CITY OF WATERTOWN, NEW YORK
AGENDA

This shall serve as notice that the next regularly scheduled meeting of the City Council will be held on Monday, December 6, 2010, 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 -	Designation of Official Newspaper
Resolution No. 2 -	Re-Adoption of Fiscal Years 2010-11 through 2014-2015 Capital Budget
Resolution No. 3 -	Amending Bid Award Amount, Roof Replacement on the Administration Building Thompson Park, Continental Construction
Resolution No. 4 -	Approving Change Order No. 2 to Agreement, CCI Companies, Inc., Breen Avenue
Resolution No. 5 -	Establishing 2011 County Tax Rate
Resolution No. 6 -	Authorizing the Acceptance of the Vacant Lot 862 Mill Street, Parcel No. 3-11-138.002
Resolution No. 7 -	Approving Contract for Professional Services With Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2011 Small Cities CDBG Application
Resolution No. 8 -	Approving Contract for Professional Services For Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2011 HOME Application to NYSHCR

Resolution No. 9 -	Approving Contract for Professional Services With Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2011 HOME Application to North Country HOME Consortium
Resolution No. 10 -	Sidewalk Improvement Special Assessment Program, District No. 7

ORDINANCES

LOCAL LAW

Local Law No. 5 -	A Local Law Annexing Territory from the Town of Watertown

PUBLIC HEARING

7:30 p.m.	Local Law No. 4 of 2010, Amending City Code Chapter 81, Animals

OLD BUSINESS

Tabled -	Health Insurance Plan Design Changes

STAFF REPORTS

1. Noise Control Legislation
2. LWRP Zoning Ordinance Revisions
3. Letter from Ronald C. Johnson

NEW BUSINESS

EXECUTIVE SESSION

WORK SESSION

ADJOURNMENT

NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS MONDAY, DECEMBER 20, 2010.

Res No. 1

December 1, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Designation of Official Newspaper

The attached resolution, if approved by the City Council, designates the *Watertown Daily Times* as the official newspaper of the City of Watertown for the year 2011.

Resolution No. 1 December 6, 2010

RESOLUTION

Designation of Official Newspaper

	YEA	NAY
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 ……..		

Introduced by

_____

BE IT RESOLVED by the City Council of the City of Watertown, New York that the *Watertown Daily Times* be and is hereby designated as the official newspaper of the City of Watertown, New York for the year beginning January 1, 2011 and ending December 31, 2011.

Seconded by

Res No. 2

December 2, 2010

To: The Honorable Mayor and City Council

From: James E. Mills, City Comptroller

Subject: Capital Budget Re-Adoption

On June 7, 2010 the City Council adopted the Fiscal Years 2010-2011 through 2014-2015 Capital Budget which included the purchase of two para-transit buses in FY 2011-12. The purchase is to be funded by the American Recovery and Reinvestment Act of 2009 grant funds of $130,000 as accepted by City Council on September 21, 2009.

The City's original plan was to purchase these vehicles in Fiscal Year 2011-012 but the New York State Department of Transportation is requesting that we complete these purchases prior to the end of their current fiscal year (March 31, 2011) due to the volatility of grant funds. The buses will be purchased off New York State contract. There is no anticipated local match to these grant funds.

A resolution amending the Capital Budget to allow for this modification has been prepared for City Council consideration.

Resolution No. 2 December 6, 2010

RESOLUTION

Re-Adoption of Fiscal Years 2010-11 through 2014-2015 Capital Budget

	YEA	NAY
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 ……..		

Introduced by

_____

WHEREAS on June 7, 2010 the City Council adopted the Fiscal Years 2010-11 through 2014-15 Capital Budget which included the purchase of two paratransit buses in the amount of $150,000 in Fiscal Year 2011-12, and

WHEREAS City Council on September 21, 2009 authorized the acceptance of a grant under the American Recovery and Reinvestment Act of 2009 in the amount of $130,000 for the purchase of two paratransit buses, and

WHEREAS the New York State Department of Transportation has requested that the City of Watertown purchase the two paratransit buses prior to March 31, 2011 to avoid the risk of losing the grant, and

WHEREAS City Council desires to purchase the paratransit buses in Fiscal Year 2010-11 to ensure the grant funding remain available for the purchases, and

NOW THEREFORE BE IT RESOLVED that the Fiscal Years 2010-11 through 2014-15 Capital Budget is amended to include the purchase of the two paratransit buses at $130,000 in FY 2010-11 and to remove the $150,000 in Fiscal Year 2011-12.

Seconded by

Res No. 3

December 1, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Amending Bid Award Amount, Roof Replacement on Administration Building at Thompson Park, Continental Construction

On November 1, 2010, the City Council approved the bid submitted by Continental Construction for the replacement of the roof on the administration building at Thompson Park. The resolution read that the bid award amount was $48,889., however the actual bid amount was $48,899.

This error was brought to the Purchasing Agent's attention by the contractor, as they were getting their bonds and insurance for the project, and noticed the discrepancy. The bonds and insurance have been obtained at the actual bid amount, so as not to hold up the project.

A resolution has been prepared amending the bid award amount for this project to reflect the actual bid of $48,899.

Resolution No. 3

December 6, 2010

RESOLUTION

Amending Bid Award Amount, Roof Replacement on the Administration Building Thompson Park, Continental Construction

	YEA	NAY
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 ……..		

Introduced by

_____

WHEREAS by resolution dated November 1, 2010 the City Council accepted the bid submitted by Continental Construction for the replacement of the roof on the Administration Building at Thompson Park, in the amount of $48,889, and

WHEREAS the actual bid submitted by Continental was in the amount of $48,899,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby amends the bid award amount contained in the November 1, 2010 resolution to read $48,899, for the bid submitted by Continental Construction for the roof replacement on the administration building at Thompson Park.

Seconded by

CITY OF WATERTOWN, NEW YORK

SUITE 205, CITY HALL, 245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601
Tel. (315) 785-7749 • Fax (315) 785-7752

ROBERT J. CLEAVER
PURCHASING AGENT

November 30, 2010

OFFICE OF CITY MANAGER
DEC 0 1 2010
WATERTOWN, NEW YORK

To: Mary Corriveau

From: Robert J. Cleaver

Subject: Thompson Park Roof Award

On October 1, 2010 my office sent to you a recommendation to award a contract to Continental Construction of Gouverneur, N.Y. in the amount of $49,899.00 to replace the roof on the Administration Building at Thompson Park. The resolution that was drafted to accept Continental's bid incorrectly stated the award amount by $10.00. The amount awarded should have been $49,899.00 and not $49,889.00 as stated on the resolution.

For your review I have attached copies of Continental's bid sheet, my recommendation for award, bid tabulation, resolution No. 5 dated November 18th, 2010 and Continental's fax transmission, dated 11/30/201.

Please advise me as to what steps I need to take if any to remedy this situation.

Robert J Cleaver

attach: fax transmission
bid sheet
bid recommendation
bid tabulation
resolution #5

Continental Construction , LLC

PO BOX 358 ,2125 STATE HIGHWAY 812
GOUVERNEUR, NY 13642
(315) 287- 3622 FAX (315) 287-4007

Fax

To:	City of Watertown / Mr. Robert J. Cleaver	**From:**	DAVE FAIRBANKS
Fax:	315-785-7752	**Pages:**	Including this cover sheet 3
Phone:	315-785-7749	**Date:**	11/30/2010
Re:	City of Watertown – Thompson Park Administration Building Roof Replacement		

☐ **Urgent** X**For Review** ☐ **Please Comment** **Please Reply** ☐ **Please Recycle**

- **Comments:**

Mr. Cleaver ,

I am in receipt of the notice of award dated 11-24-10. I sent out for bonds & insurance today and noticed the amount on the notice was $49,889.00. I figured that this was a typo.

I have requested the bonds be in the actual amount of our bid of $49,899 (attached). I didn't want them to get hung up at the attorneys review for the ten dollars and have to resubmit. Thanks.

