

CITY OF WATERTOWN, NEW YORK
AGENDA
Tuesday, February 21, 2017

This shall serve as notice that the next regularly scheduled meeting of the City Council will be held on Tuesday, February 21, 2017, 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 - Performance Review of City Manager
- Resolution No. 2 - Performance Review of City Clerk
- Resolution No. 3 - Approving Agreement Between the City of Watertown and State of New York, Unified Court System

ORDINANCES

LOCAL LAW

- Local Law No. 1 - Adopting Chapter 260 of the Code of the City of Watertown Entitled Storm Water Management and Erosion and Sediment Control

PUBLIC HEARING

OLD BUSINESS

STAFF REPORTS

- 1. Property Offer – 240 Coffeen Street (Parcel 07-03-304.000)
- 2. Sale of Surplus Hydro-electricity – January 2017
- 3. Sales Tax Revenue – January 2017

NEW BUSINESS

EXECUTIVE SESSION

WORK SESSION

ADJOURNMENT

**NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS MONDAY,
MARCH 6, 2017.**

Res Nos. 1 and 2

February 14, 2017

To: City Council Members

From: Joseph M. Butler, Jr., Mayor

Subject: Resolutions of Performance Reviews of City Manager and City Clerk

The Council Members have had an opportunity to review the accomplishments over the past year for the City Manager and City Clerk.

Attached are two resolutions which provide favorable performance reviews for both.

RESOLUTION

Page 1 of 1

Performance Review of City Manager

Introduced by

Council Member HORBACZ, Cody J.
 Council Member JENNINGS, Stephen A.
 Council Member MACALUSO, Teresa R.
 Council Member WALCZYK, Mark C.
 Mayor BUTLER, Jr., Joseph M.
 Total

YEA	NAY

WHEREAS the Charter of the City of Watertown under Title III, Section 20-6 requires a performance review of the City Manager annually with findings adopted by March 1 each year, and

WHEREAS the City Manager, Sharon Addison, has submitted to City Council a list of her accomplishments for the previous year, and

WHEREAS City Council acknowledged the high-energy approach to the job by Ms. Addison and her ability to resolve issues, and

WHEREAS it was determined that the City Manager has demonstrated her management and communication style, and has become an effective leader of the City's workforce, and

WHEREAS the City Manager has been effective at maintaining the financial strength of the City and preparing a fiscally responsible City budget, and

WHEREAS City Council shared its observations and suggestions for development and improvement and are confident the City Manager will address these areas,

NOW THEREFORE BE IT RESOLVED that following an assessment and review of the City Manager's duties and performance, we find the City Manager, Sharon Addison, has performed her duties consistent with the expectations Council maintains for the position over the year in review.

Seconded by

RESOLUTION

Page 1 of 1

Performance Review of City Clerk

Council Member HORBACZ, Cody J.
 Council Member JENNINGS, Stephen A.
 Council Member MACALUSO, Teresa R.
 Council Member WALCZYK, Mark C.
 Mayor BUTLER, Jr., Joseph M.

Total

YEA	NAY

Introduced by

WHEREAS the Charter of the City of Watertown under Title III, Section 20-8 requires a performance review of the City Clerk annually with findings adopted by March 1 each year, and

WHEREAS the City Clerk, Ann M. Saunders, has provided City Council with a summary of her duties and accomplishments for the previous year, and

WHEREAS City Council determined the City Clerk has done an excellent job of carrying out the duties of her office and serving the public, and

WHEREAS the City Clerk has effectively led her staff in a professional and productive way, and

WHEREAS the City Clerk continues to work on improving the use of technology to make her office more efficient,

NOW THEREFORE BE IT RESOLVED that following an assessment and review of the City Clerk's duties and performance, we find the City Clerk, Ann M. Saunders, has performed consistent with expectations and did an excellent job in the year.

Seconded by

Res No. 3

February 10, 2017

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

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

Chapter 686 of the Laws of 1996 requires the State of New York to contract with political subdivisions of the State for the cleaning of court facilities, as well as minor emergency repairs to the facilities. On November 4, 2013, the City Council approved entering into a five-year Agreement with the New York State Unified Court Systems for the period April 1, 2013 through March 31, 2018.

The period of this contract is April 1, 2016 through March 31, 2017. Attached is a an Agreement which provides the City of Watertown with reimbursement under the Court Cleaning and Minor Repairs Program for services and space provided to City Court.

The proposed budget for services rendered under the terms of the contract period is \$33,741. A detailed copy of the budget request is attached for City Council review.

