and the City agree that a partnership in the collection and electronic transmission of sales data between the City and the State serves the purposes of fostering improved real property tax administration, and

WHEREAS Section 574 of the Real Property Tax Law provides that on or before the fifteenth day of each month, County recording officers shall furnish to the Office of Real Property Services, among others, a report showing all the transfers of real property during the preceding month, and

WHEREAS many counties, owing to the current paper intensive and manual system of records transmission, have had difficulty complying with this requirement, and

RESOLUTION

Page 2 of 2

Approving Memorandum of Understanding
Between the City of Watertown and the NYS
Department of Taxation and Finance,
Office of Real Property Services

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

| YEA | NAY |
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WHEREAS the State of New York wishes to assist the City in complying through electronic filing of this information,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Memorandum of Understanding between the City and the NYS Department of Taxation and Finance, Office of Real Property Services, a copy of which is attached and made a part of this resolution.

Seconded by

MEMORANDUM OF UNDERSTANDING
between
The State of New York, Department of Taxation & Finance
and
WATERTOWN City of

Governing the electronic transmission of real property data between the City and the State.

Whereas, the New York State Department of Taxation and Finance's, Office of Real Property Tax Services, is responsible for calculating equalization rates and residential assessment ratios; and

Whereas, these calculations are applied by, and among, local governments throughout New York State for, among other things, the apportionment of municipal and school taxes, the allocation of State Aid, the establishment of constitutional tax and debt limits and for the administrative and judicial review of assessments; and

Whereas, reports on real property sales by local governments are the mechanism whereby significant market data are incorporated into the rate calculation process; and

Whereas, the rates and ratios calculated by the State are key to the orderly administration of local government public school finance; and

Whereas, the State has a vital interest in establishing timely rates and ratios based on this sales data; and

Whereas, the State and the City agree that a partnership in the collection and electronic transmission of sales data between the City and the State serves the purposes of fostering improved real property tax administration; and

Whereas, Section 574 of the Real Property Tax Law provides that on or before the fifteenth day of each month, City recording officers shall furnish to the DTF's Office of Real Property Tax Services, among others, a report showing all the transfers of real property during the preceding month; and

Whereas, many cities, owing to the current paper intensive and manual system of records transmission, have had difficulty complying with this requirement; and

Whereas, DTF's Office of Real Property Tax Services wishes to assist the City in complying through electronic filing of this information.

Now, therefore, the State and the City agree to the following:

1. The City will transmit to DTF's Office of Real Property Tax Services via internet connection the information contained on the Real Property Transfer Report (RP-5217) form for each transfer of real property in the City.
2. This data will be transmitted to DTF's Office of Real Property Tax Services by the City no later than 15 days from the recording of the deed.

3. In consideration for the service provided by the City in providing the electronic transmission of sales data, the State agrees to pay the City at the rate of fifty cents (\$.50) for each RP-5217 received via the internet.

4. Payment shall be made to the City on a quarterly basis and in accordance with Article XI-A of the New York State Finance Law, upon receipt by the State of an invoice from the City. Payment for invoices submitted by the City shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The City shall comply with the State Comptroller's procedures to authorize electronic payments. Authorization forms are available at the State Comptroller's website at www.osc.state.ny.us/epay/index.htm, by email at epunit@osc.state.ny.us or by telephone at (518) 474-4032. City acknowledges that it will not receive payment on any invoices submitted under this MOU, if it does not comply with the State Comptroller's electronic procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

5. This memorandum of understanding may be cancelled by either party with thirty days written notice.

6. All notice with respect to this memorandum of understanding must be provided to the following, as appropriate:

The City: _____

The State: NYS Department of Taxation and Finance
Catherine Golden
Assistant Director, Procurement
W.A. Harriman Campus
Albany, NY 12227

by: _____

by: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Res No. 2

February 2, 2011

To: The Honorable Mayor and City Council

From: Michael A. Lumbis, Planner

Subject: Authorizing an Application to the New York State Department of Environmental Conservation for Funding Through the Urban and Community Forestry Program

The NYS Department of Environmental Conservation has recently announced that funding is available through the Urban and Community Forestry Grant Program for tree planting projects.

Grant funds can be used for tree planting on public sites in neighborhoods and in parks. The grant program requires a 50% match. If the City Council wishes to apply for funding, it will have to commit to matching the amount of the grant request in the 2011-2012 budget.

At its January 13, 2011 meeting, Tree Watertown, the City's Street Tree Advisory Board, discussed the grant program and is recommending that the City apply for a grant to expand the existing tree planting program. Tree Watertown suggested that the City apply for a \$5,000 grant, making an assumption that the tree planting program would be funded in fiscal year 2011-2012 at the same rate as it is this current fiscal year, which is \$5,000.

In the past, the City has successfully applied for funding through this program and has completed tree planting projects on Flower Avenue East, St. Mary's Street, Main Avenue and Emerson Place. We will also be completing a tree planting on Breen Avenue this spring using grant funds. For this grant, we do not have a specific street in mind to complete the planting on, but instead are proposing a City wide planting project, with a focus on several census tracts that meet grant guidelines related to planting in underserved neighborhoods. For a combined project total of \$10,000, it is estimated that 135 bare root street trees would be able to be planted in the spring of 2012.

If the City Council would like to apply for funding, it must authorize the application. The attached resolution approves and endorses the City's application and authorizes and directs the City Manager to apply for funding in an amount not to exceed \$5,000.

RESOLUTION

Page 1 of 1

Authorizing an Application to the New York State Department of Environmental Conservation for Funding Through the Urban and Community Forestry Program

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

| YEA | NAY |
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Introduced by

WHEREAS the New York State Department of Environmental Conservation (NYSDEC) has announced that funding is available through the Urban and Community Forestry Grant Program for tree planting projects, and

WHEREAS the City of Watertown has made tree planting and the care and management of the City’s urban forest a priority in the wake of several devastating storms in the 1990’s, and

WHEREAS the City Council desires to apply to the NYSDEC’s Urban and Community Forestry Grant Program to fund a City wide tree planting project, and

WHEREAS Tree Watertown, the City’s Street Tree Advisory Board, recommends that the City Council apply for funding to continue the City’s reforestation efforts, and

WHEREAS this program requires an approval and endorsement of the application from the City Council of the City of Watertown,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves and endorses the City’s application to the NYSDEC for grant funding under the Urban and Community Forestry Program, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to file an application for 50% matching funds in an amount not to exceed \$5,000, and upon approval of said request, to enter into and execute a Project Agreement with the NYSDEC for such financial assistance to the City of Watertown for the 2012 Tree Planting Project.

Seconded by

Res No. 3

January 19, 2011

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Agreement Between the City of Watertown and the
NYS Unified Court System

Attached for City Council consideration is an amendment to the existing five-year Agreement between the City of Watertown and the NYS Unified Court System for facility maintenance. This amendment establishes a new one-year term that commenced on April 1, 2010 and terminates on March 31, 2011.

This Agreement provides the City of Watertown with reimbursement under the Court Cleaning and Minor Repairs Program for services and space provided to City Court. This covers the City Court facilities in City Hall.

The proposed budget for services rendered under the terms of the contract period 2010-2011 is \$42,632. A detailed copy of the budget request is attached for City Council review.

A resolution approving the Agreement has been prepared for City Council approval.

RESOLUTION

Page 1 of 1

Approving Agreement Between the City of Watertown and State of New York, Unified Court System

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

Total

| YEA | NAY |
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Introduced by

WHEREAS the City of Watertown, New York is responsible for providing and maintaining space for the operation of City Court, and

WHEREAS reimbursement for such services is available to the City from the Unified Court System of the State of New York,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Court Cleaning and Minor Repair Program Agreement between the City of Watertown and the State of New York Unified Court System for Fiscal Year 2010-2011, and

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

Seconded by



STATE OF NEW YORK
UNIFIED COURT SYSTEM
FIFTH JUDICIAL DISTRICT
ONONDAGA COUNTY COURTHOUSE
600 S. STATE STREET
SYRACUSE, NEW YORK 13202-3099
(315) 671-2111
FAX: (315) 671-1175

ANN PFAU
Chief Administrative Judge

MICHAEL V. COCCOMA
Deputy Chief Administrative Judge
Courts Outside New York City

JAMES C. TORMEY
Justice of Supreme Court
District Administrative Judge
Fifth Judicial District

MICHAEL A. KLEIN, ESQ.
District Executive

JAMES P. SHANAHAN
Principal Administrative Assistant

January 12, 2011

Mary Corriveau, City Manager
City of Watertown
Municipal Building
245 Washington Street, Suite 105
Watertown, NY 13601

Re: Agreement between UCS and the City of Watertown
for Court Cleaning and Minor Repairs (Contract No. C300190)
Annual Renewal Letter and Budget (Appendix B) for SFY 2010-2011

Dear Ms. Corriveau,

Please be advised that pursuant to Section I of the existing contract between the Unified Court System and the City of Watertown, we are hereby establishing a renewal period in the five-year term of this agreement. Said renewal period shall commence on April 1, 2010 and shall terminate on March 31, 2011. During this 2010-2011 renewal period, all terms and conditions of the above-referenced Agreement shall continue to apply, except as specified below.

The proposed budget for services to be rendered pursuant to this contract in the 2010-2011 period shall be \$42,632. Pursuant to the provisions of Chapter 686 of the Laws of 1996, as amended to date, the maximum compensation for the 2010-2011 period shall be 100% of that amount. The attached revised Appendix B, detailing the proposed budget for the renewal period, shall be incorporated into the Agreement and shall replace all prior Appendix B's. The signatures below shall confirm acceptance of this renewal by the City of Watertown and by the UCS.

Accordingly, the original of this letter should be signed by an authorized representative of the City of Watertown, and the corresponding acknowledgment page should be notarized. Two sets of the signed original letter together with the related documents should be returned to this office.

Thank you.

Sincerely,



Michael A. Klein
District Executive

Accepted for: City of Watertown

Accepted for: Unified Court System

Name: Mary M. Corriveau
Title: City Manager

Maureen McAlary
Deputy Director, Division of Financial Management

Dated:

Dated:

Attachments

ACKNOWLEDGMENT

STATE OF NEW YORK
COUNTY OF JEFFERSON
CITY OF WATERTOWN

On the _____ day of _____, 2011, personally came Mary M. Corriveau,
to me known, who, being by me duly sworn, did depose and say that he/she resides in Watertown, NY,
that he/she is the City Manager (Title) of the City of Watertown (Municipality),
the municipality described in and which executed the above instrument; and that he/she is authorized to
execute the above instrument on behalf of said municipality.

NOTARY PUBLIC

Unified Court System

xls-format

Court Cleaning and Minor Repairs Proposed Budget Form

(Appendix B to a contract between a local government entity and the NYS Unified Court System pursuant to Chapter 686, Laws of 1996)

State Fiscal Year: April 1, 2010 to March 31, 2011
 Name of County or City : City of Watertown

List of Court Buildings (Including County Clerk Space):

| Name and Address of Each Building | Owned or Leased | Total Net Usable Square Feet | Court Spaces to be Cleaned and Repaired pursuant to this Budget Court Related | |
|--|-----------------|------------------------------|--|---------------|
| | | | Net Usable Sq. Ft. | NN Percentage |
| Municipal Building, 245 Washington St. | Owned | 30,072 | 7,531 | 25% |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Combined | | 30,072 | 7,531 | 25% |

Note: Divide Court Sq. Ft by Total Sq. Ft for percent

Anticipated Changes in Location or Space Utilization :

| Name and Address of Affected Building(s) | Nature of Changes | Target Date |
|--|-------------------|-------------|
| | | |
| | | |
| | | |
| | | |

1 Cleaning Costs :
 1(a) Service Contracts

| Budget Line # | Contractor | Type of Service | Building | Contract Amounts for Budget Period | Portion Attributable to Courts NN Percentage | Budget Request |
|-----------------|------------|-----------------|----------|------------------------------------|--|----------------|
| 1 | | | | | | |
| 2 | | | | | | |
| 3 | | | | | | |
| 4 | | | | | | |
| 5 | | | | | | |
| 6 | | | | | | |
| 1(a) Subtotal : | | | | | | \$0 |

1(b) Local Payroll

| No. of Positions | Building | Annual Wages | Fringe Benefits | Total Personal Service Costs | Portion Attributable to Courts NN Percentage | Budget Request | |
|------------------|----------|--------------------|-----------------|------------------------------|--|----------------|---------|
| 7 | 1 | Municipal Building | \$30,614 | \$5,576 | \$36,190 | 25% | \$9,048 |
| 8 | | | | | | | |
| 9 | | | | | | | |
| 10 | | | | | | | |
| 11 | | | | | | | |
| 12 | | | | | | | |
| 1(b) Subtotal : | | | | | | \$9,048 | |

1(c) Supplies and Equipment

| | Type of Material | Building | Quantity / Unit | Costs | Portion Attributable to Courts NN Percentage | Budget Request |
|-----------------|-------------------|-----------------|-----------------|---------|---|-------------------|
| 13 | Cleaning Supplies | Municipal Bldg. | | \$6,500 | 25% | \$1,625 |
| 14 | | | | | | |
| 15 | | | | | | |
| 16 | | | | | | |
| 17 | | | | | | |
| 18 | | | | | | |
| 19 | | | | | | |
| 20 | | | | | | |
| 21 | | | | | | |
| 22 | | | | | | |
| 1(c) Subtotal : | | | | | | \$1,625 |

1(d) - Grand Total Cleaning Costs (1a+1b+1c) :

1(d)

\$10,673

2 Trash Removal and Disposal
2(a) Trash Removal

| | Contractor or Agency | Building | Quantity / Unit | Costs | Portion Attributable to Courts NN Percentage | Budget Request |
|--------------|-----------------------|-----------------|-----------------|---------|---|-------------------|
| 23 | Watetown Public Works | Municipal Bldg. | | \$6,250 | 25% | \$1,563 |
| 24 | | | | | | |
| 25 | | | | | | |
| 26 | | | | | | |
| 27 | | | | | | |
| 2(a) Total : | | | | | | \$1,563 |