Respectfully ,

FORM OF PROPOSAL
City of Watertown
Thompson Park
Roof Replacement Project

The Undersigned Continental Construction, LLC
Contractor

P.O. Box 358, Gouverneur, NY 13642
Address Zip Code

hereby certifies that he has examined and fully comprehends the requirements and intent of the drawings and specifications as prepared by Bernier, Carr and Associates, Consulting Engineers and Architects, P.C., for **CONTRACT NO. 1 - ROOFING** to furnish all labor, materials, supplies, plant and equipment and other facilities to properly perform the work for the total:

BASE BID SUM of
Forty Nine Thousand Eight Hundred Ninety Nine DOLLARS ($ 49,899.00)

Bid Item No. 1 - Field Directive Allowance
DOLLARS ($ 0)

Bid Item No. 2 – Roof Decking Allowance
Provide labor and material to install plywood roof decking.
200 SF @ $1.41 /SF = $ 282.00
DOLLARS ($ 282.00)

TOTAL BASE BID (Base Bid and Bid Item No. 1 & 2)
Fifty Thousand One Hundred Eighty One **DOLLARS ($ 50,181.00)**

CITY OF WATERTOWN, NEW YORK

SUITE 205, CITY HALL, 245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601
Tel. (315) 785-7749 • Fax (315) 785-7752

ROBERT J. CLEAVER
PURCHASING AGENT

1869

October 1, 2010

To: Mary Corriveau

From: Robert J. Cleaver

Subject: Thompson Park Roof Replacement Bid
Administrative Building

The City's Purchasing Department, in conjunction with Bernier Carr & Associates, advertised in the Watertown Daily Times on Friday, September 3, 2010 calling for sealed bids for the replacement of the roof on the Administration Building at Thompson Park. In addition to the legal notice, The Dodge Reports, Reed Construction Data, NNYand Syracuse Builders Exchanges were also notified of the pending bid.

Bid plans were issued to 10 potential bidders with 7 proposals submitted to the Purchasing Department where they were publicly opened and read at 11:00 am local time on Thursday, September 23, 2010. Results of those bids are per attached tabulation.

I have reviewed the bid submittals with Mr. Eugene Hayes, Superintendent of Public Works and based on the review and recommendation of Bernier Carr & Associates it is my recommendation that the contract be awarded to Continental Construction, Gouverneur, N.Y. in the amount of $49,899.00, the lowest qualifying bidder meeting our specifications.

Bernier Carr & Associates, in conversation with Continental Construction, have discussed delaying the start up of this project until Spring as a result of the unpredictability of the weather. Continental is willing to do that provided they are awarded the contract now and be allowed to purchase the roofing materials at current prices. In speaking with the Superintendent of Public Works, Mr. Eugene Hayes, he is in concurrence with this proposal.

If you have any questions regarding this recommendation please contact me at your convenience

Robert J. Cleaver

cc: Kurt Hauk, City Engineer
Eugene Hayes, Superintendent of Public Works
Jim Mills, Comptroller
Jay St. Croix, Director of Parks & Recreation
✓file
attach. Bid tabulation

CITY OF WATERTOWN, N.Y.
THOMPSON PARK ROOF REPLACEMENT
BID TABULATION

City of Watertown, N.Y.
245 Washington St.
Purchasing Dept. Room 205

September 23, 2010
11:00 A.M. EDT

Company	Bid Price
Continental Construction 2125 State Hwy. 812 Gouverneur, NY 13642	$ 49,899.00
Roscoe's Roofing 1159 Kossuth Ave Utica, NY 13501	$ 78,200.00
S & L Roofing & Sheet Metal 2706 New Scotland Road Voorheesville, NY 12186	$ 84,964.00
J & B Installations, Inc. 4449 Jordan Road Skaneateles Falls, NY 13153	$ 85,250.00
W.J. Farley Roofing Corp. 280 East Main St. Gouverneur, NY 13642	$ 90,600.00
Powis Contracting P.O. Box 481 Copenhagen, NY 13626	$135,000.00
Sands Brothers Roofing Co., Inc. 115 Main St. Antwerp, NY 13608	$195,800.00

Resolution No. 5

,tober 18, 2010

Adopted November 1, 2010

	YEA	NAY
Council Member BURNS, Roxanne M.	X	
Council Member BUTLER, Joseph M. Jr.	X	
Council Member MACALUSO, Teresa R.	X	
Council Member SMITH, Jeffrey M.	X	
Mayor GRAHAM, Jeffrey E.	X	
Total	5	0

Accepting Bid for the Roof Replacement on the Administration Building at Thompson Park, Continental Construction

Introduced by

Council Memeber Teresa R. Macaluso

WHEREAS the City Purchasing Department has advertised and received sealed bids for the replacement of the roof on the Administration Building at Thompson Park, and

WHEREAS invitations to bid were issued to ten (10) prospective bidders with seven (7) bids being received, and

WHEREAS on Thursday, September 23, 2010, at 11:00 a.m. in the City Purchasing Department, the bids were publicly opened and read, and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bids received with Eugene P. Hayes, Superintendent of Public Works and the design team from Bernier Carr and Associates, and it is their recommendation that the City accept the bid from Continental Construction of Gouverneur, New York, in the amount of $49,889.00, as the lowest qualifying bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Continental Construction of Gouverneur, New York, in the amount of $49,889.00 for replacement of the roof on the Administration Building at Thompson Park, as the lowest qualifying bid meeting the City's specifications.

Seconded by Council Member Joseph M. Butler, Jr.

Res No. 4

December 2, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Approving Change Order No. 2 to Agreement,
CCI Companies, Inc., Breen Avenue

On April 19, 2010, the City Council accepted a bid submitted by CCI Companies, Inc. of Canastota, New York, for reconstruction of Breen Avenue in the amount of $894,765.50.

Change Order No. 1 to this contract was approved by City Council on August 16, 2010 in the amount of $76,658.76, bringing the new contract amount to $971,424.26.

This project is now complete, except for any warranty work that may need to be done in the spring. City Engineer Kurt W. Hauk has now submitted Change Order No. 2 to this contract in the amount of $7,285.93 which covers, the installation of hydrant risers, removal and reinstallation of a fence, excavation to determine a sewer issue at 180 Breen Ave., and installation of sewer cleanouts. This brings the new contract amount to $978,710.19.

A resolution approving Change Order No. 2 to the contract with CCI Companies, Inc. for the reconstruction of Breen Avenue has been prepared for City Council consideration.

Resolution No. 4 December 6, 2010

RESOLUTION

Approving Change Order No. 2 to Agreement, CCI Companies, Inc., Breen Avenue

	YEA	NAY
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 ……..		

Introduced by

_____

WHEREAS on April 19, 2010, the City Council of the City of Watertown approved a bid submitted by CCI Companies, Inc., of Canastota, New York, in the amount of $894,765.50 for the reconstruction of Breen Avenue, and

WHEREAS Change Order No. 1 to this contract was approved by City Council on August 16, 2010 in the amount of $76,658.76, and

WHEREAS City Engineer Kurt W. Hauk has submitted Change Order No. 2 to that contract for consideration by the City Council, and

WHEREAS this change order results in an additional charge of $7,285.93, bringing the contract amount to $978,710.19,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 2 to the contract with CCI Companies, Inc., in for the reconstruction of Breen Avenue, the amount of $7,285.93, a copy of which is attached and made of part of this resolution, and

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

Seconded by

1869

CITY OF WATERTOWN
ENGINEERING DEPARTMENT
MEMORANDUM

OFFICE OF CITY MANAGER
DEC 02 2010
WATERTOWN, NEW YORK

DATE: December 2, 2010

TO: Mary Corriveau, City Manager

FROM: Kurt W. Hauk, City Engineer KWH

SUBJECT: Breen Avenue Street Reconstruction Change Order #2

Enclosed is Change Order #2 for the Breen Avenue Street Reconstruction Project. The project was bid on 9 March, 2010, and the bid from CCI Companies Inc, Canastota NY, for $894,765.50 was approved by the City Council on 19 April, 2010.

Enclosed is a copy of Change Order #2 which increases the contract amount by $7,285.93 to the new contract amount of $978,710.19. The Force Account Summation sheets for each item of work are enclosed. Each item was not included in the original scope of work.