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

RESOLUTION

Page 1 of 1

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

Council Member HORBACZ, Cody J.
 Council Member JENNINGS, Stephen A.
 Council Member MACALUSO, Teresa R
 Council Member WALCZYK, Mark C.
 Mayor BUTLER, Jr., Joseph M.
 Total

YEA	NAY

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 2016-2017, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, 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

LAWRENCE K. MARKS
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

February 6, 2017

Sharon Addison
City Manager, City of Watertown
245 Washington Street
Watertown, NY 13601

Re: Agreement between UCS and the City of Watertown
For Court Cleaning and Minor Repairs (Contract No. **C300305**)
Annual Renewal Letter and Budget (Appendix B) for SFY 2016-2017

Dear Ms. Addison,

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, 2016 and shall terminate on March 31, 2017. During this 2016-2017 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 2016-2017 period shall be \$33,741. Pursuant to the provisions of Chapter 686 of the Laws of 1996, as amended to date, the maximum compensation for the 2016-2017 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, Esq.
District Executive

Accepted for: City of Watertown

Accepted for: Unified Court System

Sharon Addison
City Manager

Maureen McAlary
Director, Division of Financial Management

Dated:

Dated:

Attachments

ACKNOWLEDGMENT

STATE OF NEW YORK)
) SS:
COUNTY OF JEFFERSON)

On the ____ day of _____, 2017, personally came _____,
to me known, who, being by me duly sworn, did depose and say that he/she resides in _____,
that he/she is the _____ of _____,
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
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, 2016 to March 31, 2017

Name of County or City: City of Watertown

245 Washington St.
Watertown, NY 13601

Court Spaces to be Cleaned and
Repaired Pursuant to this Budget
Court Related

List Court Buildings:

Name and Address of Each Court Building (Including County Clerk Space)	Owned or Leased	Total Building Net Usable Square Feet	Net Usable Sq. Ft.	Aid Eligible Percentage
Municipal Building - City Hall 245 Washington St. Watertown, NY 13601	Owned	30,072	7,531	25%
Combined		30,072	7,531	25%

Note: Divide Court SF by Total SF 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	Aid Eligible 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	Aid Eligible Percentage	Budget Request	
7	1	Municipal Bldg.	\$34,991	\$14,902	\$49,893	25%	\$12,473
8							
9							
10							
11							
12							
1(b) Subtotal:						\$12,473	

1(c) Supplies and Equipment

Type of Material	Building	Quantity/Unit	Costs	Aid Eligible Percentage	Budget Request	
13	Cleaning Supplies	Municipal Bldg.	1	\$14,500	25%	\$3,625
14						
15						
16						
17						
18						
1(c) Subtotal:					\$3,625	

1(d) - Total Cleaning Costs (1a+1b+1c): **\$16,098**

2 Trash Removal and Disposal

2(a) Trash Removal

	Contractor or Agency	Building	Quantity/Unit	Costs	Aid Eligible Percentage	Budget Request
19	Watertown Public Works	Municipal Bldg.	1	\$6,250	25%	\$1,563
20						
21						
22						
23						
2(a) Total:						\$1,563

2(b) Trash Disposal

	Contractor or Agency	Building	Quantity/Unit	Costs	Aid Eligible Percentage	Budget Request
24	Watertown Public Works	Municipal Bldg.	1	\$9,300	25%	\$2,325
25						
26						
27						
28						
2(b) Total:						\$2,325

2(c) - Total Trash Removal & Disposal (2a+2b): 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	Aid Eligible Percentage	Budget Request
29						
30						
31						
32						
33						
34						

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	Aid Eligible Percentage	Budget Request
35							
36							
37							
38							
39							
40							
3(b) Subtotal:							\$0

3(c) Filter Changing - Filters Only

	Type of Material	Building	Quantity/Unit	Costs	Aid Eligible Percentage	Budget Request
41	Filters	Municipal Bldg.	1	\$750	25%	\$188
42						
43						
44						
45						
46						
3(c) Subtotal:						\$188

3(d) Total HVAC Ductwork Cleaning & Filter Changing Costs (3a+3b+3c): 3(d) **\$188**