2(b) Trash Disposal

| | Contractor or Agency | Building | Quantity / Unit | Costs | Portion Attributable to Courts NN Percentage | Budget Request |
|--|------------------------|-----------------|-----------------|---------|---|-------------------|
| 28 | Watertown Public Works | Municipal Bldg. | | \$9,300 | 25% | \$2,325 |
| 29 | | | | | | |
| 30 | | | | | | |
| 31 | | | | | | |
| 32 | | | | | | |
| | | | | | 2(b) Total : | \$2,325 |
| <u>2(c) - Grand Total Trash Removal & Disposal (2a+2b) :</u> | | | | | 2(c) | \$3,888 |

3 HVAC Cleaning Costs

3(a) Duct Work Cleaning and Filter Changing By Service Contract

| | Contractor | Type of Service | Building | Contract Amounts for Budget Period | Portion Attributable to Courts NN Percentage | Budget Request |
|----|------------|-----------------|----------|--|---|-------------------|
| 33 | | | | | | |
| 34 | | | | | | |
| 35 | | | | | | |
| 36 | | | | | | |
| 37 | | | | | | |
| 38 | | | | | | |
| | | | | | 3(a) Subtotal : | \$0 |

3(b) Duct Work Cleaning and Filter Changing by Local Payroll

| | No. of Positions | Building | Annual Wages | Fringe Benefits | Total Personal Service Costs | Portion Attributable to Courts NN Percentage | Budget Request |
|------------------------|------------------|----------|--------------|-----------------|------------------------------|--|----------------|
| 39 | | | | | | | |
| 40 | | | | | | | |
| 41 | | | | | | | |
| 42 | | | | | | | |
| 43 | | | | | | | |
| 44 | | | | | | | |
| 3(b) Subtotal : | | | | | | | \$0 |

3(c) Filter Changing - Filters Only

| | Type of Material | Building | Quantity / Unit | Costs | Portion Attributable to Courts NN Percentage | Budget Request | |
|------------------------|------------------|-----------------|-----------------|-------|--|----------------|--------------|
| 45 | Filters | Municipal Bldg. | 120 | \$488 | 25% | \$122 | |
| 46 | | | | | | | |
| 47 | | | | | | | |
| 48 | | | | | | | |
| 49 | | | | | | | |
| 50 | | | | | | | |
| 3(c) Subtotal : | | | | | | | \$122 |

3(d) - Total - HVAC Ductwork Cleaning & Filter Changing Costs (3a+3b+3c): 3(d) \$122

4 Totals for all "Cleaning Costs" : Grand Total Boxes 1d + 2c + 3d : 4 \$14,682

- 5 Proposed "Tenant" Work use following codes :
- a - Flooring and Carpeting
 - b - Painting
 - c - Interior Ceilings
 - d - Bathrooms
 - e - Fixtures
 - f - Minor Renovation
 - g - Other (Identify)

Work to be Performed

| | Code | Describe Work | Building | Wages | Fringes | Supplies | Total Costs | Portion Attributable to Courts NN Percentage | Budget Request |
|----|------|-------------------|-----------|-------|---------|----------|-------------|---|-------------------|
| 51 | d | Bthrm Renovations | Municipal | | | \$30,000 | \$30,000 | 25% | \$7,500 |
| 52 | | | | | | | | | |
| 53 | | | | | | | | | |
| 54 | | | | | | | | | |
| 55 | | | | | | | | | |
| 56 | | | | | | | | | |
| 57 | | | | | | | | | |
| 58 | | | | | | | | | |
| 59 | | | | | | | | | |
| 60 | | | | | | | | | |
| 61 | | | | | | | | | |
| | | | | | | | | Total for 5 : | \$7,500 |

6 Total - Expenses which are 100% reimbursable (4+5) : 6
 (see instructions) \$22,182

7 Building Maintenance

7(a) Service Contracts

use following codes :
 a - Pest Control
 b - Elevators
 c - HVAC
 d - Telephone Wiring
 e - Security & Alarm Systems
 f - Other (Identify)

| | Code | Contractor | Type Work Performed | Building | Contract Amounts for Budget Period | Portion Attributable to Courts NN Percentage | Budget Request |
|-----------------|------|-----------------|------------------------|-----------|--|---|-------------------|
| 62 | b | Rieder Elevator | Elevator Maintenance | Municipal | \$5,100 | 25% | \$1,275 |
| 63 | c | Siemens | Boiler Maintenance | Municipal | \$6,825 | 25% | \$1,706 |
| 64 | c | Hyde-Stone | Mech/HVAC Maint. | Municipal | \$21,750 | 25% | \$5,438 |
| 65 | f | Avaya | Telephone Maint. | Municipal | \$4,000 | 25% | \$1,000 |
| 66 | e | Stat Comm. | Alarm System | Municipal | \$1,200 | 25% | \$300 |
| 67 | f | Kraft Power | Generator Maint. | Municipal | \$1,000 | 25% | \$250 |
| 68 | | | | | | | |
| 69 | | | | | | | |
| 70 | | | | | | | |
| 7(a) Subtotal : | | | | | | | \$9,969 |

7(b) Local Payroll

| | No. of Positions | Building | Annual Wages | Fringes | Total Costs | Portion Attributable to Courts NN Percentage | Budget Request |
|-----------------|---------------------|-----------|-----------------|----------|----------------|---|-------------------|
| 71 | 1 | Municipal | \$43,000 | \$6,663 | \$49,663 | 25% | \$12,416 |
| 72 | 1 | Municipal | \$39,358 | \$2,637 | \$41,995 | 25% | \$10,499 |
| 73 | 1 | Municipal | \$60,846 | \$17,909 | \$78,755 | 25% | \$19,689 |
| 74 | | | | | | | |
| 75 | | | | | | | |
| 76 | | | | | | | |
| 7(b) Subtotal : | | | | | | | \$42,603 |

7(c) Supplies and Equipment

| | Type of Material | Building | Quantity / Unit | Costs | Portion Attributable to Courts NN Percentage | Budget Request |
|-----------------|---------------------------------|-----------|-----------------|---------|---|-------------------|
| 77 | Repair parts, small tools, misc | Municipal | | \$7,300 | 25% | \$1,825 |
| 78 | Water Fountain | Municipal | | \$672 | 25% | \$168 |
| 79 | Sign | Municipal | | \$2,790 | 25% | \$698 |
| 80 | | | | | | |
| 81 | | | | | | |
| 7(c) Subtotal : | | | | | | \$2,691 |

7(d) Total - Building Maintenance Costs (Total Boxes 7a, 7b, 7c):

7(d) **\$55,263**

8 Landscaping and Grounds Maintenance

8(a) Service Contracts

| | Contractor | Work Performed | Building | Contract Amounts for Budget Period | Portion Attributable to Courts NN Percentage | Budget Request |
|-----------------|-------------------|-----------------------|-----------|--|---|-------------------|
| 82 | Want Public Works | Snow & Debris Removal | Municipal | \$8,200 | 25% | \$2,050 |
| 83 | | | | | | |
| 84 | | | | | | |
| 85 | | | | | | |
| 86 | | | | | | |
| 87 | | | | | | |
| 8(a) Subtotal : | | | | | | \$2,050 |

8(b) Local Payroll

| | No. of Positions | Building | Annual Wages | Fringes | Total Costs | Portion Attributable to Courts NN Percentage | Budget - Request |
|-----------------|------------------|----------------|--------------|---------|-------------|--|------------------|
| 88 | 1 | Municipal Bldg | \$29,284 | \$5,459 | \$34,743 | 25% | \$8,686 |
| 89 | | | | | | | |
| 90 | | | | | | | |
| 91 | | | | | | | |
| 92 | | | | | | | |
| 93 | | | | | | | |
| 8(b) Subtotal : | | | | | | | \$8,686 |

8(c) Supplies and Equipment

| | Type of Material | Building | Quantity / Unit | Costs | Portion Attributable to Courts NN Percentage | Budget Request | |
|-----------------|------------------------------|-----------|-----------------|---------|--|----------------|-------|
| 94 | Repair parts, flowers, hose, | | | | | | |
| 95 | trimmer, gas | Municipal | | \$1,200 | 25% | \$300 | |
| 96 | | | | | | | |
| 97 | | | | | | | |
| 98 | | | | | | | |
| 8(c) Subtotal : | | | | | | | \$300 |

8(d) Total - Landscaping and Grounds Maintenance Costs (Total Boxes 8a, 8b, 8c) : 8(d) **\$11,036**

9 Total - Buildings, Landscaping and Grounds Maintenance and Repairs Costs (7d+8d) : 9 **\$66,298**

10 Total Cost Reimbursable @25% = (Box 9 x 25%) 10 **\$16,575**

- 11 Total Proposed Direct Costs (Item 6 + Item 10) :
- 12 Overhead Costs (Item 11 x .10):
- 13 Total Proposed Contract Amount (Item 11+Item 12):

| | |
|----|----------|
| 11 | \$38,757 |
| 12 | \$3,876 |
| 13 | \$42,632 |

14 Local Government Certification :

I hereby certify that the cost estimates contained herein were developed using the best available information and that the proposed budget amounts are just, true and correct to the best of my knowledge.

| | |
|-------------|-----------------------|
| Name: | Mary M. Corriveau |
| Signature : | <i>Mary Corriveau</i> |
| Date : | 12-20-70 |
| Title : | City Manager |

| | |
|------------------|---------------------------------|
| County or City : | Watertown |
| Phone : | 315-785-7730 |
| Address : | 245 Washington Street-Suite 202 |
| | Watertown, NY 13601 |

ENDNOTES:

Use budget line numbers to reference remarks or explanations.

Line No. Explanatory Text

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Res No. 4

January 21, 2011

To: The Honorable Mayor and City Council

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

Subject: Finding that Changing the Approved Zoning Classification of 234-238 High Street, Parcel No. 6-07-218, Street From Light Industrial to Residence C District Will Not Have a Significant Impact on the Environment

At its January 4, 2011 meeting, the City Planning Board recommended the above subject zone change. The City Council has scheduled a public hearing on the request for Monday, February 7, 2011 at 7:30 p.m.

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

RESOLUTION

Page 1 of 2

Finding That Changing the Approved Zoning Classification of 234-238 High Street, Parcel No. 6-07-218, From Light Industrial District to Residence C District Will Not Have a Significant Impact on the Environment

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

Total

| YEA | NAY |
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Introduced by

WHEREAS the City Council of the City of Watertown, New York, has before it an Ordinance for changing the zoning classification of 234-238 High Street, Parcel No. 6-07-218, from Light Industrial District to Residence C District, and

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

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

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

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

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

RESOLUTION

Page 2 of 2

Finding That Changing the Approved Zoning Classification of 234-238 High Street, Parcel No. 6-07-218, From Light Industrial District to Residence C District Will Not Have a Significant Impact on the Environment

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

Total

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

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

Seconded by

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

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

| | |
|---|-----------------------------|
| 1. APPLICANT/SPONSOR <i>Stacey Mack</i> | 2. PROJECT NAME |
| 3. PROJECT LOCATION: Municipality _____ County <i>JEFFERSON</i> | |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>234-238 High St</i> | |
| 5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration | |
| 6. DESCRIBE PROJECT BRIEFLY: <i>Change from Light Industrial to Residential ^{ZONING} STATUS.</i> | |
| 7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres | |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly <i>No</i> | |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: | |
| 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: <u><i>Stacey Mack</i></u> | Date: <u><i>12/3/10</i></u> |
| Signature: <u><i>Stacey Mack</i></u> | |

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

PART II – ENVIRONMENTAL ASSESSMENT / To be completed by Agency

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

Local Law No. 1 of 2011

February 3, 2011

To: The Honorable Mayor and City Council
From: Mary M. Corriveau, City Manager
Subject: Local Law, Noise

The attached Local Law has been prepared for City Council consideration at the request of Council Member Joseph M. Butler. This Local Law incorporates new language into the City Code §205, Noise, to control the noise for emergency warning devices, exhausts, sound reproduction, and squealing tires. A number of definitions have also been added to clarify terms used in the new language.

This Local Law incorporates standards to be considered in determining whether unnecessary noise exists in a given situation; those standards include, but are not limited to:

1. The intensity of the noise.
2. Whether the nature of the noise is usual or unusual.
3. Whether the origin of the noise is natural or unnatural.
4. The intensity of the background noise.
5. The proximity of the noise to sleeping facilities.
6. The nature and the zoning district of the area within which the noise emanates.
7. The time of day or night the noise occurs.
8. The duration of the noise.
9. Whether the sound source is temporary.
10. Whether the noise is continuous or intermittent.
11. Whether alternative methods are available to achieve the objectives of the sound producing activity.

On December 1, 2010, City Attorney Robert J. Slye sent an opinion letter to the members of the City Council on the topic of adopting a noise ordinance designed to have City-wide application. His letter goes into great detail regarding the City's ability to adopt Noise legislation, including noise emanating from vehicles, such as contain in §205-9, § 205-10 (b) and §205-11 of this proposed Local Law. I have attached a copy of Mr. Slye's opinion letter for your reference.

As part of the research requested by the City Council relating to the enforcement of a decibel level noise ordinance, Staff was asked to research the cost of decibel meters for the Police Department personnel. The City Purchasing Department did considerable research and finds that the instrument described in the attached specifications sheet is used by a number of departments in NYS. The cost of this unit is \$2,370. If we are going to enforce §375 (47) of the New York Vehicle and Traffic

Law(VTL), the Police Department will need to be equipped with decibel meters similar to the one presented. The meters we purchase will need to stand up in a court proceeding, provide credible data, and have a way to calibrate the meter and print the meter reading results in the field. In my discussions with Police Chief Joseph Goss, he believes the City would need six (6) of these units to effectively enforce the decibel standards contained in the VTL. Chief Goss has reached out to the Police Chief in Oswego New York who's department uses these specific meters, and they have offered to loan a meter to the City to test to see if it works for our intended use.