Change Order #1, for the amount of $76,658.76, was approved at the 16 August 2010 City Council Meeting. The lion share of CO#1 was $67,860 for the cost to replace 16 sanitary laterals on the 200 block of Breen Avenue to City Margin. There was little sanitary work scheduled for the 200 Block in the contract scope due to the installation of a sanitary main in 1973 as part of a sewer separation project. During excavation operations it was discovered that only the portion of the services that were replaced were the exposed sections in the excavated trench at that time of the separation project. The remaining portions of the services were original, and due to their age and condition were required to be replaced to the margin.

Please prepare a Resolution for City Council review and approval of Change Order #2. The original copies are in the Engineering office and will be forwarded for your signature after the Resolution has been approved.

cc: Jim Mills, City Comptroller
File

Change Order
No. 2

Date of Issuance: November 22, 2010 Effective Date: _____

Project: Breen Ave. Reconstruction	Owner: City of Watertown, NY	Owner's Contract No.:
Contract: Breen Avenue Reconstruction		Date of Contract: May 26, 2010
Contractor: C.C.I., Inc., Canastota, NY		Engineer's Project No.:

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Install Sewer cleanouts, Install Hydrant Risers, Excavation to determine sewer problem, and remove and reinstall fence @ house # 177@ house # 180.

ENGINEERING DEPT. RECEIVED NOV 24 2010 WATERTOWN, N.Y.

Attachments: (List documents supporting change):

CHANGE IN CONTRACT PRICE:

Original Contract Price:

$ 894,765.50

[Increase] [Decrease] from previously approved Change Orders No._____-____ to No._____1_____:

$76,658.76

Contract Price prior to this Change Order:

$971,424.26

[Increase] of this Change Order:

$ 7,285.93

Contract Price incorporating this Change Order:

$978,710.19

CHANGE IN CONTRACT TIMES:

Original Contract Times: ☐ Working days ☐x Calendar days

Substantial completion (days or date): 120

Ready for final payment (days or date): _____

[Increase] [Decrease] from previously approved Change Orders No._____-_____ to No._____1_____:

Substantial completion (days): _____

Ready for final payment (days): _____

Contract Times prior to this Change Order:

Substantial completion (days or date): _____

Ready for final payment (days or date): _____

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): _____

Ready for final payment (days or date): _____

Contract Times with all approved Change Orders:

Substantial completion (days or date): _____

Ready for final payment (days or date): _____

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: _____	By: [signature]
Engineer (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Date: _____	Date: _____	Date: 11-24-10

Approved by Funding Agency (if applicable): _____ Date: _____

MURK 13d (9/81)

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
FORCE ACCOUNT SUMMATION

Contract No.	Fed. Proj. No.	Contractor	Item No.
0		CCI	Install Hydrant Risers

Period	Regular (Direct) Wages	Premium Wages	Gross Wages	$ per Wk. Limitation	$ per Wk. Limitation	Wages Over $60,600	Wages Over $7,000	Fringe Benefits
11/9/2010	$328.12	$0.00	$328.12					$251.23
Totals	$328.12	$0.00	$328.12	$0.00	$0.00	$0.00	$0.00	$251.23

* NOTE: Use category (either $ Limitation or Gross Wages) mandated by your insurance policy.

LABOR	AMOUNT
Regular Wages	$328.12
Fringe Benefits	$251.23
Other Benefits	
TAXES AND INSURANCE	
F.I.C.A. 15% x [Gross Wages less Wages Over $62,700]	$49.22
N.Y.S. and Fed. Unempl. 11.00% x [Gross Wages less Wages Over $7,000] Included in Flat 15%	$0.00
Workers' Compensation 15.96% x [$ per Week Limitation] or [Direct Wages] *See Note Above	$52.37
P.L. and P.D. Insurance 27.78% x [$ per Week Limitation] or [Gross Wages] *See Note Above	$91.15
SUBTOTAL	$772.08
Profits & Overhead on Labor -20%*	$126.34
Premium Wages	$0.00
TOTAL LABOR	$898.43

*25% if work is done by Subcontractor

TOTAL FORCE ACCOUNT	
Labor	$898.43
Materials	$1,610.00
Equipment	$345.52
Subcontractors	$0.00
% Subcontractors M/U	$0.00
TOTAL	$2,853.95

MATERIAL	Material Cost
4- 6" risers	$1,400.00
SUBTOTAL	$1,400.00
P.& O. 15%*	$210.00
Total Materials	$1,610.00

CITY ENGINEERING DEPT. RECEIVED NOV 24 2010 WATERTOWN, NEW YORK

Ident. No.	Cost
E1	$251.72
E2	$93.80
0	$0.00
0	$0.00
0	$0.00
Total Equip. Cost	$345.52

CERTIFICATION: - I certify, to the best of my knowledge and belief, that the equipment used on this work was of the proper size, that material taken from stock as designated above is charged at fair market value, and that account herein shown is an accurate statement of materials and equipment used.

Signed [signature] For Contractor

_______________ For Dept. of Transportation

Date 11-22-10

11

MURK 13d (9/81)

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
FORCE ACCOUNT SUMMATION

Contract No.	Fed. Proj. No.	Contractor	Item No.
0		CCI	Remove & reinstall fence house # 177

Period	Regular (Direct) Wages	Premium Wages	Gross Wages	$ per Wk. Limitation	$ per Wk. Limitation	Wages Over $60,600	Wages Over $7,000	Fringe Benefits
8-31-10 to 9-20-10	$443.42	$0.00	$443.42					$298.30
Totals	$443.42	$0.00	$443.42	$0.00	$0.00	$0.00	$0.00	$298.30

* NOTE: Use category (either $ Limitation or Gross Wages) mandated by your insurance policy.

LABOR	AMOUNT
Regular Wages	$443.42
Fringe Benefits	$298.30
Other Benefits	
TAXES AND INSURANCE	
F.I.C.A. 15% x [Gross Wages less Wages Over $62,700]	$66.51
N.Y.S. and Fed. Unempl. 11.00% x [Gross Wages less Wages Over $7,000] Included in Flat 15%	$0.00
Workers' Compensation 15.96% x [$ per Week Limitation] or [Direct Wages] *See Note Above	$70.77
P.L. and P.D. Insurance 27.78% x [$ per Week Limitation] or [Gross Wages] *See Note Above	$123.18
SUBTOTAL	$1,002.18
Profits & Overhead on Labor -20%*	$162.50
Premium Wages	$0.00
TOTAL LABOR	$1,164.68
*25% if work is done by Subcontractor	

MATERIAL	Material Cost
SUBTOTAL	$0.00
P.& O. 15%*	$0.00
Total Materials	$0.00

Ident. No.	Cost
E1	$0.00
E4	$0.00
E6	$0.00
E4	$0.00
0	$0.00
Total Equip. Cost	$0.00

TOTAL FORCE ACCOUNT	
Labor	$1,164.68
Materials	$0.00
Equipment	$0.00
Subcontractors	$0.00
% Subcontractors M/U	$0.00
TOTAL	$1,164.68

ENGINEERING DIV. RECEIVED NOV 24 2010 WATERTOWN, NEW

CERTIFICATION: - I certify, to the best of my knowledge and belief, that the equipment used on this work was of the proper size, that material taken from stock as designated above is charged at fair market value, and that account herein shown is an accurate statement of materials and equipment used.

Signed [signature] For Contractor ______ For Dept. of Transportation

Date 11-22-10 ______

1/

MURK 13d (9/81)

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
FORCE ACCOUNT SUMMATION

Contract No.	Fed. Proj. No.	Contractor	Item No.
0		CCI	Excavation to determine sewer problem @ house # 180

Period	Regular (Direct) Wages	Premium Wages	Gross Wages	$ per Wk. Limitation	$ per Wk. Limitation	Wages Over $60,600	Wages Over $7,000	Fringe Benefits
6/26/2010	$261.20	$130.60	$391.80					$191.66
Totals	$261.20	$130.60	$391.80	$0.00	$0.00	$0.00	$0.00	$191.66

* NOTE: Use category (either $ Limitation or Gross Wages) mandated by your insurance policy.