4 GRAND TOTAL - ALL "CLEANING COSTS": Grand Total Boxes 1d + 2c + 3d: 4 **\$20,173**

7 Building and Property Maintenance:

7(a) Service Contracts

Use Codes A-G:

a - Pest Control

e - Security & Alarm Systems

b - Elevators

f - Property Maintenance

c - HVAC

g - Other (Identify)

d - Telephone Wiring

	Code	Contractor	Type Work Performed	Building	Contract Amounts for Budget Period	Aid Eligible Percentage	Budget Request
58	b	Elevatit	Elevator Maintenance	Municipal Bldg.	\$4,500	25%	\$1,125
59	c	Siemens	Boiler Maintenance	Municipal Bldg.	\$12,000	25%	\$3,000
60	c	Hyde-Stone	Mech/HVAC Maintenance	Municipal Bldg.	\$25,000	25%	\$6,250
61	f	Avaya	Telephone Maintenance	Municipal Bldg.	\$14,500	25%	\$3,625
62	e	Stat Communication	Alarm System	Municipal Bldg.	\$7,000	25%	\$1,750
63	f	Kraft Power	Generator Maintenance	Municipal Bldg.	\$1,200	25%	\$300
64	f	Watert. Public Work	Snow & Debris Removal	Municipal Bldg.	\$8,200	25%	\$2,050
65	c	G.S.Hanley LLC	Boiler-Htg.System	Municipal Bldg.	\$4,000	25%	\$1,000
66							
67							
68							
7(a) Subtotal:							\$19,100

7(b) Local Payroll

	No. of Positions	Building	Annual Wages	Fringes	Total Costs	Aid Eligible Percentage	Budget Request
69	1	Municipal Bldg.	\$47,948	\$14,140	\$62,088	25%	\$15,522
70	1	Municipal Bldg.	\$34,991	\$14,902	\$49,893	25%	\$12,473
71							
72							
73							
74							
75							
76							
7(b) Subtotal:							\$27,995

7(c) Supplies and Equipment

	Type of Material	Building	Quantity/Unit	Costs	Aid Eligible Percentage	Budget Request
77	Repair parts, small tools,	Municipal Bldg.	1	\$3,000	25%	\$750
78	lawnhose, trimmer,					
79	snowblower, mower & misc.					
80						
81						
7(c) Subtotal:						\$750

7 (d) Total - Building and Property Maintenance Costs (7a+7b+7c) 7(d): **\$47,845**

8 Total - Building and Property Maintenance Costs: 8 **\$47,845**

9 Total Cost Reimbursable @ 25% = (Box 8 x 25%) 9 **\$11,961**

10 Total Proposed Direct Costs (Item 6 + Item 9): 10 **\$32,135**

11 Overhead Costs (Item 10 x .05): 11 **\$1,607**

12 Total Proposed Contract Amount (Item 10 + Item 11): 12 **\$33,741**

13 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:	Sharon Addison
Title:	City Manager
Signature:	

County or City:	Watertown
Address:	245 Washington Street- Suite 302
	Watertown, NY 13601

Date:

2/1/17

Phone:

315-785-7730

Local Law No. 1 of 2017

February 15, 2017

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

Subject: Adopting Chapter 260 of the Code of the City of Watertown Entitled Storm Water Management and Erosion and Sediment Control

Attached for City Council consideration is a Local Law accepting Chapter 260, Storm Water Management and Erosion Sediment Control.

The State/Federal Storm Water Management Program requires that urbanized municipalities adopt local laws governing construction and post-construction storm water runoff. As stated in Water Superintendent Vicky Murphy's attached report, adopting this Chapter gives municipal officials the authority to review and accept Storm Water Pollution Prevention Plans (SWPP's) for development, providing a means for oversight and enforcement should the site generate a water quality violation.

Before this Local Law can be considered, a Public Hearing must be scheduled. It is recommended that a Public Hearing be held on this Local Law March 6, 2017, at 7:30 p.m. in the City Council Chambers.

COUNCIL MEMORANDUM

TO: Honorable Mayor and Members of City Council
FROM: Vicky L. Murphy, Water Superintendent
Date: February 15, 2017
RE: Storm Water Management and Erosion and Sediment Control

The City of Watertown became a “Regulated Entity” within a Regulated Small Mmunicipal Separate Storm Sewer (MS4) immediately upon the Greater Watertown Area being declared within an Urbanized Area (UA) as designated by the United States Census Bureau (based upon 2010 census).

The federal/state storm water management program requires UA’s that operate regulated MS4’s to adopt local laws governing construction and post-construction storm water runoff.

The Storm water Management and Erosion and Sediment Control Chapter gives municipal officials the authority to review and accept Storm Water Pollution Prevention Plans (SWPPP’s) for development, providing a means for oversight and enforcement should the site generate a water quality violation.