We have also done outreach to the District Attorney's Office to see what would be required for a successful prosecution under VTL §375(47). After quite a bit of research on the part of the District Attorney's Office, the City received a response outlining what they found. I have included the language from the email received from the DA's Office in this packet.

Prior to considering the attached Local Law, a Public Hearing must be held. Staff is recommending that the Public Hearing be to be held on Tuesday, February 22, 2011 at 7:30 p.m. in City Council Chambers.

Amending City Code of the City
Of Watertown, §205, Noise

Page 1 of 4

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.

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Introduced by

Total

NOW THEREFORE BE IT ENACTED that § 205, Noise of the City Code of the City of Watertown is amended to add the following:

§205-8 Emergency Warning Devices

No person shall operate or cause to be operated any emergency warning device, except:

- (a) To give notice as a warning of any emergency;
- (b) On an authorized emergency vehicle when such vehicle is engaged in emergency operations provided that such device is not operated to create unnecessary noise or for a period of time longer than is necessary to respond to such emergency;
- (c) When such device is under test.

§205-9 Exhausts

Except as otherwise provided in this ordinance, no person shall cause or permit the discharge into the open air of the exhaust of any device, including but not limited to any steam engine, diesel engine, internal combustion engine or turbine engine, so as to create unnecessary noise.

§205-10. Sound Reproduction

No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound.

Amending City Code of the City
Of Watertown, §205, Noise

Page 2 of 4

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

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- (a) In such a manner as to create unnecessary noise across a real property boundary, except for activities open to the public and for which a permit has been issued by the Chief of Police or his designee pursuant to rules and regulations promulgated, or by license issued by the City Manager.
- (b) In such a manner as to create unnecessary noise at fifty (50) feet from such device, when operated in or on a motor vehicle on a public highway.
- (c) In such a manner as to create unnecessary noise to any person other than the operator of the device, when operated by any passenger on a common carrier.
- (d) In such a manner as to create unnecessary noise that enters an apartment or dwelling unit that is separate and distinct from the apartment or dwelling unit from which the unnecessary noise originated.

§205-11. Squealing Tires

No person shall operate a motor vehicle in such a manner as to cause unnecessary noise by spinning or squealing the tires of such motor vehicle.

, and

BE IT FURTHER ENACTED that § 205-6 is amended to read as follows:

§ 205-6 Penalties for Offenses

Any person, firm or corporation violating any provision of this chapter shall, upon conviction, be subject to a fine of not less than fifty (\$50) dollars nor more than two hundred and fifty (\$250) dollars. Each day of continued violation is a separate and distinct offense.

Amending City Code of the City
Of Watertown, §205, Noise

Page 3 of 4

, and

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.

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BE IT FURTHER ENACTED that §205-1 is amended as follows:

§205-1 General Prohibition and Definitions

A. General Prohibition - The creation of any unreasonably loud, disturbing noise in the city is prohibited. Noise of such character, intensity or duration as to endanger public comfort, peace or repose or to be detrimental to the life or health of any individual is declared to be a nuisance and is prohibited. Noise of such character, intensity or duration is hereby declared to be a nuisance within the meaning of this section, but such designation shall not be deemed to be exclusive.

B. Definitions

Authorized Emergency Vehicle means every ambulance, police vehicle, fire vehicle and civil defense vehicle when on emergency calls.

Device means any mechanism which is intended to or which actually produces sound when operated or handled.

Emergency means a public calamity or an exposure of any person or property to imminent danger.

Emergency warning device means any sound signal device that is designed to be used and is actually used to warn of an emergency.

Person means any individual, partnership, company, corporation, association, firm, organization, government agency, administration or department, or any other group of individuals, or any person or employee thereof.

Real property boundary means an imaginary line exterior to any structure, along the ground surface, which separates the real property owned by one person from that owned by another person, and the vertical extension of such line.

Amending City Code of the City
Of Watertown, §205, Noise

Page 4 of 4

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

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Sound reproduction device means a device intended primarily for the production or reproduction of sound including, but not limited to any musical instrument, radio receiver, tape recorder, cd player, phonograph or sound amplification system.

Sound source site means any land under the ownership or control of a person in or upon which one or more sound sources are located. The sound source site includes all individual sound sources that are located on such site, whether stationary, movable or mobile.

Unnecessary noise means any excessive or unusually loud sound or any sound which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities, or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether unnecessary noise exists in a given situation include but are not limited to the following:

1. The intensity of the noise.
2. Whether the nature of the noise is usual or unusual.
3. Whether the origin of the noise is natural or unnatural.
4. The intensity of the background noise.
5. The proximity of the noise to sleeping facilities.
6. The nature and the zoning district of the area within which the noise emanates.
7. The time of day or night the noise occurs.
8. The duration of the noise.
9. Whether the sound source is temporary.
10. Whether the noise is continuous or intermittent.
11. Whether alternative methods are available to achieve the objectives of the sound producing activity.

, and

BE IT FURTHER ENACTED that this Local Law shall take effect immediately upon filing with the New York Secretary of State.

Seconded by

SLYE & BURROWS
ATTORNEYS AT LAW
104 WASHINGTON STREET
WATERTOWN, NEW YORK 13601

ROBERT J. SLYE
JAMES A. BURROWS
CHRISTINA E. STONE



(315) 786-0266
FAX: (315) 786-3488

December 1, 2010

City Council
City of Watertown
245 Washington Street
Watertown, New York 13601

Re: Noise Control Legislation

Dear Council Members:

This letter follows the City Council's discussion concerning the adoption of a noise ordinance designed to have City-wide application. During the Council's deliberations, the most complained-of noise issue was reported to be noise emanating from audio systems in motor vehicles. This issue is currently regulated by the New York Vehicle and Traffic Law. The question arose as to whether the City may further regulate that noise by local law. For the reasons outlined below, our opinion is that the City may not do so.

Generally speaking, a municipality may adopt "home rule" legislation "not inconsistent with the provisions of [the State] Constitution or any general law relating to its property, affairs or government," and may also adopt and amend local laws "not inconsistent with the provisions of [the State] Constitution or any general law relating to [certain identified subjects] . . . except to the extent that the Legislature shall restrict the adoption of such a local law. . . ." New York Constitution Article 9 §2(c) (McKinney 2006). Any local law which would purport to regulate vehicle audio system noise would not involve the City's "property, affairs, or government."

Among the State Constitution's identified subjects in connection with which a municipality may adopt or amend local laws is "the government, protection, order, conduct, safety, health and well-being of persons or property therein." *Id.* at §2(c)(10) (McKinney 2006). Certainly, the adoption of a local law dealing with noise issues involves the "protection, order, conduct, safety, health and well-being of persons. . . ." The question arises, therefore, whether the Legislature has otherwise restricted the adoption of such a local law, thereby "excepting" the City's power to do so.

Section 375(47) of the New York Vehicle and Traffic Law (McKinney Supp. 2010) provides, in part:

It shall be unlawful for any person to operate or cause to be operated, an audio amplification system which is operated in, installed in or powered by a vehicle which generates an A-weighted sound level in excess of 70 dB(A) measured at, or adjusted to, a distance of twenty-five feet from the vehicle which is driven, standing, or parked on a public highway, or within one hundred feet of a public highway unless that system is being operated to request assistance or warn of a hazardous situation.

Id. The statute continues:

This section shall not apply to the sound systems of vehicles used for advertising, or in parades, political or other special events, except that the use of sound systems on those motor vehicles may be prohibited by a local authority by ordinance or local law.

Id. (emphasis added).

The underlined provision is interesting in that it contains an express grant of authority to regulate motor vehicle sound levels in certain circumstances. One can quite easily read this provision to mean the contrary - - - that a local authority may not regulate audio amplification system sound levels under any other circumstances. Thus, in our view, a local municipality is powerless to adopt a local law governing motor vehicle sound amplification, because it would violate a legislative restriction on the adoption of such a local law. See New York Constitution Article 9 §2, supra.

Even if the language of Section 375(47)(a) is not construed to expressly restrict the adoption of such a local law, the doctrine of preemption would, in any event, prevent the City's entry into the field of noise regulation on motor vehicles.

The New York Court of Appeals has made clear that "the overriding limitation of the preemption doctrine embodies 'the untrammelled primacy of the Legislature to act . . . with respect to matters of State concern'(citation omitted)." Albany Area Builders Association v. Town of Guilderland, 74 N.Y.2d 372, 377, 547 N.Y.S.2d 627, 629 (1989). According to the Albany Area Builders Association Court, the Legislature need not expressly state its intent to preempt, but that such intent "may be implied from the nature of the subject matter being regulated and the purpose and scope of the State Legislative scheme, including the need for State-wide uniformity in a given area (citation omitted)." Id.

In the Albany Area Builders Association case, the Town of Guilderland had attempted to impose a “transportation impact fee law,” whereby applicants for building permits would be required to pay a transportation “impact fee” when the permit was issued. Finding the law preempted by State law, the Court, after addressing various budgetary laws, highway laws, and tax laws, stated:

The purpose, number and specificity of these statutes make clear that the State perceived no real distinction between the particular needs of any one locality and other parts of the State with respect to the funding of roadway improvements, and thus created a uniform scheme to regulate this subject matter (citation omitted).

Id. at 379.

Section 375(47) of the Vehicle and Traffic Law, found among provisions of the Vehicle and Traffic Law dealing with required vehicle equipment, makes “no real distinction between the particular needs of any one locality and other parts of the State. . . .” Id. It appears to be a statewide issue, dealt with on a statewide basis.

“[A] comprehensive and detailed statutory scheme may be evidence of the Legislature’s intent to preempt (citation omitted).” Cohen v. Board of Appeals of the Village of Saddlerock, 100 N.Y.2d 395, 400, 764 N.Y.S.2d 64, 67 (2003). In Cohen, a local municipality attempted to enforce standards for area variances which differed from the State’s statutory scheme. The Court of Appeals, finding that “the application of a uniform standard ensures that each locality’s zoning decisions will be reviewed consistently by the courts without being subject to the vagaries of a standard elusive of easy definition or clear application (citation omitted),” found the local law to be unenforceable. Id. at 403. We are of the view that a city’s regulation of vehicle audio amplification would also differ from a State statutory scheme designed to provide ease of definition or clarity in application.

The State has adopted what appears to be a detailed statutory scheme evidencing its intent to preempt the field. Motor vehicle sound level limits, in general, are addressed at Section 386 of the Vehicle and Traffic Law, which imposes A-weighted sound levels for trucks, automobiles, and motorcycles. New York Vehicle and Traffic Law §386 (McKinney 2005). Moreover, the State has adopted A-weighted sound limits for pleasure boats (New York Navigation Law §44(2)(a) (McKinney 2004)) and snowmobiles (New York Parks, Recreation & Historic Preservation Law §25.17(e) (McKinney Supp. 2010)). The State’s involvement is pervasive. The Albany Area Builders case makes clear that “the purpose, number, and specificity of these statutes . . . created a uniform scheme” to regulate vehicle noise. Id. at 379. The State has preempted the field in this area of regulation. Because it has done so, the City may not enter the field.

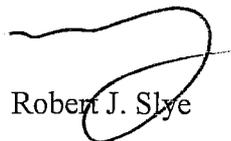
The City may, of course, adopt a noise ordinance, rather than a local law, dealing with noise generated by anything other than a State-regulated source. That legislation can either restrict noise measured by decibel levels from a certain distance, or can be based upon a legislative determination of "reasonableness." A copy of our earlier written opinion on this issue, dated August 24, 2010, is enclosed.

We await the City Council's guidance on how it wishes to proceed.

Very truly yours,

SLYE & BURROWS

By:



Robert J. Slye

RJS/ktl

Enclosure

SLYE & BURROWS
ATTORNEYS AT LAW
104 WASHINGTON STREET
WATERTOWN, NEW YORK 13601

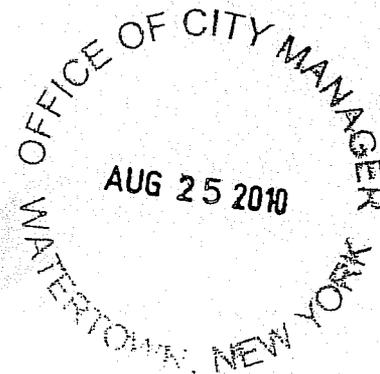
 **COPY**

ROBERT J. SLYE
JAMES A. BURROWS
CHRISTINA E. STONE

(315) 786-0266
FAX: (315) 786-3488

August 24, 2010

City Council
City of Watertown
245 Washington Street
Watertown, New York 13601



Re: Noise Control Legislation

Dear Council Members:

The City Manager has asked us to follow up on Councilman Butler's request that the City consider adopting noise control legislation to address quality of life issues in the City. This letter will attempt to describe the types of legislation available to the City Council so that we may obtain more specific direction in connection with the City Council's wishes prior to the drafting of any legislation.

The Existing Noise Control Ordinance

Chapter 205 of the Watertown City Code addresses the issue of noise. Subsections 1-4 were adopted in 1949. An additional prohibition against idling truck motors was added in 1951 (Subsection 5). A penalties provision was adopted in 1986, making any violation of Subsections 1-5 a "violation," and imposing a maximum penalty of up to 15 days in jail and/or a fine of \$250.00. Penalties can be cumulative based upon "each day of continued violation."

In 1993, an additional provision was added for noise limits in Thompson Park, defining "unreasonable, loud, disturbing or unnecessary noise" as being "any sound that can be heard from twenty (20) feet away from the source of the noise that is eighty (80) decibels or more." Presumably, a violation of this noise limit is punishable under the prior-numbered penalties provision.

In our view, the 1949/1951 provisions of Chapter 205 are generally unenforceable. The provisions speak in terms of noise which endangers public comfort, or which is detrimental to the "life or health of any individual." The existing legislation is essentially "nuisance" legislation, and provides no real guidelines for interpretation or enforcement. Thus, the essential reason that Chapter 205 is not enforced is that it is unenforceable.