LABOR	AMOUNT
Regular Wages	$261.20
Fringe Benefits	$191.66
Other Benefits	
TAXES AND INSURANCE	
F.I.C.A. 15% x [Gross Wages less Wages Over $62,700]	$58.77
N.Y.S. and Fed. Unempl. 11.00% x [Gross Wages less Wages Over $7,000] Included in Flat 15%	$0.00
Workers' Compensation 15.96% x [$ per Week Limitation] or [Direct Wages] *See Note Above	$41.69
P.L. and P.D. Insurance 27.78% x [$ per Week Limitation] or [Gross Wages] *See Note Above	$108.84
SUBTOTAL	$662.16
Profits & Overhead on Labor -20%*	$98.91
Premium Wages	$130.60
TOTAL LABOR	$891.67
*25% if work is done by Subcontractor	

MATERIAL	Material Cost
16 cy Crusher Run	$243.68
SUBTOTAL	$243.68
P.& O. 15%*	$36.55
Total Materials	$280.23

CITY ENGINEERING DEPT. RECEIVED NOV 24 2010 WATERTOWN, N.Y.

EQUIPMENT Ident. No.	Cost
E1	$494.76
E4	$50.81
E6	$87.24
E4	$81.94
0	$0.00
Total Equip. Cost	$714.75

TOTAL FORCE ACCOUNT	
Labor	$891.67
Materials	$280.23
Equipment	$714.75
Subcontractors	$0.00
5% Subcontractors M/U	$0.00
TOTAL	$1,886.65

CERTIFICATION: - I certify, to the best of my knowledge and belief, that the equipment used on this work was of the proper size, that material taken from stock as designated above is charged at fair market value, and that account herein shown is an accurate statement of materials and equipment used.

Signed [signature] For Contractor ______ For Dept. of Transportation

Date 11-22-10 ______

MURK 13d (9/81)

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
FORCE ACCOUNT SUMMATION

Contract No.	Fed. Proj. No.	Contractor	Item No.
0		CCI	Install Sewer Cleanouts

Period	Regular (Direct) Wages	Premium Wages	Gross Wages	$ per Wk. Limitation	$ per Wk. Limitation	Wages Over $60,600	Wages Over $7,000	Fringe Benefits
8-2010 to 9-2010	$22.46	$0.00	$22.46					$15.70
Totals	$22.46	$0.00	$22.46	$0.00	$0.00	$0.00	$0.00	$15.70

* NOTE: Use category (either $ Limitation or Gross Wages) mandated by your insurance policy.

LABOR	AMOUNT
Regular Wages	$22.46
Fringe Benefits	$15.70
Other Benefits	
TAXES AND INSURANCE	
F.I.C.A. 15% x [Gross Wages less Wages Over $62,700]	$3.37
N.Y.S. and Fed. Unempl. 11.00% x [Gross Wages less Wages Over $7,000] Included in Flat 15%	$0.00
Workers' Compensation 15.96% x [$ per Week Limitation] or [Direct Wages] *See Note Above	$3.58
P.L. and P.D. Insurance 27.78% x [$ per Week Limitation] or [Gross Wages] *See Note Above	$6.24
SUBTOTAL	$51.35
Profits & Overhead on Labor -20%*	$8.35
Premium Wages	$0.00
TOTAL LABOR	$59.70

*25% if work is done by Subcontractor

MATERIAL	Material Cost
12 ea. Frames	$708.00
12 ea Sewer Clean out	$360.00
1 ea. frame	$52.00
1 ea. sewer clean out	$17.00
SUBTOTAL	$1,137.00
P.& O. 15%*	$170.55
Total Materials	$1,307.55

EQUIPMENT Ident. No.	Cost
E1	$13.40
0	$0.00
0	$0.00
0	$0.00
0	$0.00
Total Equip. Cost	$13.40

TOTAL FORCE ACCOUNT	
Labor	$59.70
Materials	$1,307.55
Equipment	$13.40
Subcontractors	$0.00
5% Subcontractors M/U	$0.00
TOTAL	$1,380.65

ENGINEERING DEPT. RECEIVED NOV 24 2010 WATERTOWN, NEW YORK

CERTIFICATION: - I certify, to the best of my knowledge and belief, that the equipment used on this work was of the proper size, that material taken from stock as designated above is charged at fair market value, and that account herein shown is an accurate statement of materials and equipment used.

Signed [signature] For Contractor

For Dept. of Transportation

Date 11-22-10

1/6

Res No. 5 November 30, 2010

To: The Honorable Mayor and City Council

From: James E. Mills, City Comptroller

Subject: Proposed County Tax Rate for 2011

By resolution adopted November 9, 2010, the Jefferson County Board of Legislators apportioned the share of the 2011 County tax to be levied on the real property within the City. The City's share of the 2011 County tax is $6,742,339. A comparison of the amount required for County tax purposes for the years 2007 through 2011 is shown below:

	City Share of County Tax Levy	Increase / (Decrease)	Percentage	Tax Rate Per $1,000
2011	$ 6,742,339	$ (81,814)	(1.20%)	$ 6.704962
2010	$ 7,044,659	$ 220,507	3.23%	$ 7.047448
2009	$ 6,824,152	$ 40,257	0.59%	$ 6.730845
2008	$ 6,783,895	$ 228,091	3.48%	$ 6.987200
2007	$ 6,555,804	$ 509,644	8.43%	$ 7.817484

The 2011 County tax rate calculates to $6.704962 per $1,000 of assessed valuation which represents a 0.38% decrease compared to the 2010 County tax rate of $7.047448. The 2010 County taxable assessed values total $1,002,609,459 compared to $994,521,997 from the 2009 assessment roll. A resolution has been prepared for City Council consideration to approve the 2011 County tax rate.

Pursuant to New York State Environmental Conservation Law Section 15-2123 subdivision 6, the County has also directed the City to levy and collect the unpaid Hudson River Black River Regulating District 2011 Annual Assessment for parcel 01-14-121.00 (591 Rear West Main Street) owned by Watertown River Properties in the amount of $2,763.00. This amount will become part of the parcel's 2011 County tax bill similar to a re-levied water bill on a City tax bill.

Resolution No. 5 December 6, 2010

RESOLUTION

Establishing 2011 County Tax Rate

	YEA	NAY
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 ……..		

Introduced by

_____

WHEREAS the Board of Legislators of the County of Jefferson, by resolution dated November 9, 2010, and in accordance with New York State Real Property Tax Law Article 9 Section 904 has certified to the City that the contribution of the City of Watertown to the taxes of the County of Jefferson for the Fiscal Year beginning January 1, 2011 is $6,742,338.66, and

WHEREAS the Board of Legislators of the County of Jefferson, by resolution dated November 9, 2010, and in accordance with New York State Environmental Conservation Law Section 15-2123 subdivision 6, has directed the City to levy and collect the unpaid Hudson River Black River Regulating District 2011 Annual Assessment for parcel 01-14-121.00 owned by Watertown River Properties in the amount of $2,763.00,

NOW THEREFORE BE IT RESOLVED that this Council shall and hereby does levy the said unpaid Hudson River Black River Regulating District 2011 Annual Assessment for parcel 01-14-121.00 owned by Watertown River Properties in the amount of $2,763.00, so ascertained and directed and to be certified to the City and to be extended on the Assessment Rolls by the City Assessor, as provided by Section 115 of the City Charter, and

NOW THEREFORE BE IT RESOLVED that this Council shall and hereby does levy the said aggregate amount of taxes of $6,742,338.66 and unpaid Hudson River Black River Regulating District 2011 Annual Assessment for parcel 01-14-121.00 owned by Watertown River Properties in the amount of $2,763.00, so ascertained and directed and to be certified to the City and to be extended on the Assessment Rolls by the City Assessor, as provided by Section 115 of the City Charter, and

BE IT FURTHER RESOLVED that the City does hereby levy a total fee of $6,745,101.66 to be collected at a rate of $6.704962 per $1,000 of assessed valuation, which County tax levy of $6,742,338.66 includes $19,881.42 in omitted taxes.