Staff has reviewed the New York State Department of Conservation Model Law and other communities adopted local laws in developing this Chapter.

LOCAL LAW

Page 1 of 2

A Local Law Adopting Chapter 260 of the Code of the City of Watertown Entitled Storm Water Management and Erosion and Sediment Control

- Council Member HORBACZ, Cody J.
- Council Member JENNINGS, Stephen A.
- Council Member MACALUSO, Teresa R.
- Council Member WALCZYK, Mark C.
- Mayor BUTLER, Jr., Joseph M.

Total

YEA	NAY

Introduced by

A Local Law adopting Chapter 260 of the Code of the City of Watertown providing for Storm Water Management and Erosion and Sediment Control.

WHEREAS the New York Municipal Home Rule Law permits the adoption of Local Laws by a City in furtherance of the health, safety and welfare of the residents of the City, and

WHEREAS the City operates a Regulated Municipal Separate Storm Sewer System (MS4) as that term is defined by Federal Environmental Protection Agency, and pursuant to regulations administered by the State Department of Environmental Conservation, and

WHEREAS the State/Federal Storm Water Management Program requires urbanized municipalities which operate MS4s to adopt local laws or equivalent regulations governing construction and post-construction storm water runoff, and it also requires certain procedures and other measures to implement such local laws, and

WHEREAS this Local Law is designed to comply with the requirements of the State and Federal governments concerning the City’s obligations in the operations of its MS4,

NOW THEREFORE BE IT ENACTED by the City Council of the City of Watertown, New York, as follows:

Chapter 260 of the Code of the City of Watertown, entitled “Storm Water Management and Erosion and Sediment Control” shall be adopted as attached to this Local Law, and

LOCAL LAW

Page 2 of 2

A Local Law Adopting Chapter 260 of the Code of the City of Watertown Entitled Storm Water Management and Erosion and Sediment Control

- Council Member HORBACZ, Cody J.
- Council Member JENNINGS, Stephen A.
- Council Member MACALUSO, Teresa R.
- Council Member WALCZYK, Mark C.
- Mayor BUTLER, Jr., Joseph M.

Total

YEA	NAY

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

Seconded by

Chapter 260

Storm Water Management and Erosion and Sediment Control

260-1 Findings of Fact

It is hereby determined that:

- 1.1 Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- 1.2 This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- 1.3 Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- 1.4 Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- 1.5 Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- 1.6 Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- 1.7 Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- 1.8 The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- 1.9 Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

260-2 Purpose

The purpose of this Chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Section 1 hereof. This Chapter seeks to meet those purposes by achieving the following objectives:

- 2.1 Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. GP-02-02 or as amended or revised;
- 2.2 Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
- 2.3 Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- 2.4 Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- 2.5 Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- 2.6 Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly

maintained and eliminate threats to public safety.

260-3 Applicability

- 3.1** This Chapter shall be applicable to all land development activities as defined in this local law, Article 2, Section 1.
- 3.2** The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the City, to engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.
- 3.3** All land development activities subject to review and approval by the City of Watertown under the City of Watertown Zoning Law and the City of Watertown Subdivision Law shall be reviewed subject to the standards contained in this local law
- 3.4** All land development activities not subject to review as stated in section 4 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

260-4 Exemptions

The following activities may be exempt from review under this law.

- 4.1** Agricultural activity as defined in this Chapter.
- 4.2** Silvicultural activity except that landing areas and log haul roads are subject to this law.
- 4.3** Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- 4.4** Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- 4.5** Any part of a subdivision if a plat for the subdivision has been approved by the City of Watertown on or before the effective date of this law.
- 4.6** Land development activities for which a building permit has been approved on or before the effective date of this law.
- 4.7** Cemetery graves.
- 4.8** Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- 4.9** Emergency activity immediately necessary to protect life, property or natural resources.
- 4.10** Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
- 4.11** Landscaping and horticultural activities in connection with an existing structure.

260-5 Stormwater Control

5.1 Definitions

The terms used in this Chapter or in documents prepared or reviewed under this Chapter shall have the meaning as set forth in this section.

Agricultural Activity - the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

Applicant - a property owner or agent of a property owner who has filed an application for a land development activity.

Building - any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

Channel - a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clearing - any activity that removes the vegetative surface cover.

Dedication - the deliberate appropriation of property by its owner for general public use.

Department - the New York State Department of Environmental Conservation

Design Manual - the *New York State Stormwater Management Design Manual*, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

Developer - a person who undertakes land development activities.

Erosion Control Manual - the most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book".