Existing State Law

We are aware of four separate provisions of New York law dealing with noise. The first three deal with vehicular noise, and are separately contained at Section 375(31) of the Vehicle and Traffic Law (adequate muffler and exhaust system . . . to prevent any excessive or unusual noise); Section 375(47)(a) (prohibiting the operation of an “audio amplification system which generates an A-weighted sound level in excess of seventy dB(A) measured at, or adjusted to, a distance of twenty-five feet from the vehicle which is driven, standing or parked on a public highway, or within one hundred feet of a public highway unless that system is being operated to request assistance or warn of a hazardous situation.”) (McKinney Supp. 2010); and Section 306 (vehicles in excess of 10,000 pounds and motorcycles governed by specified A-weighted sound levels at certain speeds). The fourth provision is a general prohibition contained in the definition of “Disorderly Conduct” under Section 240.20 of the New York Penal Law, which states that “a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, [that person] makes unreasonable noise.” Id. at Section 240.20(2) (McKinney 2008).

The obvious difference between the “excessive or unusual noise” unreasonable noise standard and the sound amplification prohibitions by decibel measurement from a source is the measure of proof required to establish a violation. The latter is capable of scientific proof (a calibrated and accurate decibel meter, operated by a qualified and trained peace officer, within a specified and measured distance and producing a sound level in excess of a prescribed decibel level, if found credible by the trier of fact, constitutes the offense). In proving a violation of “unreasonable noise” provisions, it is always a question of fact as to whether, under all of the circumstances, the noise was “unreasonable.”

Are Noise Control Ordinances Constitutional?

Generally speaking, government restrictions on “time, place or manner of protected speech” can withstand constitutional scrutiny [if they are]:

- (1) content neutral, in that they target some quality other than substantive expression;
- (2) [are] narrowly tailored to serve a significant and governmental interest; and
- (3) permit alternative channels for expression.

Deegan v. City of Ithaca, et al., 444 F3rd 135, 142 (2nd Cir. 2006), citing Ward v. Rock Against Racism, 491 U.S. 781, 791 (1989). See, also, Genco Importing, Inc. v. City of New York, 552 F. Supp. 2d 371, (SDNY 2008).

In People v. Bakolas, 59 N.Y.2d, 51, 462 N.Y.S.2d 844 (1983), the New York Court of Appeals addressed the facial constitutionality of the State's disorderly conduct statute in connection with the term "unreasonable noise." Finding that "the term 'unreasonable noise' is not incapable of definition," the New York Court of Appeals described the phrase "unreasonable noise" as follows:

A noise of a type or volume that a reasonable person, under the circumstances, would not tolerate (citation omitted).

Id. at 53. The Court of Appeals was careful to say, however, that the disorderly conduct statute required an element of intent, or recklessness, which narrowed the definition, "so that no inadvertently disturbing act may be punished (citation omitted)." Id. at 54.

A noise ordinance must be constitutional not only on its face (facial constitutionality), but in the manner in which it is applied. In considering the facial constitutionality of noise ordinances, the Second Circuit upheld an ordinance which prohibited "loud or unreasonable noise" and which defined "unreasonable" noise as follows:

that which 'disturbs, injures or endangers the peace or health of another or . . . endangers the health, safety or welfare of the community.'

Howard Opera House Associates, et al. v. City of Burlington, Vermont v. Urban Outfitters, Inc., 322 F.3d 125, 128 (2d Cir. 2003).

Finding that "the elimination of excessive noise is a substantial and laudable goal," the Second Circuit, in Carew-Reid, et al. v. Metropolitan Transportation Authority, et al., 903 F.2d 914 (2d Cir. 1990), found that a ban on the use of amplifiers on subway platforms constituted "a reasonable time, place or manner restriction as a matter of law." Id. at 919. More recently, and in a New York State Court case, the Appellate Division, First Department, held that "it was not impermissibly vague" to adopt an ordinance banning "unreasonable noise" defined as:

any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivities, injures or endangers the health or safety of a reasonable person of normal sensitivities or which causes injury to plant or animal life, or damage to property or business (citation omitted).

Harlem Yacht Club v. New York City Environmental Control Board, 40 A.D.3d 331, 836 N.Y.S.2d 66, 67 (1st Dep't 2007).

A statute which is facially constitutional, however, can separately be found to be unconstitutional in its application. For example, in Deegan v. City of Ithaca, supra, a noise ordinance which was “interpreted, construed and enforced” in such a way as to prohibit a street preacher from preaching, because it could be heard from twenty-five feet away in the Ithaca Commons area, was held to be unconstitutional. The Court stated that the ordinance, on its face, did not necessarily raise constitutional concerns. The City, however, had stipulated on appeal that its ordinance would prohibit any noise that could be heard twenty-five feet away. Finding that such an application would include the footsteps of a person in high heeled boots or a conversation among several people, the statute, as interpreted and applied by the City, failed to take into consideration the “nature and purposes of the [area], along with its ambient characteristics,” and was thus not narrowly tailored to the circumstances. Id. It was stricken as being unconstitutional in its application.

The City of Ithaca noise ordinance was, as noted by the Second Circuit, likely facially valid. However, to be validly enforced, it was required to have been applied as written, and not as stipulated on appeal, utilizing Ithaca’s “12 non-exclusive factors” designed to be used to determine whether noise is “unreasonable.”

Conclusion

If the Watertown City Council determines that it desires to adopt noise control legislation, the initial determination must center on whether the legislation should be framed in terms of decibel levels from a certain distance, or based upon a legislative determination of “reasonableness.” If it is the former, we recommend that the City obtain some expert guidance on decibel levels at certain distances such that appropriate levels can be established above ambient levels, and further obtain an estimate concerning the expected cost of appropriate decibel meters and training.

If the City Council wishes to proceed to adopt legislation based upon a doctrine of reasonableness, we recommend that the Council consider which time, place and manner restrictions, under all the circumstances, it would deem to be reasonable. We further believe that the matter should be made enforceable strictly as a civil matter (fines only), and not as a criminal matter.

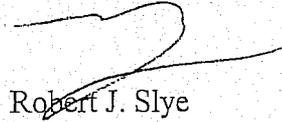
One final note - - - this letter offers no opinion as to whether any legislation regulating “unreasonable noise” may be utilized to override and/or circumvent the State’s statutory noise regulations contained at Section 375(31), Section 375(47), and Section 386 of the Vehicle and Traffic Law. In other words, this letter does not address the question of whether the operation of vehicular audio amplification systems may be governed by local, rather than State, law.

We look forward to assisting the Council in its deliberations.

Very truly yours,

SLYE & BURROWS

By:



Robert J. Slye

RJS/ktl

cc: Ms. Mary M. Corriveau, City Manager ✓



SoundPatrol DP Series SOUND LEVEL METERS

For Noise Ordinance Enforcement

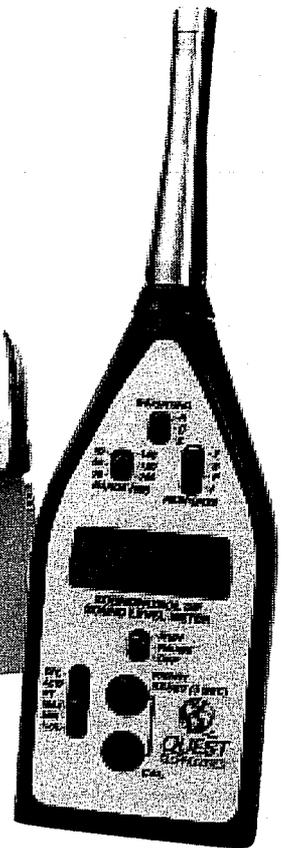
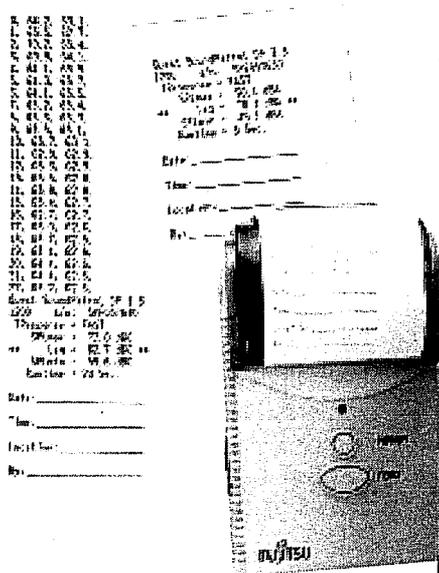
The Issue

Enforcement of local noise ordinances requires field testing of noise levels and documentation of measurement results, particularly in the event a citation is issued. The need exists for a simple system that requires minimal training to be easily deployed in the field by law enforcement personnel. The system must provide credible data and convenient methods for field calibration and printing of test results in the field.

The Solution

Quest Technologies has created the SoundPatrol DP 1200 (Class 1) and SoundPatrol DP 2200 (Class 2) integrating sound level meters with digital printing capabilities especially for this application. Both meters are rugged, high-quality devices meeting all the applicable accuracy and performance requirements for sound level meters as defined by ANSI S1.4 and S1.43, IEC 61672, 651 and 804.

Users will quickly learn to confidently perform a pre-test field calibration, take a valid noise sample, perform a post-test calibration check and generate complete printed results using the system's convenient belt-worn portable printer.



Ordering Information

| PART NUMBER | DESCRIPTION |
|--------------|---|
| SPDP-1200 | SoundPatrol DP 1200 Class 1 Noise Ordinance Enforcement Meter. Consists of SoundPatrol meter, windscreen, instruction manual and factory calibration certificate all packaged in a single convenient storage case. |
| SPDP-1200-10 | Same as SP-DP-1200, plus QC-10 Acoustical Field Calibrator. |
| SPDP-2200 | SoundPatrol DP 2200 Class 2 Integrating/Printing Noise Ordinance Enforcement System. Consists of SoundPatrol meter, windscreen, microphone adapter, and factory calibration certificate all packaged in a single convenient storage case. |
| SPDP-2200-10 | Same as SPDP-2200, plus QC-10 Acoustical Field Calibrator. |
| SPDP-PRINTER | Portable rechargeable battery-operated thermal printer with belt clip, AC adapter/charger, printer cable, roll of paper and instruction manual. |

Technical Specifications

| SoundPatrol DP Meter | |
|-----------------------------|---|
| Measurement Range: | 30 to 140 dBA 40 to 140 dBC 43 to 143 dBpk |
| Microphone: | Size: 0.5" (13.5 mm) Type: Electret |
| Preamp: | Detachable: Optional Maximum Cable Length: 50 Ft. (15 m) |
| Internal Filters: | A,C,Z |
| Response Time Constants: | F, S, I, P |
| Exchange Rates: | 3 or 5 |
| Output: | RS-232C Serial Printer Port |
| Temperature Range: | Operating: 14°F to 122°F (-10°C to 50°C) Storage: -4°F to 140°F (-20°C to 60°C) |
| Batteries: | 9V Alkaline |
| Battery Life: | 25-30 hrs. |
| Size: | Model 1200: 2.8"x9.7"x1.3" (7x23x3.3cm) Model 2200: 2.8"x7.0"x1.3" (7x18x3.3cm) |
| Weight: | Model 1200: 10.8 oz. (306 g) Model 2200: 10.3 oz. (293 g) |
| Standards: | ANSI S1.43-1997 (R1997), IEC60651, IEC 60804, IEC61672, CE Mark, Model 1200: Class 1; Model 2200: Class 2 |
| Report Types: | Enforcement Report; Continuous Report |

| QC-10 CALIBRATOR | |
|-------------------------|--|
| Output Amplitude: | 114 dB sound pressure level |
| Output Frequency: | 1,000 Hz. |
| Accuracy: | +/- 0.3 dB @ 20° C, 760 mm Hg |
| Power Source: | Disposable 9-volt alkaline battery |
| Typical Battery Life: | >25 hours |
| Size & Weight: | 4.1" (10.4 cm) long, 2.4" (6 cm) dia., 12 oz (0.35 kg) |
| Operating Temp & RH: | -10 to 50°C, 5 to 95% RH |
| Storage Temp & RH: | -40 to 65°C (battery removed), 5 to 95% RH |

| PORTABLE PRINTER | |
|-------------------------|--|
| Print Method: | Thermal |
| Format: | 24-column |
| Recommended Paper: | PD160R-N (Oji Paper) or AFP-235 (Mitsubishi Paper) |
| Interface: | RS-232C |
| Power Source: | Internal rechargeable 3.7VDC lithium ion battery. |
| Battery Life: | 50m printing at 12.5% printing ratio |
| AC Adapter/Charger: | 100VAC to 240VAC adapter |
| Size & Weight: | 84 x 136 x 30 mm; 280g (paper & battery included) |
| Operating Temp & RH: | -5 to 50°C, 20 to 85% RH, non-condensing |
| Storage Temp & RH: | -20 to 60°C, 5 to 90% RH, non-condensing |



ISO 9001 Registered Company
ISO 17025 Accredited Calibration Lab
098-580 Rev. D 02/10

Quest Technologies, a 3M company
1060 Corporate Center Drive - Oconomowoc, Wisconsin 53066 USA
262.567.9157 - 800.245.0779 - WWW.QUESTTECHNOLOGIES.COM



Eirtech Instruments **Price Quotation**

4 Burton Street

Cazenovia, NY 13035

315-655-8124/// Fax 315-655-3612

| | | | |
|----------------------------------|---------------------|-------------------------------|-----------------|
| Date: | 12/8/10 | Customer Inquiry Date: | |
| From: | Bryan Howles | Proposed Ship Date: | 2 - 3 Weeks ARO |
| To: | Bob Cleaver | Terms: | Net 30 Days |
| Company Name and Address: | Watertown | To be Shipped Via: | UPS |
| Phone: | 315-785-7748 | F.O.B.: | SP |
| Fax: | | Salesperson: | 19 |

Here is our quotation for the goods named below, subject to the following :

CONDITIONS: *The prices and terms of this quotation are not subject to verbal changes or other agreements, unless approved in writing by the Seller. All quotations and agreements are contingent upon strikes, accidents, fires, availability of materials and equipment, plus all other causes beyond Seller's control. Prices are based on costs and conditions existing at date of quotation and are subject to change by the Seller before Purchaser's acceptance of equipment. Typographic, stenographic, and clerical errors are subject to adjustment and Purchaser hereby agrees to re-execute any document that requires correction or signature. Seller makes no warranty, expressed or implied, that the equipment is fit for any particular purpose. Shipment of any products are subject to availability. Seller will make a reasonable effort to meet any delivery quoted. In the absence of specific shipping instructions, or if Purchaser's instructions are deemed unsuitable, Seller reserves the right to ship by the most appropriate method. Conditions not specifically stated herein shall be governed by established trade customs. Terms inconsistent with those stated herein, which may appear on Purchaser's formal order, will not be binding on the Seller.*

| Quantity | Description | Price | Amount |
|-----------------|---|--------------|---------------|
| 1 | Quest Model SOUND PATROL SPDP 2200-10PR CLASS 2 INCLUDES METER WINDSRENN, CALIBRATOR ADAPTER AND STORAGE CASE SPDP PRINTER PORTABLE PRINTER PRICE INCLUDES ON SITE TRAINING Please place orders to Eirtech Instruments c/o WILNER-GREENE ASSOC 10 Forest Falls ,Unit #1A Yarmouth,Maine, 04096 | \$ 2,370.00 | \$ 2,370.00 |

Shipping, insurance and applicable taxes are additional.