Seconded by

County of Jefferson
Office of the County Administrator

Historic Courthouse
195 Arsenal Street, 2nd Floor
Watertown, NY 13601-2567
Phone: (315) 785-3075 Fax: (315) 785-5070

OFFICE OF CITY MANAGER
NOV 22 2010
WATERTOWN, NEW YORK

November 19, 2010

Mary Corriveau, City Manager
City of Watertown
Municipal Building
245 Washington Street, Room 302
Watertown, NY 13601

Dear Mary:

Enclosed are certified copies of resolutions adopted by the Board of Legislators levying Hudson River-Black River Regulating District assessments, and certifying the City apportioned share of the 2011 County tax to be levied on real property within the City.

If you have any questions with regard to the resolutions, please contact me.

Sincerely,

Robert F. Hagemann, III
Clerk of the Board/
County Administrator

RFH:jdj

Enc.

c: (w/ resolution certifying taxes to City)
Donna Dutton, Watertown City Clerk
Brian Phelps, Watertown City Assessor

JEFFERSON COUNTY BOARD OF LEGISLATORS
Resolution No. 218

Certification of Taxes to the City of Watertown

By Legislator: _____

Resolved, That the Clerk of the Board be and is hereby authorized and directed to certify to the Clerk and the Assessor of the City of Watertown, the apportioned share of the 2011 County Tax to be levied on real property within the City as follows:

County Tax ..... $ 6,742,338.66

Seconded by Legislator: _____

State of New York)
) ss.:
County of Jefferson)

I, the undersigned, Clerk of the Board of Legislators of the County of Jefferson, New York, do hereby certify that I have compared the foregoing copy of Resolution No. 218 of the Board of Legislators of said County of Jefferson with the original thereof on file in my office and duly adopted by said Board at a meeting of said Board on the 4th day of November, 20 10 and that the same is a true and correct copy of such Resolution and the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the seal of said County this 10th day of November, 20 10.

_____
Clerk of the Board of Legislators

JEFFERSON COUNTY BOARD OF LEGISLATORS
Resolution No. 222

Levying Hudson River-Black River Regulating District Assessments

By Legislator: Scott A. Gray

Whereas, The Board of the Hudson River-Black River Regulating District, pursuant to provisions of the Environmental Conservation Law, has filed a certified statement with the Clerk of the County of Jefferson showing the name of each public corporation or a brief description of each parcel of real estate and the name of the owner, or owners, so far as can be ascertained, and the proportionate amount of the cost of storage reservoirs and the expense of maintenance and operation of such reservoirs to be borne by each parcel of real estate during the year ending June 30, 2011, and

Whereas, Pursuant to Subdivision Six of Section 15-2123 of the Environmental Conservation Law, signed into law on August 8, 1983 "...All moneys required to be collected and not paid directly to the River Regulating District by the thirty-first day of October of the year in which the assessment is levied shall be payable to the County Treasurer as provided under subdivision four of this Section and shall be subject to a service fee of one percent of the total amount assessed which shall be added to the amount to be collected and which shall be in addition to any penalties which may be imposed in the case of failure to pay general taxes within the time prescribed by law, and when collected, such penalties shall be deemed part of the assessment...".

Now, Therefore, Be It Resolved, That, in accordance with the certified statement of annual assessment received from the Regulating District dated October 31, 2010, the sum set after the description of each parcel of real estate in the following list is hereby levied and assessed against said parcel of real estate to wit:

(Awaiting Correspondence from HR-BR Regulating District listing parcels and amounts)

Parcel No. 3	Town of Hounsfield	
	Brownville Speciality Paper Products, Inc.	$4,762.35
	1% Fee	47.63
	Total	$4,809.98
Parcel No. 6A	Town of Pamelia	
	Niagara Mohawk- National Grid	$10,511.42
	1% Fee	105.11
	Total	$10,616.53
Parcel No. 26	Town of Rutland	
	Niagara Mohawk - National Grid	$12,669.66
	1% Fee	126.70
	Total	$12,796.36

Parcel No. 26	Town of Champion	
	Niagara Mohawk - National Grid	$ 8,446.44
	1% Fee	84.46
	Total	$ 8,530.90
Parcel No. 7	City of Watertown	
	Watertown River Properties	$ 2,735.64
	1% Fee	27.36
	Total	$ 2,763.00

and be it further

Resolved, That the collector of taxes and assessments in each Town or City in which any such parcel of real estate is situated be and is hereby directed and commanded to collect said sum set forth after the description of each such parcel of real estate in the forgoing list, or in case the property is situated in more than one Town, to collect the sum set forth after the name of each Town following said description, in the same manner and by the same procedure as general taxes are collected and to pay the same to the County Treasurer of Jefferson County, and be it further

Resolved, That the Clerk of the Board of Legislators be and is hereby directed to furnish a certified copy of this resolution to the Council of the City of Watertown.

Seconded by Legislator: James D. St.Croix

State of New York)
) ss.:
County of Jefferson)

I, the undersigned, Clerk of the Board of Legislators of the County of Jefferson, New York, do hereby certify that I have compared the foregoing copy of Resolution No. 222 of the Board of Legislators of said County of Jefferson with the original thereof on file in my office and duly adopted by said Board at a meeting of said Board on the 9th day of November, 20 10 and that the same is a true and correct copy of such Resolution and the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the seal of said County this 19th day of November, 20 10.

Clerk of the Board of Legislators

Res No. 6

December 1, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Acceptance of Vacant Lot, Mill Street,
Parcel No. 3-11-138.002

At the July 6, 2010 City Council meeting, Staff presented for City Council discussion, an offer from the Executor of the Robert J. Valin Estate offering to transfer title to Parcel No. 3-11-138.002 to the City of Watertown for no monetary consideration. This parcel is located at 862 Mill Street, and as shown on the attached map, is near the William J. Flynn Pool. The Estate has tried to market this property, but it is encumbered with at least three utility easements crossing it, which has made it virtually unmarketable.

At the request of the City Council staff has reached out to the New York State Department of Environmental Conservation regarding environmental issues with the property, and we have learned that there are no known environmental concerns with the parcel. I notified the Estate that based on this information, the City Council could officially consider acceptance of the title. On November 15, 2010, the Estate forwarded the title transfer documents for the City's consideration.

The attached resolution authorizes the acceptance of the parcel and authorizes the City Manager to execute all documents necessary to effect a transfer of title.

Resolution No. 6

December 6, 2010

RESOLUTION

Authorizing the Acceptance of the Vacant Lot 862 Mill Street, Parcel No. 3-11-138.002

	YEA	NAY
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 ……..		

Introduced by

_____

WHEREAS the beneficiaries of the Robert J. Valin Estate are the current owners of a vacant lot at 862 Mill Street, Tax Parcel No. 3-11-138.002, and

WHEREAS the Estate has tried to sell this property, which is encumbered utility easements, without success, and

WHEREAS the Executor of the Estate has contacted the City of Watertown and expressed interest in transferring title to the property to the City of Watertown, and

WHEREAS New York State City Law, Section 20(3) empowers the City to accept a gift of the conveyance of property, and

WHEREAS the Estate provided the City with the Title documents on November 15, 2010,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby determines that it is in the best interest of the City of Watertown to accept title to said property, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the title delivered to the City on November 15, 2010 for Tax Parcel No. 3-11-138.002 for no monetary consideration, and to execute all documents necessary to effect a transfer of title.

Seconded by

NORTH ELEMENTARY

Legend

- Roads
- Tax Parcels
- City Boundary
- Aerial Photos

July 1, 2010

Disclaimer: **This map was prepared by the City of Watertown Internet Mapping Application. The information was compiled using the most current data available. It is deemed accurate, but is not guaranteed.**

Res Nos. 7, 8, 9

November 30, 2010

To: The Honorable Mayor and City Council

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

Subject: Approving Contract for Professional Services With Avalon Associates Inc. and Neighbors of Watertown Inc. for CDBG and HOME Applications

On December 21, 2009, the City Council selected Avalon Associates Inc. as its community development consultant for the Small Cities Community Development Block Grant Program and the HOME Investment Partnership Program for a period of up to three years (2010, 2011 and 2012). It is the City Council's discretion as to whether the City actually contracts for their services each year.

There are three proposed contracts with resolutions attached for professional services from Avalon Associates Inc. and Neighbors of Watertown Inc. for different grant programs. The services to be provided by Avalon Associates Inc. include writing the applications and assisting with the administration and program delivery of the housing programs. Neighbors of Watertown Inc. will provide the local program delivery staff.