Grading - excavation or fill of material, including the resulting conditions thereof.

Impervious Cover - those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Industrial Stormwater Permit - a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration - the process of percolating stormwater into the subsoil.

Jurisdictional Wetland - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land Development Activity - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

Landowner - the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Maintenance Agreement - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

Nonpoint Source Pollution - pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Phasing - clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

Pollutant of Concern - sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

Project - land development activity

Recharge - the replenishment of underground water reserves.

Sediment Control - measures that prevent eroded sediment from leaving the site.

Sensitive Areas - cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and habitats for threatened, endangered or special concern species.

SPDES General Permit for Construction Activities GP-02-01 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres

of land.

SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems GP-02-02 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards

Stabilization - the use of practices that prevent exposed soil from eroding.

Stop Work Order - an order issued which requires that all construction activity on a site be stopped.

Stormwater - rainwater, surface runoff, snowmelt and drainage

Stormwater Hotspot - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

Stormwater Management - the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

Stormwater Management Facility - one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

Stormwater Management Officer - an employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices

Stormwater Management Practices (SMPs) - measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

Stormwater Pollution Prevention Plan (SWPPP) - a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

Stormwater Runoff - flow on the surface of the ground, resulting from precipitation

Surface Waters of the State of New York - lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

Watercourse - a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waterway - a channel that directs surface runoff to a watercourse or to the public storm drain.

260-5.2 Stormwater Pollution Prevention Plans

5.2.1 Stormwater Pollution Prevention Plan Requirement

No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this Chapter.

5.2.2 Contents of Stormwater Pollution Prevention Plans

- 5.2.2.1 All SWPPPs shall, in addition to conforming to the substantive requirements of the NYS Department of Conservation Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-

01 or as amended or revised, provide the following information:

1. Background information about the scope of the project, including location, type and size of project.
2. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
3. Description of the soil(s) present at the site;
4. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than one (1) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
5. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
6. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill -prevention and response;
7. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
8. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
9. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
10. Temporary practices that will be converted to permanent control measures;
11. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
12. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
13. Name(s) of the receiving water(s);
14. Delineation of SWPPP implementation responsibilities for each part of the site;
15. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
16. Any existing data that describes the stormwater runoff at the site.

5.2.2.2 Land development activities as defined in Section 1 of this Chapter and meeting Condition "A", "B" or "C" below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Section 2.2.3 below as applicable:

Condition A - Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B - Stormwater runoff from land development activities disturbing one (1) or more acres.

Condition C - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

5.2.2.3 SWPPP Requirements for Condition A, B and C:

1. All information in Section 2.2 .1 of this local law
2. Description of each post-construction stormwater management practice;
3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
4. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms
5. Comparison of post-development stormwater runoff conditions with pre-development conditions
6. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
7. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
8. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
9. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Section 4 of this Chapter.
10. For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.

5.2.3 Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

5.2.4 Contractor Certification

5.2.4.1 Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

5.2.4.2 The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

5.2.4.3 The certification statement(s) shall become part of the SWPPP for the land development activity.

5.2.5 A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

260-5.3 Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control

All land development activities shall be subject to the following performance and design criteria:

5.3.1 Technical Standards

For the purpose of this Chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

- 5.3.1.1 The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)
- 5.3.1.2 New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

5.3.2 Equivalence to Technical Standards

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Article 2, Section 3.1 and the SWPPP shall be prepared by a licensed professional.

5.3.3 Water Quality Standards

Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

260-5.4 Maintenance, Inspection and Repair of Stormwater Facilities

5.4.1 Maintenance and Inspection during Construction

- 5.4.1.1 The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
- 5.4.1.2 For land development activities as defined in Section 1 of this Article and meeting Condition A, B or C in Section 5.2.2.2, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.

5.4.2 Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this Chapter shall ensure they are operated and maintained to achieve the goals of this Chapter. Proper operation and maintenance also includes as a minimum, the following:

- 5.4.2.1 A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.
- 5.4.2.2 Written procedures for operation and maintenance and training new maintenance personnel.
- 5.4.2.3 Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with section 5.3.3.