Quote is valid for up to 45 days from date of issue.

Terms are subject to credit approval.

Response to Chief Goss from District Attorney's Office, Harmony Healy:

I've been doing quite a bit of research on the topic, and reviewed noise ordinances from various cities around New York State. I've also corresponded with Corporation Counsel for cities that have municipal noise ordinances that are enforced with decibel meters, including the City of Canandaigua. They have had no challenges to constitutionality of duplicative laws or the usage of the decibel meter. That being said, the officers are writing most vehicle noise complaints under the VTL section not the ordinances.

In all cases in where decibel meters are used, the officers must testify to the usage of the decibel meter and that the meter is calibrated to the manufacturer's specifications (that would depend on the manufacturer you choose to purchase from).

They must further testify to being trained in the usage of the decibel meter. Finally, the testimony must include that the officer was no closer than 25 feet, and the decibel level exceeds 70 decibels pursuant to the statute.

Whether Judge Harberson requires a hearing prior to admitting the results of a decibel test is something that simply cannot be predicted as it is a new instrument to the Court. If Judge Harberson were to order a Frye Hearing regarding the use of the decibel meter, I can address it at that time.

A Frye hearing questions whether an instrument is accepted in the scientific community, and I presume this instrument has been accepted in the community as it is used by several other counties to enforce State Vehicle and Traffic Laws.

If you have any further questions, please don't hesitate to ask.

1/21/2011

Public Hearing – 7:30 p.m.

January 20, 2011

To: The Honorable Mayor and City Council

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

Subject: Approving the Zone Change Request Submitted by Stacey Mack to Change the Approved Zoning Classification of 234-238 High Street, Parcel No. 6-07-218, From Light Industrial District to Residence C District

The City Council scheduled a public hearing on the above described Zone Change Request for 7:30 p.m. on Monday, February 7, 2011.

The Planning Board reviewed the request at its January 4, 2011 meeting and adopted a motion recommending that the City Council approve the zone change. Attached is a report on the Zone Change Request prepared for the Planning Board and an excerpt from its Minutes.

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

ORDINANCE

Page 1 of 1

Approving the Zone Change Request Submitted by Stacey Mack to Change the Approved Zoning Classification of 234-238 High Street, Parcel No. 6-07-218 From Light Industrial District to Residence C District

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

| YEA | NAY |
|-----|-----|
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| | |
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| | |
| | |

Total

Introduced by

Council Member Jeffrey M. Smith

BE IT ORDAINED where Stacey Mack, has made application by petition filed with the City Clerk, pursuant to Section 83 of the New York General City Law to change the approved zoning classification of Parcel Number 6-07-218 located at 234-238 High Street from Light Industrial to Residence C District, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its meeting held on January 4, 2011, and adopted a motion recommending that the City Council approve the zone change as requested, and

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

WHEREAS a public hearing was held on the proposed zone change on February 7, 2011, after due public notice, and

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

NOW THEREFORE BE IT ORDAINED that the zoning classification shall be changed for Parcel Number 6-07-218 located at 234-238 High Street, from Light Industrial to Residence C District, and

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

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

Seconded by Council Member Joseph M. Butler, Jr.



MEMORANDUM

City of Watertown Planning Office

245 Washington Street, Room 304

Watertown, New York 13601

315-785-7730

Fax: 315-782-9014

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

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

SUBJECT: Zone Change Request – 234-238 High Street

DATE: December 28, 2011

Request: To change the approved zoning classification of 234-238 High Street, Parcel Number 6-07-218 from Light Industrial District to Residence "C" District.

Applicant: Stacey Mack.

Property Owner: Stacey Mack.

SEQRA: Unlisted Action.

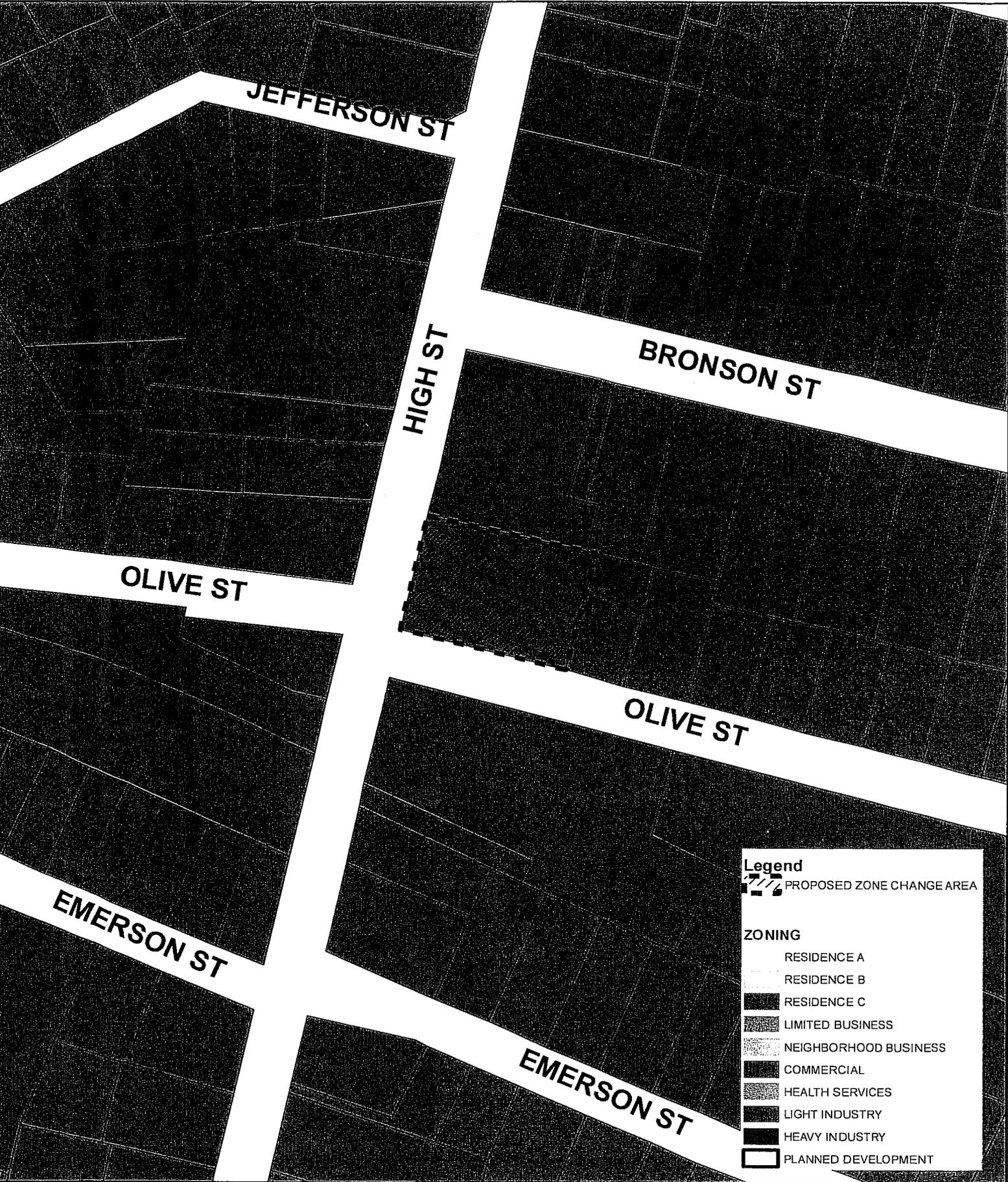
County Planning Board review required: No

Comments: The proposed zone change is being requested by the property owner as outlined in the attached application documents. The structure on the site is listed in City Assessment records as a two family home and was originally a legal non-conforming use in the Light Industrial District. At some point in time it was illegally converted into a three unit dwelling which is not allowed since a legal non-conforming use cannot be expanded. After the City became aware of this issue the owner was cited by Codes and was required to either discontinue the use or seek a variance to allow the third unit. Since the property is adjacent to a Residence "C" District, our office suggested that a zone change would be a better alternative to seeking the variance. The applicant has therefore made the application in order to rectify the situation and come into compliance.

Part I of the Short Environmental Assessment Form has been completed and submitted as part of the application. The Land Use Plan calls for Medium Density Residential in this area. A copy of both the Land Use Plan and the Zoning Map are attached for your reference.

cc: Planning Board Members
City Council Members
Robert J. Slye, City Attorney
Justin Wood, Civil Engineer II
Stacey Mack

PROPOSED ZONE CHANGE
234-238 HIGH STREET
LIGHT INDUSTRY to RESIDENCE C



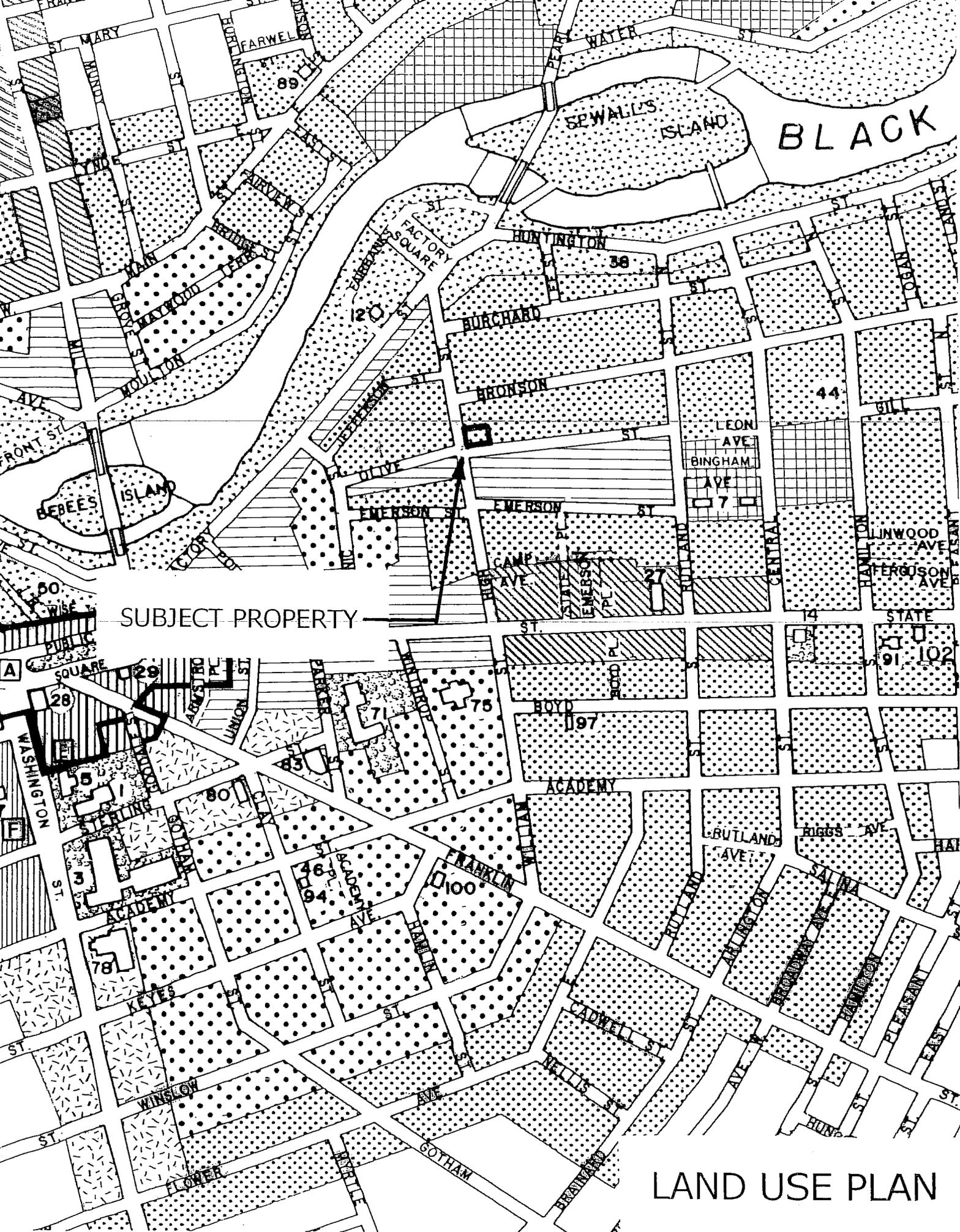
Legend

- PROPOSED ZONE CHANGE AREA

ZONING

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

100 200 Feet



SUBJECT PROPERTY

LAND USE PLAN

THIS PLAN ESTABLISHES BASIC LAND USE OBJECTIVES OF THE CITY OF WATERTOWN. THE LAND USE PATTERNS AND FUNCTIONS SHOWN ON THE PLAN SHOULD BE PROTECTED AND PROMOTED THROUGH THE ZONING ORDINANCE AND OTHER LAND USE AND DEVELOPMENT CONTROLS.