The first resolution is for the Community Development Block Grant Program. Avalon will write the application for $7,500 plus reimbursement of expenses. As with the other programs described below, all other program development activities, delivery services and administration will be paid for with grant funds.

The second resolution is for the HOME application to New York State Homes and Community Renewal. In this case, Neighbors of Watertown is the eligible applicant. Avalon will write the grant for $4,500 plus reimbursement of expenses.

The third resolution approves the contract for the FY 2011 HOME application to the North Country HOME Consortium. Avalon Associates will write this grant for a cost based on their hourly rates, not to exceed $3,500 plus reimbursement of expenses.

Resolution No. 7

December 6, 2010

RESOLUTION

	YEA	NAY
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 ……..		

Approving Contract for Professional Services With Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2011 Small Cities CDBG Application

Introduced by

_____

WHEREAS it is expected that grant funding will be available through New York State Homes and Community Renewal to support local community development activities that are undertaken by eligible municipalities, and

WHEREAS the City of Watertown is eligible to apply for funding in the Fiscal Year 2011 competition under the Small Cities Community Development Block Grant program, and

WHEREAS Avalon Associates Inc. has been selected as the City's community development consultant for the Small Cities Program, and

WHEREAS a Contract for Professional Services between the City of Watertown, Avalon Associates Inc. and Neighbors of Watertown Inc. has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Contract for Professional Services with Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2011 Small Cities Community Development Block Grant application, and

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

Seconded by

CONTRACT FOR PROFESSIONAL SERVICES

BY AND BETWEEN

CITY OF WATERTOWN

AND

NEIGHBORS OF WATERTOWN

AND

AVALON ASSOCIATES, INC.
Community Development Consultant

THIS AGREEMENT, made as of the 6th day of December 2010, between the City of Watertown, (the "City") and Neighbors of Watertown (the "Program Coordinator") and Avalon Associates, Inc., Community Development Consultant of Glens Falls, New York, (the "Consultant"), details the terms and conditions applicable to the following "Project":

Application preparation, program development activities and general advisory services required for administration of local community development activities funded under the NYS Small Cities Community Development Block Grant Program for 2011

It is understood that the services detailed in Section II.B, II.C and II.D of this Agreement will be required only if a grant is awarded to the City by the NYS Office of Community Renewal (OCR). If a grant is not awarded, no services will be required beyond the application preparation detailed in Section II.A.

I. EMPLOYMENT OF THE CONSULTANT

The City hereby engages the Consultant, and the Consultant agrees to perform the services detailed in this Agreement. The services of the Consultant are to commence upon execution of this Agreement and be undertaken in an expeditious manner in order to accomplish the purposes of the Agreement and meet schedules and deadlines established by the parties to this Agreement or by other Agencies involved in the Project. Unless terminated earlier according to Section V of this Agreement, the services of the Consultant shall continue until completion of all Small Cities activities and close-out of the grant.

II. SCOPE OF SERVICES

The Consultant shall work with City officials and representatives from Neighbors of Watertown to organize the local community development program and assist with implementation and administration activities to assure compliance with applicable federal regulations. Services of the Consultant are detailed in this section.

A. Application:

The Consultant shall prepare and file a complete application which complies with the regulations and funding criteria established by the New York State Office of Community Renewal (OCR) for the Small Cities Community Development Block Grant (CDBG) Program, including but not limited to:

1. Program Design

Design of a program of activities that fits the CDBG application requirements and addresses the four impact criteria selected for this Comprehensive application.

2. Application Preparation

Information gathering, analysis, documentation, etc. as required to complete the application and address all rating criteria. Three copies of the application will be submitted to OCR (including one copy with original signatures) and one copy will be provided for the City and one copy will be provided for Neighbors of Watertown.

3. Meetings

Attendance at meetings in Watertown or Albany or any other location as needed to develop the program proposed for this application.

4. Services by Others

The following services required for work to be performed by the Consultant will be provided by the City or Neighbors of Watertown or other agencies that will be involved in the Project. These activities will be coordinated with the work of the Consultant and done in a timely manner to assure completion of the application within the schedule established by OCR.

a. Assistance with surveys and documentation required to detail the existing conditions that will be addressed by the proposed program.

b. Inspections in selected properties and preparation of work writeups, architectural or engineering designs and cost estimates to be used as samples for the application.

c. Photographs of the individual properties proposed for assistance under the program.

d. Preparation of maps and other graphics required for the application.

e. Collection of support letters and other documentation of local commitments for the proposed program.

f. Scheduling of and attendance at all public hearings required for the project.

g. Resolutions of the City Council that are required for submission of the application.

B. Program Development Activities:

The Consultant shall assist local officials in the completion of all preliminary activities necessary to organize the community development program and secure a Release of Funds, including:

1. Program Setup Activities

Assistance in organizing the systems and records necessary to properly manage all activities under the Small Cities Program.

a. Review grant award documents and advise local officials regarding any special conditions that might affect the design or operation of the local program.

b. Assist with preparation of signature cards and certifications required to establish a Letter of Credit and establish local bank accounts required for the program.

c. Assist local officials with organization of books and accounts as required for the operation of the program and for documentation of all Project expenditures.

d. Set up a filing system for the program and assist local officials with organizing all information and documentation on hand for the program.

e. Review local files to assure that all documentation is in place to demonstrate compliance with the Certifications and other regulations affecting the program. In particular, this review will cover the Community Development Plan, the Citizen Participation Plan, the Relocation Plan and Drug-Free Workplace Certifications. These files will be updated to reflect new activities in the approved program and any modifications to future planning that might be appropriate as a result of this grant.

2. Environmental Clearance

Assistance with the Environmental Review to assure compliance with the National Environmental Policy Act of 1969, including:

a. Analysis of any adverse environmental impacts of the proposed activities.

b. Analysis of alternatives and/or mitigating efforts that can minimize adverse environmental impacts of the proposed activities.

c. Preparation of an Environmental Review Record that documents existing conditions and details the proposed activities.

d. Preparation of appropriate findings, resolutions, public notices and reports as required to complete the Environmental Review Record.

e. Notification of the State Historic Preservation Office and other agencies that might have an interest in the activities included in the program.

3. **Program Guidelines**

Assistance with the development of guidelines, criteria and procedures necessary for implementation of activities in the Small Cities Program, including:

a. **Draft Program** - a preliminary draft of program guidelines for review with local officials to determine the criteria and procedures for the program.

b. **Program Manual** - containing final, approved guidelines, eligibility criteria, procedures and policies to be used by local program administrators.

c. **Forms** - a complete set of forms required for processing applications for assistance under the program.

d. **Brochure** - outlining the guidelines and assistance available under the program.

4. **Program Coordinator**

The Consultant will meet with the Program Coordinator to explain the local Guidelines and Procedures. This meeting should include a clear explanation of the authority and relationship of all parties involved in the program.

5. **Project Review Committee**

Assistance with the organization of a Project Review Committee to review cases proposed for assistance under the program. The Consultant will meet with the Committee to explain the guidelines and the procedures that have been established for the local program and clarify the roles and responsibilities of all parties involved in the program.

7. **Local Staffing and Support**

The Consultant will meet with other local staff who will be involved in the program to explain the Guidelines and Procedures and provide a clear explanation of the roles and responsibilities of all parties involved in the program.

8. **Rehabilitation Office**

Assistance with organization of a local office for administration of the program to assure that adequate provision has been made for furniture, supplies and equipment as required.

9. **Public Meetings**

Attendance at community meetings to introduce the program, explain eligibility criteria and the assistance which is available, and answer questions from residents and property owners in the area designated for the program.

C. General Administration:

The Consultant shall provide advice and assistance at the specific direction of local officials or designated project directors as required during implementation of the program. These services may include activities by the Consultant with specialized assistance provided by qualified professionals who are retained by the Consultant under subcontract. Alternatively, the Consultant may assist the community to secure outside professional services directly. In that case, the Consultant will prepare Requests For Proposals and assist with interviews and negotiations conducted by local officials.