5.4.3 Maintenance Agreements

The City of Watertown shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this local law entitled Sample Stormwater Control Facility Maintenance Agreement. The City of Watertown, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

260-6 Administration and Enforcement

260-6.1 Construction Inspection

6.1.1 Erosion and Sediment Control Inspection

The City of Watertown Stormwater Management Officer may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. The applicant shall notify the City of Watertown enforcement official at least 48 hours before the start of construction (to include installation of sediment and erosion control measures), at close of the construction season, and after successful establishment of landscaping in public areas. If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

6.1.2 Stormwater Management Practice Inspections

The City of Watertown Stormwater Management Officer, is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

6.1.3 Inspection of Stormwater Facilities after Project Completion

Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

6.1.4 Submission of Reports

The City of Watertown Stormwater Management Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.

6.1.5 Right-of-Entry for Inspection

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the City of Watertown the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph 6.1.3.

260-6.2 Performance Guarantee

6.2.1 Construction Completion Guarantee

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the City of Watertown in its approval of the Stormwater Pollution Prevention Plan, the City of Watertown may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the City of Watertown as the beneficiary. The security shall be in an amount to be determined by the City of Watertown based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the City of Watertown, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the City of Watertown. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

6.2.2 Maintenance Guarantee

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the City of Watertown with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the City of Watertown may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

6.2.3 Recordkeeping

The City of Watertown may require entities subject to this law to maintain records demonstrating compliance with this law.

260-6.3 Enforcement and Penalties

6.3.1 Notice of Violation.

When the City of Watertown determines that a land development activity is not being carried out in accordance with the requirements of this local law, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- 6.3.1.1 the name and address of the landowner, developer or applicant;
- 6.3.1.2 the address when available or a description of the building, structure or land upon which the violation is occurring;
- 6.3.1.3 a statement specifying the nature of the violation;
- 6.3.1.4 a description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;
- 6.3.1.5 a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

6.3.2 Stop Work Orders

The City of Watertown may issue a stop work order for violations of this Chapter. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the City of Watertown confirms that

the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Chapter.

6.3.3 Violations

Any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

6.3.4 Withholding of Certificate of Occupancy

If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer may prevent the occupancy of said building or land.

6.3.5 Restoration of lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City of Watertown may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

6.3.6 Damages to City owned Facilities and Infrastructure

In the event that the City incurs costs due to the failure of stormwater management and erosion control activities, the City of Watertown may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

260-6.4 Fees for Services

The City of Watertown may require any person undertaking land development activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the City of Watertown or performed by a third party for the City of Watertown. See the City's Schedule of Fees.

260-7 Severability and Effective Date

260-7.1 Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Chapter.

Schedule A

Stormwater Management Practices Acceptable for Water Quality <i>(From: New York State Stormwater Management Design Manual, Table 5.1)</i>		
Group	Practice	Description
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Infiltration	Infiltration Trench (I-1)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry Well (I-3)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F-2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

Schedule B

**SAMPLE STORMWATER CONTROL FACILITY
MAINTENANCE AGREEMENT**

Whereas, the Municipality of _____ ("Municipality") and the _____ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and

Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.
7. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).
8. This agreement shall be recorded in the Office of the County Clerk, County of _____ together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to _____.
9. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.
10. This agreement is effective _____ .

February 15, 2017

To: The Honorable Mayor and City Council

From: James E. Mills, City Comptroller

Subject: Property Offer – 240 Coffeen Street (Parcel 07-03-304.000)

The City has received the attached letter from David Mabry III offering \$2,500 for 240 Coffeen Street so that he may demolish the structure to provide parking for the two-family house he owns at 248 Coffeen Street. If City Council is agreeable to this offer, it should make the demolition a requirement as it was Code Enforcement's recommendation to not include this house in the property auction.



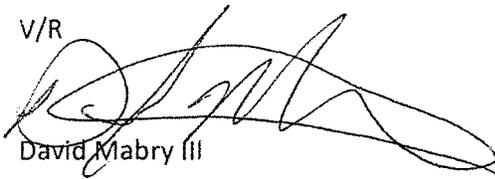
248 and 240 Coffeen Street

14 February 2017

Sir,

We would like to make a proposal to buy 240 Coffeen Street to demo for parking for \$2500 or see if we could come to some kind of agreement to make parking available at my property. We have the adjacent property located at 248 Coffeen Street due to city parking rules we have nowhere to park. For more information, please contact me at 315-408-7520. I hope this proposal will interest you and will be waiting for your response.

V/R

A handwritten signature in black ink, appearing to read 'David Mabry III', written over a horizontal line.

David Mabry III

February 12, 2017

To: The Honorable Mayor and City Council
From: James E. Mills, City Comptroller
Subject: Sale of Surplus Hydro-electricity – January 2017

The City has received the monthly hydro-electricity production and consumption data from National Grid. In comparison to last January, the sale of surplus hydro-electric power on an actual to actual basis was up \$101,920 or 26.82%. In comparison to the original budget projection for the month of January, revenue was up \$185,172 or 62.40%.