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



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



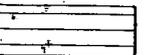
LOW DENSITY RESIDENTIAL: PREDOMINANT USE FOR ONE-FAMILY DWELLINGS.



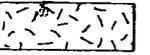
MEDIUM DENSITY RESIDENTIAL: SUBSTANTIAL USE FOR ONE- AND TWO-FAMILY DWELLINGS.



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



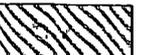
COMMERCIAL: CONCENTRATIONS OF SHOPPING, SERVICE, AND RELATED USES SERVING THE NEIGHBORHOOD, COMMUNITY, OR REGION, AND COMPATIBLE WITH THE LOCATION.



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



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



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



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



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



INDUSTRY: PERMITTED MANUFACTURING AND OTHER INDUSTRIAL USES.



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



MAJOR HIGHWAY SYSTEM IMPROVEMENT.

December 3, 2010

To whom it may concern,

I am writing this letter requesting a zoning change from light industrial to residential C for the property I currently own at 234-238 High St. in the City of Watertown. It is currently listed as a Duplex on the tax roles and with the Code Enforcement Department. I have lived in this home since 1976 when my parents bought it and they converted the house to a three apartment home at somepoint in my childhood. I bought the house from my mother in 1996 when she became ill and had no idea what the status of the house was or that it was not in compliance. We have always had family living in the third residence so I'm sure my parents were unaware that they were required to change the status of the house also. So, at this time in an attempt to start the process of adhering to the rules of compliance with the Code Enforcement Department and tax role requirements I am requesting this change.

Thank you,

Stacey Mack

Stacey Mack (Kelly)





234 High St, Watertown, NY 1360

House 238

© 2010 Google
Image © 2010 New York GIS

Google

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made the 28th day of June 1994 .

BETWEEN Dorothy H. Kelly, 234 High Street,
Watertown, New York 13601

and

grantor

Stacey Michelle Kelly, 234 High Street
Watertown, New York 13601

grantee

John W. Wilson
CLERK

1994 JUN -6 PM 12:45

JEFFERSON COUNTY CLERK
RECEIVED

WITNESSETH, that the grantor, in consideration of ONE and 00/100-----

----- Dollars,
has by this deed, hereby grants and releases unto the grantee, the heirs or successors and assigns of the grantee forever,

~~all that certain plot, piece or parcel of land, with the buildings and
improvements thereon erected, situate, lying and being in the City of
Watertown, County of Jefferson and State of New York, known as No. 234 High
Street in said city, situate on the Northeast corner of said High and Olive
Streets described in a deed to Frederic M. Carpenter from Fred B. Pitcher,
as Referee, dated March 5, 1920 and recorded in the Clerk's Office of
Jefferson County April 14, 1920, to which deed and the record thereof
reference is hereby made for a more particular description of said premises.~~

BEING a portion of the premises described in a deed from Fred B. Pitcher to Frederic M. Carpenter and Mary K. Carpenter, his wife, dated March 5, 1920 and recorded in the Jefferson County Clerk's office on April 14, 1920 in Liber 360 of Deeds, at Page 36.

ALSO BEING the same premises conveyed by Edna A. Wright to James E. Ford and Laura I. Ford by Warranty Deed dated June 3, 1964 and recorded in the Jefferson County Clerk's Office on the same date in Liber 752 of Deeds, at Page 10. Said Laura I. Ford predeceased her husband, James E. Ford, having died a resident of Jefferson County on the 9th day of August, 1970.

~~and the same premises conveyed to Grantor by Donald Carpenter
by deed dated March 9, 1982 and recorded in the
Clerk's Office of Jefferson County March 10, 1982 in Liber 921 of Deeds at~~

~~that the grantor, in consideration of the sum of one and 00/100
dollars, has by this deed, hereby grants and releases unto the grantee, the heirs or successors and assigns of the grantee~~

~~the provisions of Section 13 of the Lien Law. The words "grantor" and "grantee" shall be con-~~
~~strued in the sense of this deed as required.~~

WHEREOF, the grantor has executed this deed the day and year first above written.

Witness my hand and seal of the Jefferson County Clerk at Watertown, New York, this 6th day of June, 1994.

L. S.

March 5, 1920 and recorded in the Jefferson County Clerk's Office on April 14, 1920 in Liber 360 of Deeds, at Page 36.

ALSO BEING the same premises conveyed by Edna A. Wright to James E. Ford and Laura I. Ford by Warranty Deed dated June 3, 1964 and recorded in the Jefferson County Clerk's Office on the same date in Liber 752 of Deeds, at Page 10. Said Laura I. Ford predeceased her husband, James E. Ford, having died a resident of Jefferson County on the 9th day of August, 1970.

ALSO BEING the same premises conveyed to Grantor by Donald Carpenter and Marion Carpenter by deed dated March 9, 1982 and recorded in the Jefferson County Clerk's Office March 10, 1982 in Liber 921 of Deeds at Page 283.



TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises. TO HAVE AND TO HOLD the premises herein granted unto the grantee, the heirs or successors and assigns of the grantee forever. AND the grantor covenants as follows:

FIRST.—The grantee shall quietly enjoy the said premises;
SECOND.—The grantor will forever warrant the title to said premises;

This deed is subject to the trust provisions of Section 13 of the Lien Law. The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

IN WITNESS WHEREOF, the grantor has executed this deed the day and year first above written.

In presence of:

Dorothy H. Kelly L. S.
DOROTHY H. KELLY L. S.

STATE OF NEW YORK, COUNTY OF _____ ss.:
On the _____ day of _____ 19____, before
me personally came _____ to me known,
who, being by me duly sworn, did depose and say that deponent resides
at No. _____
deponent is _____ of _____
the corporation described in and which
executed, the foregoing instrument; deponent knows the seal of said
corporation; that the seal affixed to said instrument is such corporate
seal; that it was so affixed by order of the Board of Directors of said
corporation; deponent signed deponent's name thereto by like order.

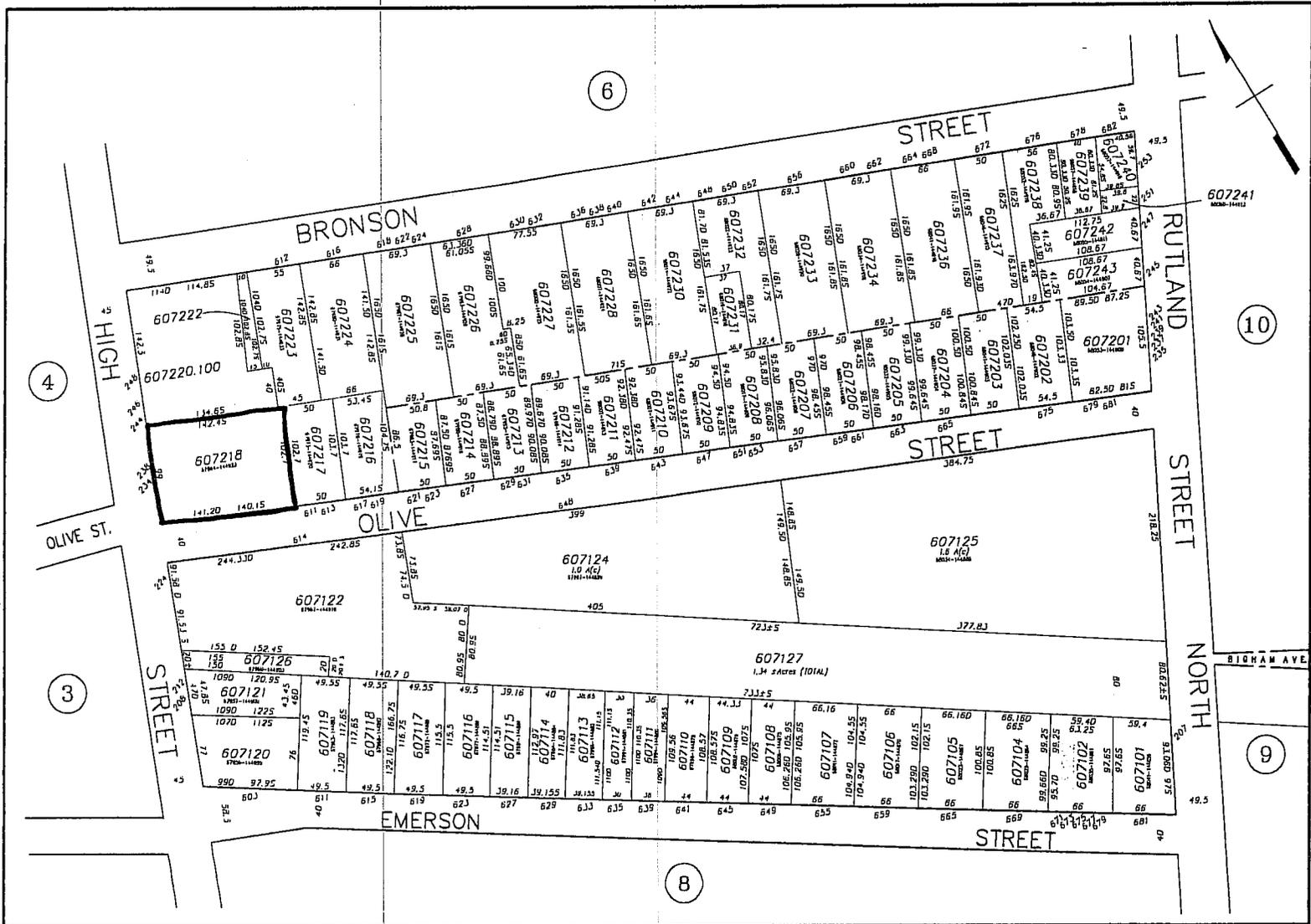
STATE OF NEW YORK, COUNTY OF JEFFERSON ss.:
On the 28th day of JUNE 1994, before
me personally came
DOROTHY H. KELLY
to me known to be the individual described in, and who executed
the foregoing instrument, and acknowledged that she executed
the same.

LIBER 1406 PAGE 33

John M. Rochelle
Notary Public

Syracuse, N.Y. 13204

John M. Rochelle

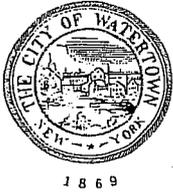


Drawing prepared by Assessor & Assessor's Office, City of Watertown, N.Y. Date: 2/4/09

SCALE: 1" = 50 FEET
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

REVISED 2/4/09

DISTRICT 6 MAP 7



CITY OF WATERTOWN, NEW YORK

CITY PLANNING BOARD

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

Meeting: January 4, 2011

Present:

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

Also:

Kenneth A. Mix, Planning & Community
Development Coordinator
Michael A. Lumbis, Planner
Justin L. Wood, Civil Engineer II

Absent:

Alan Harris
Sarah Warner

The January 4, 2011 Planning Board meeting was called to order at 4:00 p.m. by Chairman Norman Wayte. Mr. Wayte called for a reading of the Minutes from the December 7, 2010 Planning Board Meeting. Mrs. Freda moved to accept the Minutes as written. The motion was seconded by Mr. Coburn and all voted in favor.

ZONE CHANGE – 234-238 HIGH STREET, PARCEL NO. 6-07-218

The Planning Board then considered a Zone Change Request submitted by Stacey Mack to change the approved zoning classification of 234-238 High Street, Parcel No. 6-07-218 from Light Industrial District to Residence “C” District. In attendance to represent the Zone Change Request was Stacey Mack.

Ms. Mack began by stating that she is the current owner of the property; however, her mother and father had owned the property since she was ten years old. She said that at some point in time during her parents’ ownership, a third apartment was put into the property. She said she was unaware that a change in zoning would be required to allow three apartments, so the building is presently not in compliance with the Zoning Ordinance. She said that she is requesting the zone change in order to bring the property into compliance.

Mrs. Freda asked if there are any other building code violations that would be an issue, assuming the zone change request is approved. Ms. Mack said that she has not been told of any other violations but that a potential buyer of the property has stated they would address any issues. Mr. Wood noted that Code Enforcement will have to do an inspection of the apartments to make sure they have been built to code if the zone change is approved.

Mr. Mix stated that the City Assessment Department records list the home as a two-family home and that at some point it was illegally converted into a three-unit dwelling. He said the two-unit home was allowed as a legal non-conforming use in the industrial district. He said that it is the third unit that is not currently allowed. He also said that the zone change would allow the third unit and that there would be no other issues as far as zoning is concerned. He said that any building code issues are yet to be determined. Mr. Mix also noted that the Land Use plan for the area recommends residential use and that the zone change request made sense versus having the applicant apply for a use variance.

Hearing no further discussion, Mrs. Freda moved to recommend that the City Council approve the Zone Change Request submitted by Stacey Mack to change the approved zoning classification of 234-238 High Street, Parcel No. 6-07-218 from Light Industrial District to Residence "C" District. The motion was seconded by Mrs. Gervera and all voted in favor.

Mr. Wayte then asked if there were any other topics or business that the Planning Board needed to discuss. Mr. Mix asked if Planning Board Members had an opportunity to view the balloon test that was conducted by Verizon for the proposed cell tower at 491 Eastern Boulevard. Mr. Coburn stated that he was able to attend and did not have an issue with the height of the proposed structure. Mr. Wayte indicated that he was unsure whether a cell tower would fit into the neighborhood. A brief discussion followed regarding the proposed cell tower.

Mr. Mix noted that a meeting was held last month regarding the proposed LWRP zoning changes. He said that the meeting was a good meeting, with a number of important suggestions for changes to the proposed ordinance amendment. He said that additional information would be forthcoming regarding the zoning changes.