1. General Advisory Services

Advice and assistance as required during implementation and administration of the local program to monitor the performance of the Program Coordinator and help coordinate the activities of others who are involved with the program.

2. Legal Services

Specialized legal assistance as required for the design or administration of activities included in the program.

3. Accounting Services

Specialized assistance or support as required to set up local books and accounts or document expenditures under the program.

4. Engineering Services

Technical services as required for design and implementation of public facilities activities included in the program.

5. Local surveys

Detailed surveys required by the State Historic Preservation Office (SHPO) to identify properties that might be eligible for inclusion on the National Register of Historic Places.

6. Memorandum of Agreement

Negotiation of a Memorandum of Agreement if required by the SHPO for activities which might affect properties included on or eligible for inclusion on the National Register.

7. Technical Analysis

Specialized technical analysis required as part of the Environmental Review to satisfy concerns raised by the public or any state or federal agencies.

D. Program Delivery:

The Consultant shall provide advice and assistance during implementation of the program. With approval by the City, a portion of this work may be subcontracted to a local Program Coordinator; and in that event, the Consultant is not responsible for the activities of the Program Coordinator or others who might be involved with day-to-day activities in the Community. However, all activities will be coordinated by the Consultant who will advise the Community regarding actions required to assure completion of the program on schedule and within the budget established for those activities.

1. Assistance to Property Owners

If the program includes activities to promote housing rehabilitation, the Consultant and the local Program Coordinator will work with eligible property owners to help them decide what improvements are needed and arrange for qualified contractors to complete that work in compliance with all local, state and federal rules and regulations, as follows:

a. Explanation of the program, it's objectives and eligibility requirements both at public meetings and in response to inquiries from property owners.

b. Inspection of eligible properties to identify deficiencies that may be addressed with assistance under the program.

c. Lead-based paint inspections (using qualified staff or contractors) to identify problems that should be addressed during rehabilitation activities.

d. Preparation of work write-ups detailing the improvements needed in each property and including estimates of the cost of that work if performed by qualified contractors.

e. Qualification of contractors who will be permitted to work under the program.

f. Computation of the assistance that may be available for work on each property.

g. Assistance in securing competitive bids from qualified contractors for the work to be done on each property.

h. Review of bids for contract awards to be made by property owners.

i. Computation of final grant awards and recommendation for approval by the Community for each eligible property.

j. Periodic inspections of work in progress, including at a minimum, on-site inspections before approval of any progress payments.

k. Final inspection before approval of final payment on each property.

l. Clearance testing (using qualified staff or contractors) to certify that lead-based paint hazards have not been created by the work completed under this program.

2. Assistance to First-time Home Buyers

If the program includes activities to promote home ownership, the Consultant and the local Program Coordinator will work with eligible applicants to help them qualify as first-time buyers and locate a suitable home that is for sale in the City. Where needed, rehabilitation improvements will be made in those properties to correct code violations and eliminate any other problems that could become a financial hardship to the home owner, as follows:

a. Explanation of the program, it's objectives and eligibility requirements both at public meetings and in response to inquiries from applicants.

b. Special Home Ownership Counseling to help applicants prepare for home ownership and decide what they can afford with assistance under the program.

c. Assistance with purchase negotiations and mortgage applications to local banks who will provide primary financing for each project.

d. Inspection of selected properties to identify deficiencies that may be addressed with assistance under the program.

e. Lead-based paint inspections (using qualified staff or contractors) to identify problems that should be addressed during rehabilitation activities.

f. Preparation of work write-ups detailing the improvements needed in each property and estimates of the cost of that work if performed by qualified contractors.

g. Assistance in securing competitive bids from qualified contractors for the work to be done on each property.

h. Computation of the financial assistance that may be available for eligible work on each project and recommendation for approval by the Project Review Committee.

i. Periodic inspections of work in progress on each property, including as a minimum, inspections of work completed before approval of any progress payments.

j. Final inspection before approval of final payment on each property.

k. Clearance testing (using qualified staff or contractors) to certify that lead-based paint hazards have not been created by the work completed under this program.

3. Periodic Reports

Monthly reports shall be submitted to the Community detailing the status of all activities in the program. Those reports will include the following:

a. Project Status including the number and status of active projects handled to date.
b. Budget Status detailing commitments and expenditures for each activity to date.

III. COMPENSATION AND METHOD OF PAYMENT

The City shall pay the Consultant for the services detailed in this Agreement as follows:

1. For Application preparation detailed in Section II.A of this Agreement, a lump sum fee of $7,500.00 plus reimbursement of expenses incurred during the course of that work.

2. For Program Development Activities detailed in Section II.B of this Agreement, a lump sum fee of $15,000, payable when the City has received approval of a Fund Release.

3. For General Administration Services as detailed in Section II.C of this Agreement, fees shall be billed for actual time plus reimbursement of expenses as follows:

   a. These billing rates shall apply during the calendar year in which this Agreement is executed and may be adjusted annually after giving 30 days written notice:

Principal	$100.00/hr.
Associate	$ 90.00/hr.
Community Planner	$ 80.00/hr.
Technician	$ 60.00/hr.
Clerical	N/C (included in above Rates)

   b. At direct cost for out-of-pocket expenses, outside professional services, materials, reproduction costs, long-distance telephone calls, etc. For travel expenses, 38 cents per mile for required automobile travel; at direct cost for travel by commercial carrier, lodging and subsistence if required during travel outside the Glens Falls area.

4. For Program Delivery Services detailed in Section II.D of this Agreement, a fixed fee of $2,250/unit for each project approved by the Project Review Committee.

5. The Consultant will submit claims for payment on forms prescribed by the City detailing the work performed and the fees payable under the terms of this Agreement. Claims for payment for General Administration Services (Section II.C) shall include a description of the services provided detailing the time and expenses of the Consultant. A Service Charge may be added for any amounts unpaid after 30 days at the rate of 1-1/2% per month (18% per annum); and the City agrees to pay all costs of collection including reasonable legal fees in the event the Consultant is forced to pursue legal action in order to collect these fees.

IV. INDEMNIFICATION OF HTFC

The City and the Consultant shall indemnify the Housing Trust Fund Corporation, its agents and employees, from and against any and all claims, actions, damages, losses, expenses and costs of every nature and, including reasonable attorney fees, incurred by or assessed or imposed against the Housing Trust Fund Corporation, to the fullest extent permitted by law, arising out of the Project being funded with CDBG funds.

V. TERMINATION OF AGREEMENT

This Agreement may be terminated by either party upon thirty days written notice should the other party fail to perform in accordance with its terms through no fault of the party initiating the termination, or by mutual consent when terminated for convenience. If the contract is terminated after the application is submitted but before Program Development activities are completed, the full fee specified in Paragraph 2 of Section III will be immediately due and payable. In the event of termination, all materials prepared under the Project shall be forwarded to the City and the Consultant shall be paid for all work completed on the Project according to the terms of this Agreement.

VI. OTHER CONDITIONS

The following conditions required by the Uniform Administrative Requirements (24 CFR Part 85) shall also apply to this Agreement.

A. Equal Employment Opportunity:

The Consultant shall comply with the applicable provisions of Executive Order 11246, entitled "Equal Opportunity", as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

B. Books and Records:

The Consultant shall maintain accurate records for all work performed under this Agreement. The City, New York State, HUD, or any of their authorized representatives, shall have access to those records for the purpose of making audit, examination, excerpts, and transcriptions. Said examination of records shall take place in the Glens Falls office of the Consultant. The Consultant shall maintain all required records for three years after final payment is received and all other pending matters are closed.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF WATERTOWN

BY: _____

Mary Corriveau, City Manager

NEIGHBORS OF WATERTOWN

BY: _____

Gary Beasley, Executive Director

AVALON ASSOCIATES, INC.

BY: _____

Philip A. Smith, President

Resolution No. 8

December 6, 2010

RESOLUTION

Approving Contract for Professional Services For Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2011 HOME Application to NYSHCR

	YEA	NAY
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 ……..		