The year-to-date actual revenue is up \$7,238 or 0.38% while the year-to-date revenue on a budget basis is down \$15,267 or 0.78%. Year-to-date revenue finished at \$1,932,081.

The attached spreadsheet shows the monthly revenues for this year and last year along with the budgeted amounts. Revenues for the Fiscal Years' 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16 have been included for historical perspective.

	<u>Actual 2011-12</u>	<u>Actual 2012-13</u>	<u>Actual 2013-14</u>	<u>Actual 2014-15</u>	<u>Actual 2015-16</u>	<u>Actual 2016-17</u>	<u>Variance</u>	<u>% Inc/(Dec)to Prior Year</u>
July	\$ 58,161	\$ 821	\$ 382,759	\$ 286,952	\$ 321,539	\$ 73,815	\$ (247,724)	-77.04%
August	\$ 60,957	\$ 2,060	\$ 115,769	\$ 293,338	\$ 11,805	\$ 278,611	\$ 266,806	2260.14%
September	\$ 269,071	\$ 17,605	\$ 48,478	\$ 38,778	\$ 14,857	\$ 22,118	\$ 7,262	48.88%
October	\$ 271,426	\$ 261,082	\$ 237,797	\$ 296,432	\$ 260,804	\$ 208,586	\$ (52,218)	-20.02%
November	\$ 248,928	\$ 105,694	\$ 473,459	\$ 331,977	\$ 393,589	\$ 396,753	\$ 3,164	0.80%
December	\$ 446,292	\$ 356,383	\$ 323,081	\$ 502,018	\$ 542,231	\$ 470,259	\$ (71,971)	-13.27%
January	\$ 145,673	\$ 179,469	\$ 240,183	\$ 246,137	\$ 380,018	\$ 481,938	\$ 101,920	26.82%
February	\$ 95,930	\$ 160,026	\$ 225,629	\$ 158,920	\$ 440,304	\$ -	\$ -	0.00%
March	\$ 342,560	\$ 338,154	\$ 232,743	\$ 154,182	\$ 634,598	\$ -	\$ -	0.00%
April	\$ 294,811	\$ 551,360	\$ 468,075	\$ 577,742	\$ 555,833	\$ -	\$ -	0.00%
May	\$ 417,317	\$ 324,167	\$ 660,449	\$ 192,410	\$ 275,751	\$ -	\$ -	0.00%
June	\$ 114,976	\$ 474,813	\$ 421,856	\$ 638,045	\$ 162,659	\$ -	\$ -	0.00%
YTD	<u>\$ 2,766,103</u>	<u>\$ 2,771,633</u>	<u>\$ 3,830,277</u>	<u>\$ 3,716,931</u>	<u>\$ 3,993,988</u>	<u>\$ 1,932,081</u>	<u>\$ 7,238</u>	<u>0.38%</u>

	<u>Original Budget</u>		<u>Variance</u>	<u>%</u>
	<u>2016-17</u>	<u>Actual 2016-17</u>		
July	\$ 234,630	\$ 73,815	\$ (160,815)	-68.54%
August	\$ 143,986	\$ 278,611	\$ 134,625	93.50%
September	\$ 131,075	\$ 22,118	\$ (108,957)	-83.13%
October	\$ 346,050	\$ 208,586	\$ (137,464)	-39.72%
November	\$ 423,485	\$ 396,753	\$ (26,732)	-6.31%
December	\$ 371,356	\$ 470,259	\$ 98,903	26.63%
January	\$ 296,766	\$ 481,938	\$ 185,172	62.40%
February	\$ 202,888	\$ -	\$ -	0.00%
March	\$ 369,204	\$ -	\$ -	0.00%
April	\$ 585,166	\$ -	\$ -	0.00%
May	\$ 479,886	\$ -	\$ -	0.00%
June	\$ 375,508	\$ -	\$ -	0.00%
YTD	<u>\$ 3,960,000</u>	<u>\$ 1,932,081</u>	<u>\$ (15,267)</u>	<u>-0.78%</u>
Total Budget	<u>\$ 3,960,000</u>			

February 21, 2017

To: The Honorable Mayor and City Council
From: James E. Mills, City Comptroller
Subject: Sales Tax Revenue – January 2017

The City has received the monthly sales tax revenue amount from Jefferson County. In comparison to last January, sales tax revenue on an actual to actual basis was up \$31,086 or 2.33%. In comparison to the original budget projection for the month of January, sales tax was down \$48,445 or 3.43%.