Mr. Mix also noted that he has completed an accounting of the training hours for each of the Planning Board Members and would send a summary to the members.

Hearing no further discussion, Mr. Fipps moved to adjourn the meeting. The motion was seconded by Mrs. Gervera and all voted in favor. The meeting was adjourned at 4:15 p.m.

MAL:eg

Public Hearing – 7:30 p.m.

February 1, 2011

To: The Honorable Mayor and City Council
From: Kenneth A. Mix, Planning and Community Development Coordinator
Subject: 2011 CDBG Small Cities Application Public Hearing

The first of two public hearings required for this year's Community Development Block Grant Small Cities Application has been scheduled for Monday, February 7, 2011 at 7:30 p.m. Applications are due by May 27, 2011.

Attached is a copy of the information that will be handed out at the public hearing. The purpose of this public hearing is to hear comments on the City's past performance with the program and to gather ideas for this year's application. I will be available to give a short presentation of the required information at the beginning of the public hearing and to answer questions.

CITY OF WATERTOWN
Community Development Plan

SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

The City of Watertown has been active in the Small Cities Community Development Block Grant Program for more than 30 years. Applications have been submitted every year since the program was created in 1978. Twenty-four of them have been successful, generating more than \$12 Million of federal grant funding to support local community development activities in the city, as follows:

| | | |
|----------------|--|-------------|
| 1979,1980,1981 | 3-Year Comprehensive Program | \$1,550,000 |
| 1982 | Single Purpose Public Facilities Improvements | \$478,588 |
| 1983 Jobs Bill | Single Purpose Economic Development | \$150,500 |
| 1983/1984 | Comprehensive Program | \$1,000,000 |
| 1985 | Comprehensive Program | \$600,000 |
| 1986 | Single Purpose Housing Rehabilitation | \$400,000 |
| 1987 | Comprehensive Program | \$600,000 |
| 1988 | Comprehensive Program | \$600,000 |
| 1989 | Single Purpose Housing Rehabilitation | \$400,000 |
| 1990 | Single Purpose Public Facilities Improvements | \$400,000 |
| 1991 | Single Purpose Home Ownership | \$400,000 |
| 1994 | Single Purpose Home Ownership | \$400,000 |
| 1995 | Single Purpose Home Ownership | \$400,000 |
| 1996 | Single Purpose Economic Development | \$600,000 |
| 1999 | Single Purpose Housing Rehabilitation | \$400,000 |
| 2000 | Single Purpose Housing Rehabilitation | \$400,000 |
| 2002 | Comprehensive Program (Emerson Place Redevelopment) | \$750,000 |
| 2003 | Public Facilities Related to the Emerson Place Redevelopment | \$170,500 |
| 2004 | Single Purpose Housing Rehabilitation | \$400,000 |
| 2005 | Single Purpose Home Ownership | \$400,000 |
| 2006 | Single Purpose Housing Rehabilitation | \$200,000 |
| 2007 | Comprehensive Program (Franklin Building Redevelopment) | \$650,000 |
| 2008 | Single Purpose Rental Rehabilitation & Downtown Apartments | \$400,000 |
| 2009 | Single Purpose Rental Rehabilitation & Downtown Apartments | \$400,000 |

Most of this funding has been used to support housing rehabilitation, home ownership and other neighborhood revitalization projects; and traditionally those activities were focused in target areas that were designated for each program. That approach focused the available resources in limited areas in order to maximize the impact of the public investment and encourage property owners to invest in additional improvements with their own resources. Lately, these programs have been administered on a city-wide basis in order to make those resources available to the properties where that assistance is needed most.

Economic development activities have been included in several comprehensive programs and supported by the Jobs Bill funding that was received in 1983. A single purpose grant was also received in 1996 to support loans for two local businesses that created new employment opportunities in Watertown.

Small Cities funding has also been used to support private redevelopment projects that create new housing and employment opportunities for lower income people in the city. Grants were received in 2002 and 2003 to support the Emerson Place Redevelopment off State Street; and the grant that was received in 2007 has been used to support redevelopment of the Franklin Building on Public Square.

CITY OF WATERTOWN

DOWNTOWN RENTAL APARTMENTS

HOUSEHOLD INCOME LIMITS FOR CDBG AND HOME FINANCING ELIGIBILITY

Applicable to non-metropolitan areas in New York State

(Effective May 14, 2010)

| <u>Family Size</u> | <u>80% of Median</u> (Rehabilitation) | <u>60% of Median</u> (New Apts.) |
|--------------------|--|---|
| 1 Person | \$31,000 | \$23,250 |
| 2 Person | \$35,400 | \$26,550 |
| 3 Person | \$39,850 | \$29,900 |
| 4 Person | \$44,250 | \$33,200 |
| 5 Person | \$47,800 | \$35,850 |
| 6 Person | \$51,350 | \$38,500 |
| 7 Person | \$54,900 | \$41,150 |
| 8 Person | \$58,450 | \$43,800 |

Income Limits for Households larger than Eight Persons are determined by adding \$3,550 (80% of Median) or \$2,650 (60% of Median) 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-2010-02 dated May 14, 2010

From: David H. Stevens

Assistant Secretary for Housing - Federal Housing Commissioner

Re: Fiscal Year 2010 Income Limits

for Public Housing and Section 8 Programs

CITY OF WATERTOWN

DOWNTOWN RENTAL APARTMENTS

RENT LIMITS FOR APARTMENTS WITH CDBG OR HOME ASSISTANCE Applicable to Jefferson County in New York State

(Effective October 1, 2010)

| <u>Unit Size</u> | <u>Fair Market Rent</u> |
|---------------------|-------------------------|
| 0 Bedroom | \$644 / month |
| 1 Bedroom | \$646 / month |
| 2 Bedroom | \$776 / month |
| 3 Bedroom | \$1,000 / month |
| 4 Bedroom | \$1,051 / 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 75, Number 191, October 4, 2010

R.P. FLOWER MEMORIAL LIBRARY

BOARD OF TRUSTEES

Meeting Minutes

January 11, 2011

Present: Mr. Abare, Mr. Caughlin, Ms. Dittrich, Mr. Doheny, Mr. Gebo, Ms. Gray, Ms. Mesires, Mrs. Holberg, Mr. Hopkins, Mrs. Quigg, Mrs. Weldon, Mrs. Wheeler, Director

Absent: Councilwoman Burns, Liaison, City Council

Guests: Jamie Munks, Reporter, Watertown Daily Times. Charlene Fisk, CPA, Sovie & Bowie.

Opening: The regular meeting of the ROSWELL P. FLOWER MEMORIAL LIBRARY was called to order at 4:00 p.m. on Tuesday, January 11, 2011 in the Trustees Room by President Quigg.

Presentation of the annual library audit. President Quigg introduced Charlene Fisk, who attended today's meeting to review the audit as well as answer any questions Trustee members had.

Resolution: Mr. Caughlin moved, and Mr. Gebo seconded, that the 2009-2010 annual Library audit be approved as presented. Motion carried.

Mrs. Fisk was thanked for attending today and was excused.

Matt Doheny, the library's newest Trustee, was introduced to the Board members and introductions were given.

A. Approval of Minutes

Mr. Hopkins moved, and Ms. Gray seconded, that the minutes of the meeting of December 14, 2010 be approved as distributed. Motion carried.

B. Approval of Bills and Salaries

Mr. Caughlin moved, and Mr. Hopkins seconded, that the bills in the amount of \$9,376.31; and salaries in the amount of \$17,885.17 totaling \$27,261.48 be approved for the month of December, 2010. Motion carried.

C. Presidents Report

Kudos to Amanda for her great job in the presentation given to the Youth Philanthropy Group. Just a reminder to members that every 2 years, each Trustee member must attend continuing education sessions. Examples are the NCLS Annual meeting or some other meeting or workshop. Information is available on the NCLS website. Joan Pelikka from NCLS is willing to do an introduction to be a Trustee for those who are interested in it.

D. Treasurer's Report

There was no activity for December due to the transition of Treasurer duties during the month. Activity will be reflected in the January report. There was, however, activity on the investment page which was reviewed.

Resolution: Mrs. Holberg moved, and Mr. Gebo seconded, that the Treasurer's Report be approved as presented. Motion carried.

A copy of the report has been placed on file for audit.

There was discussion on the CD due to mature this month at Carthage Savings & Loan. Community Bank CD will mature in April and the CD at Key Bank will mature in July. Interest rates vary due to length of time the CD is locked in. It was the decision of the Board to roll over the CD at Carthage Savings & Loan for 6 months at .75%. Motion carried. The Finance and Investment Committee will meet and plan on what to do with the funds and other investments. There was discussion on looking at other alternatives as well. The plan will be in place in time for the July maturity of the CD at Key Bank.

Resolution: Ms. Gray moved, and Mr. Gebo seconded, that the CD maturing this month at Carthage Savings & Loan be rolled over for 6 months at .75%. Motion carried.

E. Director's Report

The Teen Space will be moving up to the second floor. This is a big step in moving forward. Two surveillance cameras were installed by the restrooms and the computer area on the main floor. Electricians will be adding more data lines and electrical outlets. The new furniture in the Genealogy Dept. has been arriving. NNYLN Director John Hammond attended the Genealogy party and expressed an interest in digitizing the city directories as a future project. Some interesting documents have been uncovered recently by a genealogy volunteer including some written by Jacob Brown (correspondence). Three applications have been received for the Children's Librarian vacancy. Interviews will be held and the position is to be filled soon. A geothermal feasibility study has been completed, which includes the library. The entire study will be presented to the City Council. If approved, the library could be first for the transition because of the building's existing heat pumps. Questions were entertained.

F. Committee Reports

The 2011 committee assignment list was passed around the table for members to sign up for Committee assignments for the coming year.

Building & Grounds - No report.

Finance & Investment – Tina was asked to give a brief overview of the items on the investment page. Mr. Caughlin gave a synopsis on the Otis Woodruff Estate and Mr. Gebo gave an update on the Sophia Eaton Estate.

Fundraising - Discussed the application for the Mayor's Ball.

Resolution: Mrs. Holberg moved, and Ms. Mesires seconded, that application for the Mayor's Ball be filled out. Motion carried.

Friends – Mr. Hopkins presented the Friends' Treasurer's report for review. The Friends will be meeting here tomorrow at 5:00 p.m.

Nominating – No report.

Long Range Planning – A PowerPoint presentation will be e-mailed to Board members to review for the budget presentation to the City Council. An informal question and answer work session with dinner will be scheduled either Jan. 19, Jan. 26, or Feb. 2 at 5:00 p.m. at the library, please make a first and second choice. Members are asked to e-mail Maxine their preference of date for the work session by the end of this week. The tour and presentation to the City Council is tentatively set for February 14.

Policy – No report

G. Old Business

There was no old business.

H. New Business

Library minutes for public review. A request from the City Manager was made regarding the publishing the monthly Trustee minutes on the City's website. There was discussion and the Board decided that they would prefer the minutes be published on the library's website with a link to them be present on the City's website.

Presentation of the proposed 2011 Central Library Budget – the budget will be 1 ½% less than the previous year which was 8% less than the preceding year. The budget proposal was reviewed. The proposed budget as a whole will be presented by Steve Bolton to his Board for review next week.

Resolution: Mr. Caughlin moved, and Mr. Gebo seconded, that the proposed 2011 Central Library Budget be approved as presented. Motion carried.

Mr. Caughlin mentioned he will be attending the North Country Arts Council meeting regarding a possible 2012 First Night event. He will be in listening mode and will report back to the Board at the February meeting.

Adjournment:

Meeting was adjourned at 5:25 p.m. by Mr. Hopkins and unanimously seconded. Motion carried.

. The next general meeting will be at 4:00 p.m. on Tuesday, February 8, 2011 in the Trustees Room.

Minutes submitted by: Tina M. Uebler, Recording Secretary

Approved by: [bjw]



**CITY OF WATERTOWN
BUREAU OF CODE ENFORCEMENT
INTEROFFICE MEMORANDUM**

DATE: January 28, 2010
TO: Mary Corriveau, City Manager
FROM: Shawn McWayne, Code Enforcement Supervisor
SUBJECT: Installation and Maintenance of Smoke & Carbon Monoxide Alarms/Detectors

The following are the requirements for the installation and maintenance of smoke and carbon monoxide alarms/detectors. The NYS Building Code, Fire Codes and the Residential Code all require new construction to install smoke and carbon monoxide alarms/detectors in all residential type uses.

NYS Residential Code – Residential smoke alarms/detectors are required to be installed in the following areas of new construction:

- In each sleeping room.
- Outside each respective sleeping area in the immediate vicinity of the bedroom.
- On each additional story of the dwelling including basements.

Note: When more than one smoke alarm/detector is required to be installed within an individual dwelling unit the alarms devices shall be interconnected in such a manner that the actuator of one alarm will activate all alarms in that individual unit. These alarms/detectors shall be hard wired to an electrical source.

NYS Residential Code – Residential Carbon Monoxide alarms/detectors are required to be installed in the following areas of one (1) and two (2) family dwellings and multiple single family dwelling (Town House) that may have a carbon monoxide source (including but not limited to fuel fired furnace/boilers, heaters, kerosene heaters, fireplaces and attached garages, etc.)

- Within each dwelling unit or each story containing a sleeping area, within 15 feet of the sleeping area, more than one carbon monoxide alarm shall be provided where necessary to assure that no sleeping area on a story is more than 15 feet away from a carbon monoxide alarm.
- On any story of a dwelling unit that contain a carbon monoxide source.

Note: These alarms shall be hard wired to the building power source same as smoke detectors. The NYS Fire Code and Property Maintenance Code as well as new existing Building Codes will require new & existing structure to have smoke and carbon monoxide alarms/detectors in all residential uses regardless date of construction. The location and installation requirement are the same as new construction with exception that battery operated units may be installed if the dwelling is not under going major renovation.

In summary, there are five (5) NYS Code books that cover the issue and each code book will have exceptions listed that may change the requirements for some installations. It has to be viewed on a case by case basis most of the time.