The year-to-date actual receipts are up \$634,199 or 6.29% while the year-to-date receipts on a budget basis are down \$144,405 or 1.33%. Year-to-date sales tax revenue is at \$10,720,996.

The attached spreadsheet shows the detail collections for this year and last year along with the budgeted amounts. Collections for the Fiscal Years' 2012-13, 2013-14, 2014-15 and 2015-16 have been included for historical perspective.

	<u>Actual 2012-13</u>	<u>Actual 2013-14</u>	<u>Actual 2014-15</u>	<u>Actual 2015-16</u>	<u>Actual 2016-17</u>	<u>Variance</u>	<u>% Inc/(Dec)to Prior Year</u>	<u>Quarterly Variance</u>	<u>% Inc/(Dec) to Prior Quarter</u>
July	\$ 1,361,364	\$ 1,492,579	\$ 1,412,829	\$ 1,509,325	\$ 1,536,214	\$ 26,889	1.78%		
August	\$ 1,357,130	\$ 1,463,877	\$ 1,247,954	\$ 1,494,788	\$ 1,435,666	\$ (59,121)	-3.96%		
September	\$ 2,071,785	\$ 1,760,254	\$ 2,206,655	\$ 1,683,486	\$ 1,982,777	\$ 299,291	17.78%	267,059	5.70%
October	\$ 1,301,624	\$ 1,584,174	\$ 1,405,774	\$ 1,339,731	\$ 1,295,166	\$ (44,566)	-3.33%		
November	\$ 1,274,589	\$ 1,116,784	\$ 1,398,402	\$ 1,375,619	\$ 1,355,551	\$ (20,068)	-1.46%		
December	\$ 1,714,672	\$ 1,543,425	\$ 1,540,727	\$ 1,351,562	\$ 1,752,250	\$ 400,688	29.65%	336,054	8.26%
January	\$ 1,276,483	\$ 1,238,468	\$ 1,261,235	\$ 1,332,286	\$ 1,363,372	\$ 31,086	2.33%		
February	\$ 1,160,663	\$ 1,076,005	\$ 1,059,321	\$ 1,084,467	\$ -	\$ -	0.00%		
March	\$ 1,453,454	\$ 1,471,964	\$ 1,295,074	\$ 1,426,339	\$ -	\$ -	0.00%	31,086	0.81%
April	\$ 1,293,493	\$ 1,271,765	\$ 1,286,204	\$ 1,333,096	\$ -	\$ -	0.00%		
May	\$ 1,373,513	\$ 1,298,653	\$ 1,288,547	\$ 1,348,173	\$ -	\$ -	0.00%		
June	\$ 1,609,032	\$ 1,699,052	\$ 1,726,963	\$ 1,789,321	\$ -	\$ -	0.00%	-	0.00%
YTD	<u>\$ 17,247,801</u>	<u>\$ 17,017,001</u>	<u>\$ 17,129,685</u>	<u>\$ 17,068,193</u>	<u>\$ 10,720,996</u>	<u>\$ 634,199</u>	<u>6.29%</u>		

	<u>Original Budget</u>			
	<u>2016-17</u>	<u>Actual 2016-17</u>	<u>Variance</u>	<u>%</u>
July	\$ 1,629,404	\$ 1,536,214	\$ (93,190)	-5.72%
August	\$ 1,613,835	\$ 1,435,666	\$ (178,169)	-11.04%
September	\$ 1,815,931	\$ 1,982,777	\$ 166,846	9.19%
October	\$ 1,447,769	\$ 1,295,166	\$ (152,603)	-10.54%
November	\$ 1,486,205	\$ 1,355,551	\$ (130,654)	-8.79%
December	\$ 1,460,440	\$ 1,752,250	\$ 291,810	19.98%
January	\$ 1,411,817	\$ 1,363,372	\$ (48,445)	-3.43%
February	\$ 1,119,073	\$ -	\$ -	0.00%
March	\$ 1,399,941	\$ -	\$ -	0.00%
April	\$ 1,390,442	\$ -	\$ -	0.00%
May	\$ 1,392,951	\$ -	\$ -	0.00%
June	\$ 1,862,192	\$ -	\$ -	0.00%
YTD	<u>\$ 18,030,000</u>	<u>\$ 10,720,996</u>	<u>\$ (144,405)</u>	<u>-1.33%</u>