If you require any further information, please advise.

EFFECTIVE DECEMBER 28, 2010

**SECTION 610
CARBON MONOXIDE ALARMS**

610.1. General. Section 610 covers the application, installation, performance and maintenance of carbon monoxide alarms and carbon monoxide detectors, and their components, in new and existing one-and two-family dwellings; multiple single-family dwellings (townhouses); buildings owned as condominiums or cooperatives and containing dwelling units; bed and breakfast dwellings; and other buildings and structures which contain one or more dwelling units, sleeping units or sleeping areas and which are classified, in whole or in part, in one or more of the following occupancy Groups: E, 1-1, 1-2 (except hospitals), 1-4, R-1, R-2, R-3 or R-4. Carbon monoxide alarms (or, where permitted, carbon monoxide detectors) shall be provided in all new and existing buildings and structures described in Section 610.1, without regard to the date of construction of the building or structure and without regard to whether such building or structure shall or shall not have been offered for sale. Carbon monoxide alarms (or, where permitted, carbon monoxide detectors) shall be installed, operated and maintained in accordance with the provisions of Section 610 or, in the alternative, in accordance with the provisions of NFPA 720.

Exception: Carbon monoxide alarms and/or carbon monoxide detectors shall not be required in a building or structure that contains no carbon monoxide source.

610.2. Definitions. For the purposes of this Section 610, the following terms shall have the following meanings:

Carbon monoxide alarm. A single or multiple-station device that has (1) a sensor capable of detecting the presence of carbon monoxide and (2) an alarm that sounds when carbon monoxide is detected.

Carbon monoxide detector. A device that (1) has a sensor capable of detecting the presence of carbon monoxide and (2) is connected to an alarm control unit that sounds an alarm when carbon monoxide is detected.

Carbon monoxide source. Any appliance, equipment, device or system that may emit carbon monoxide (including, but not limited to, fuel fired furnaces; fuel fired boilers; space heaters with pilot lights or open flames; kerosene heaters; wood stoves; fireplaces; and stoves, ovens, dryers, water heaters and refrigerators that use gas or liquid fuel), garages, and other motor vehicle related occupancies.

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and

EFFECTIVE DECEMBER 28, 2010

sanitation. Dwelling units include, but are not limited to, one-family dwellings, each unit in a two-family dwelling, each unit in a multiple single-family dwelling (townhouse), bed and breakfast dwellings, apartments, and dormitory suites having living areas, bedrooms, bathrooms and kitchens.

Sleeping area. A room or space that can be used, either on an occasional or permanent basis, for sleeping. Sleeping areas include, but are not limited to, bedrooms and places where children sleep in a daycare facility.

Sleeping unit. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units. Sleeping units include, but are not limited to, dormitory suites with living areas, bedrooms and bathrooms.

610.3. Required locations. Carbon monoxide alarms shall be provided in the locations determined pursuant to Section 610.3.

Exceptions:

1. Where coverage at a location is required by more than one provision of Section 610.3, providing one carbon monoxide alarm at such location shall be deemed to satisfy all such provisions.
2. In lieu of a carbon monoxide alarm, a carbon monoxide detector may be provided at any location where coverage is required, provided that such carbon monoxide detector is part of a system that causes an alarm to sound at such location when carbon monoxide is detected at such location.

610.3.1. One- Family Dwellings.

610.3.1.1. Buildings constructed on or after January 1, 2008.

610.3.1.1.1. A carbon monoxide alarm shall be provided on each story containing a sleeping area, within 15 feet of the sleeping area. More than one carbon monoxide alarm shall be provided where necessary to assure that no sleeping area on such story is more than 15 feet away from a carbon monoxide alarm.

610.3.1.1.2. A carbon monoxide alarm shall be provided on each story that contains a carbon monoxide source.

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610.3.1.2. Buildings constructed prior to January 1, 2008. A carbon monoxide alarm shall be provided on the lowest story containing a sleeping area, within 15 feet of the sleeping area. More than one carbon monoxide alarm shall be provided where necessary to assure that no sleeping area on such story is more than 15 feet away from a carbon monoxide alarm.

610.3.2. Two-family dwellings, multiple single-family dwellings (townhouses), and buildings owned as condominiums or cooperatives and containing dwelling units.

610.3.2.1. Buildings constructed on or after January 1, 2008. Within each dwelling unit:

610.3.2.1.1. A carbon monoxide alarm shall be provided on every story containing a sleeping area, within 15 feet of the sleeping area. More than one carbon monoxide alarm shall be provided where necessary to assure that no sleeping area on such story is more than 15 feet away from a carbon monoxide alarm.

610.3.2.1.2. A carbon monoxide alarm shall be provided on every story that contains a carbon monoxide source.

610.3.2.2. Buildings constructed prior to January 1, 2008. Within each dwelling unit, a carbon monoxide alarm shall be provided on the lowest story containing a sleeping area, within 15 feet of the sleeping area. More than one carbon monoxide alarm shall be provided where necessary to assure that no sleeping area on such story is more than 15 feet away from a carbon monoxide alarm.

610.3.3. Bed and breakfast dwellings and buildings and structures which (1) contain one or more sleeping areas, (2) are classified in one or more of the following occupancy Groups: E, 1-2 (except hospitals), 1-4, R-1, R-2, R-3 or R-4, and (3) are not covered by section 610.3.1 or section 610.3.2.

610.3.3.1. Buildings and structures constructed on or after January 1, 2008.

610.3.3.1.1. Dwelling units and sleeping units. Carbon monoxide alarms shall be provided within each dwelling unit and within each sleeping unit at the locations specified in this section 610.3.3.1.1.

EFFECTIVE DECEMBER 28, 2010

610.3.3.1.1.1. In a dwelling unit or sleeping unit that contains a carbon monoxide source, a carbon monoxide alarm shall be provided on each story that contains a sleeping area. The carbon monoxide alarm shall be located within 15 feet of the sleeping area. More than one carbon monoxide alarm shall be provided where necessary to assure that no sleeping area on such story is more than 15 feet away from a carbon monoxide alarm. In addition, a carbon monoxide alarm shall be provided within each sleeping area that contains a carbon monoxide source.

610.3.3.1.1.2. In a dwelling unit or sleeping unit which contains no carbon monoxide source, but which is located (in whole or in part) on the same story as a carbon monoxide source, a carbon monoxide alarm shall be provided on each story that contains a sleeping area. The carbon monoxide alarm shall be located within 15 feet of the sleeping area. More than one carbon monoxide alarm shall be provided where necessary to assure that no sleeping area on such story is more than 15 feet away from a carbon monoxide alarm.

610.3.3.1.1.3. In a dwelling unit or sleeping unit which contains no carbon monoxide source and which is not located (in whole or in part) on the same story as a carbon monoxide source, no carbon monoxide alarm is required.

610.3.3.1.2. Sleeping areas not located within a dwelling unit. Carbon monoxide alarms shall be provided within sleeping areas that are not located within a dwelling unit when required by this section 610.3.3.1.2.

610.3.3.1.2.1. A carbon monoxide alarm shall be provided within each sleeping area that contains a carbon monoxide source.

610.3.3.1.2.2. A carbon monoxide alarm shall be provided within each sleeping area that is located (in whole or in part) on the same story as a carbon monoxide source.

610.3.3.1.3. Stories which (1) contain a carbon monoxide source and (2) contain no dwelling unit, sleeping unit or sleeping area. A carbon monoxide alarm shall be provided on every story which (1) contains a carbon monoxide source and (2) contains no dwelling unit, sleeping unit or sleeping area.

EFFECTIVE DECEMBER 28, 2010

610.3.3.2. Buildings and structures constructed prior to January 1, 2008.

610.3.3.2.1. Dwelling units and sleeping units. Carbon monoxide alarms shall be provided within each dwelling unit and within each sleeping unit at the locations specified in this section 610.3.3.2.1.

610.3.3.2.1.1. In a dwelling unit or sleeping unit that contains a carbon monoxide source, a carbon monoxide alarm shall be provided on the lowest story that contains a sleeping area. The carbon monoxide alarm shall be located within 15 feet of the sleeping area. More than one carbon monoxide alarm shall be provided where necessary to assure that no sleeping area on such story is more than 15 feet away from a carbon monoxide alarm. In addition, a carbon monoxide alarm shall be provided within each sleeping area that contains a carbon monoxide source.

610.3.3.2.1.2. In a dwelling unit or sleeping unit which contains no carbon monoxide source, but which is located (in whole or in part) on the same story as a carbon monoxide source, a carbon monoxide alarm shall be provided on the lowest story that contains a sleeping area. The carbon monoxide alarm shall be located within 15 feet of the sleeping area. More than one carbon monoxide alarm shall be provided where necessary to assure that no sleeping area on such story is more than 15 feet away from a carbon monoxide alarm.

610.3.3.2.1.3. In a dwelling unit or sleeping unit which contains no carbon monoxide source and which is not located (in whole or in part) on the same story as a carbon monoxide source, no carbon monoxide alarm is required.

610.3.3.2.2. Sleeping areas not located within a dwelling unit. Carbon monoxide alarms shall be provided within sleeping areas that are not located within a dwelling unit when required by this section 610.3.3.2.2.

610.3.3.2.2.1. A carbon monoxide alarm shall be provided within each sleeping area that contains a carbon monoxide source.

610.3.3.2.2.2. A carbon monoxide alarm shall be provided within each sleeping area that is located (in whole or in part) on the same story as a carbon monoxide source.

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610.3.3.2.3. Stories which (1) contain a carbon monoxide source and (2) contain no dwelling unit, sleeping unit or sleeping area. A carbon monoxide alarm shall be provided on every story which (1) contains a carbon monoxide source and (2) contains no dwelling unit, sleeping unit or sleeping area.

610.3.4. Buildings and structures classified in Occupancy Group 1-1:

610.3.4.1. Buildings and structures constructed on or after January 1, 2008.

610.3.4.1.1. A carbon monoxide alarm shall be provided on every story containing a sleeping area, within 15 feet of the sleeping area. More than one carbon monoxide alarm shall be provided where necessary to assure that no sleeping area on such story is more than 15 feet away from a carbon monoxide alarm.

610.3.4.1.2. A carbon monoxide alarm shall be provided on every story that contains a carbon monoxide source.

610.3.4.2. Buildings and structures constructed prior to January 1, 2008. A carbon monoxide alarm shall be provided on every story containing a sleeping area, within 15 feet of the sleeping area. More than one carbon monoxide alarm shall be provided where necessary to assure that no sleeping area on such story is more than 15 feet away from a carbon monoxide alarm.

610.4. New carbon monoxide source. This section applies when a carbon monoxide source is installed in, or added, or attached to a building or structure after the date of original construction of the building or structure. This section applies without regard to the date of original construction of the building or structure. When a carbon monoxide source is installed in, or added, or attached to a building or structure, the building or structure (with such new carbon monoxide source) shall be evaluated as if such building or structure (with such new carbon monoxide source) were constructed on or after January 1, 2008, and a carbon monoxide alarm shall be provided at each location determined for such building or structure (with such new carbon monoxide source) pursuant to Section 610.3.

Exception: In lieu of a carbon monoxide alarm, a carbon monoxide detector may be provided at any location where coverage is required, provided that such carbon monoxide detector is part of a system that causes an alarm to sound at such location when carbon monoxide is detected at such location.

610.5. Power source. Carbon monoxide alarms, carbon monoxide detectors, and the alarm control units to which carbon monoxide detectors are connected shall receive their primary

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power from the building wiring, and shall be equipped with a battery backup system that automatically provides power from one or more batteries when primary power is interrupted. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

Exceptions:

1. Carbon monoxide alarms and carbon monoxide detectors installed in a building or structure without an electrical power source shall be battery operated.
2. Carbon monoxide alarms and carbon monoxide detectors installed in a building or structure constructed prior to January 1, 2008 may be battery operated, cord-type or direct plug.
3. Carbon monoxide alarms and carbon monoxide detectors installed in a building or structure pursuant to Section 610.4 may be battery operated, cord-type or direct plug.
4. In the case of a building or structure constructed on or after January 1, 2008 and prior to the effective date of this code, when a carbon monoxide alarm or carbon monoxide detector is provided at a location where coverage was not required by prior versions of the Uniform Code, but where coverage is required by Section 610, such carbon monoxide alarm or carbon monoxide detector may be battery operated, cord-type or direct plug.

610.6. Equipment. Carbon monoxide alarms shall be listed and labeled as complying with UL 2034 or CAN/CSA 6.19. Carbon monoxide detectors shall be listed and labeled as complying with UL 2075 and shall meet the sensitivity testing and alarm thresholds of UL 2034 or CAN/CSA 6.19. Carbon monoxide alarms, carbon monoxide detectors and alarm control units shall be installed in accordance with Section 610 and the manufacturer's installation instructions.

610.6.1. Connection of multiple carbon monoxide alarms and detectors. When more than one carbon monoxide alarm is required to be installed within an individual dwelling unit, sleeping unit, or sleeping area, all carbon monoxide alarms in such dwelling unit, sleeping unit, or sleeping area shall be interconnected.

Exception: Interconnection is not required where battery operated, cord-type or direct plug carbon monoxide alarms and carbon monoxide detectors are permitted.

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610.6.2. Maintenance and testing. Carbon monoxide alarms, carbon monoxide detectors, and alarm control units shall be maintained in an operative condition at all times. Carbon monoxide alarms, carbon monoxide detectors, and alarm control units shall be periodically tested in accordance with the manufacturer's instructions. The battery or batteries used as the primary or backup power source shall be replaced when low or when otherwise required by the manufacturer's instructions. Carbon monoxide alarms, carbon monoxide detectors, and alarm control units shall be replaced or repaired where defective, and shall be replaced when they cease to operate as intended.

610.6.3. Disabling of alarms. No carbon monoxide alarm, carbon monoxide detector, or alarm control unit shall be removed or disabled, except for service, repair or replacement purposes.”