Introduced by

_____

WHEREAS it is expected that grant funding will be available through New York State Homes and Community Renewal for the HOME Investment Partnership Program, and

WHEREAS Avalon Associates Inc. has been selected as the City of Watertown's community development consultant for the HOME Investment Partnership Program, and

WHEREAS a Contract for Professional Services between the City of Watertown, Avalon Associates Inc. and Neighbors of Watertown Inc. has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Contract for Professional Services with Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2011 HOME Investment Partnership Program application to New York State Homes and Community Renewal, and

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

Seconded by

CONTRACT FOR PROFESSIONAL SERVICES

BY AND BETWEEN

CITY OF WATERTOWN

AND

NEIGHBORS OF WATERTOWN

AND

AVALON ASSOCIATES, INC.
Community Development Consultant

THIS AGREEMENT, made as of the 6th day of December 2010, between the City of Watertown, (the "City") and Neighbors of Watertown (the "Project Sponsor") and Avalon Associates, Inc., Community Development Consultant of Glens Falls, New York, (the "Consultant"), details the terms and conditions applicable to the following "Project":

> **Application preparation, program development activities and general advisory services required for administration of local community development activities funded under the HUD HOME Investment Partnerships Program administered by the New York State Division of Housing and Community Renewal (DHCR) for Fiscal Year 2011**

It is understood that the services detailed in Section II.B, II.C and II.D of this Agreement will be required only if a grant is awarded to the Project Sponsor by DHCR. If a grant is not awarded, no services will be required beyond the application preparation detailed in Section II.A.

I. EMPLOYMENT OF THE CONSULTANT

The City and the Project Sponsor hereby engage the Consultant and the Consultant agrees to perform the services detailed in this Agreement. The services of the Consultant are to commence upon execution of this Agreement and be undertaken in an expeditious manner in order to accomplish the purposes of the Agreement and meet schedules and deadlines established by the parties to this Agreement or by other Agencies involved in the Project. Unless terminated earlier according to Section IV of this Agreement, the services of the Consultant shall continue until completion of all HOME activities and close-out of the grant.

II. SCOPE OF SERVICES

The Consultant shall work with local officials and the Project Sponsor to identify activities that will be appropriate for HOME funding and help gather information, conduct surveys, analysis, etc. as required to complete an application for funding before the deadline established by DHCR.

A. Application:

The Consultant shall prepare and file a complete application which complies with the regulations and funding criteria established by the New York State Division of Housing and Community Renewal for the HOME Investment Partnership Program, including but not limited to:

1. Program Design

Design of a program of activities that fits the HOME application requirements and addresses the rating criteria for this application.

2. Application Preparation

Information gathering, analysis, documentation, etc. as required to complete the application and address all rating criteria. Three copies of the application will be submitted to DHCR (including one copy with original signatures) and one copy will be provided for the City and one copy will be provided for Neighbors of Watertown.

3. Meetings

Attendance at meetings in Watertown or Albany or any other location as needed to develop the program proposed for this application.

4. Services by Others

The following services required for work to be performed by the Consultant will be provided by the City or Neighbors of Watertown or other agencies that will be involved in the Project. These activities will be coordinated with the work of the Consultant and done in a timely manner to assure completion of the application within the schedule established by DHCR.

a. Assistance with surveys and documentation required to detail the existing conditions that will be addressed by the proposed program.

b. Inspections in selected properties and preparation of work writeups and cost estimates to be used as samples for the application.

c. Photographs of the individual properties proposed for assistance under the program.

d. Preparation of maps and other graphics required for the application.

e. Collection of support letters and other documentation of local commitments for the proposed program.

f. Scheduling of and attendance at all public hearings required for the project.

g. Resolutions that are required for submission of the application.

B. Program Development and General Administration:

If the application is successful, the Consultant shall assist local officials in the completion of all activities necessary to execute a Grant Agreement and begin the program, including:

1. Files, Records, and Accounts

Assistance in establishing local files and records for the HOME Program.

2. Environmental Clearance

Assistance with Environmental Reviews necessary to assure compliance with the State Environmental Quality Review Act, including:

a. Analysis of adverse impacts and review of alternatives to mitigate those problems for the proposed activities.

b. Documentation of the Environmental Assessment including all required findings, resolutions, notices and reports.

3. Program Guidelines

Assistance with development of guidelines and procedures for implementation of the HOME Improvement Program, including:

a. **Program Manual** with final, approved guidelines and procedures for use by local program administrators.

b. **Forms** - a complete set of forms required for processing applications for assistance under the local program.

C. General Administration:

The Consultant shall provide advice and assistance at the direction of local officials during administration of the HOME Program. These services may include:

1. **Technical Assistance** - assistance with general procedures and analysis of projects being considered for financing assistance under the program.

2. **Monitoring & Documentation** - monitoring and documentation as needed to assure proper performance under the local Guidelines and Procedures.

3. **Reports** - preparation of various reports required to document compliance with applicable federal and state regulations and local program guidelines for each project.

D. Program Delivery Services:

The Consultant shall provide advice and assistance during implementation of the program. These services require a joint effort by the Consultant and the Project Sponsor; and the Consultant is not responsible for the activities of the Project Sponsor or its employees or others who might be involved with day-to-day activities under the program. However, all activities will be coordinated by the Consultant who will advise the Project Sponsor regarding actions required to assure completion of the program on schedule and within the budget established for these activities.

1. Assistance to Property Owners

If the program includes activities to promote housing rehabilitation, the Consultant and the local Program Coordinator will work with eligible property owners to help them decide what improvements are needed and arrange for qualified contractors to complete that work in compliance with all local, state and federal rules and regulations, as follows:

a. Explanation of the program, it's objectives and eligibility requirements both at public meetings and in response to inquiries from property owners.

b. Inspection of eligible properties to identify deficiencies that may be addressed with assistance under the program.

c. Lead-based paint inspections (using qualified staff or contractors) to identify problems that should be addressed during rehabilitation activities.

d. Preparation of work write-ups detailing the improvements needed in each property and including estimates of the cost of that work if performed by qualified contractors.

e. Qualification of contractors who will be permitted to work under the program.

f. Computation of the assistance that may be available for work on each property.

g. Assistance in securing competitive bids from qualified contractors for the work to be done on each property.

h. Review of bids for contract awards to be made by property owners.

i. Computation of final grant awards and recommendation for approval by the Community for each eligible property.

j. Periodic inspections of work in progress, including at a minimum, on-site inspections before approval of any progress payments.

k. Final inspection before approval of final payment on each property.

l. Clearance testing (using qualified staff or contractors) to certify that lead-based paint hazards have not been created by the work completed under this program.

2. **Assistance to First-time Home Buyers**

If the program includes activities to promote home ownership, the Consultant and the local Program Coordinator will work with eligible applicants to help them qualify as first-time buyers and locate a suitable home that is for sale in the City. Where needed, rehabilitation improvements will be made in those properties to correct code violations and eliminate any other problems that could become a financial hardship to the home owner, as follows:

a. Explanation of the program, it's objectives and eligibility requirements both at public meetings and in response to inquiries from applicants.

b. Special Home Ownership Counseling to help applicants prepare for home ownership and decide what they can afford with assistance under the program.

c. Assistance with purchase negotiations and mortgage applications to local banks who will provide primary financing for each project.

d. Inspection of selected properties to identify deficiencies that may be addressed with assistance under the program.

e. Lead-based paint inspections (using qualified staff or contractors) to identify problems that should be addressed during rehabilitation activities.

f. Preparation of work write-ups detailing the improvements needed in each property and estimates of the cost of that work if performed by qualified contractors.

g. Assistance in securing competitive bids from qualified contractors for the work to be done on each property.

h. Computation of the financial assistance that may be available for eligible work on each project and recommendation for approval by the Project Review Committee.

i. Periodic inspections of work in progress on each property, including as a minimum, inspections of work completed before approval of any progress payments.

j. Final inspection before approval of final payment on each property.

k. Clearance testing (using qualified staff or contractors) to certify that lead-based paint hazards have not been created by the work completed under this program.

3. **Periodic Reports**

Monthly reports shall be submitted to the Community detailing the status of all activities in the program. Those reports will include the following:

a. Project Status including the number and status of active projects handled to date.
b. Budget Status detailing commitments and expenditures for each activity to date.

III. COMPENSATION AND METHOD OF PAYMENT

The Consultant will be paid for the services detailed in this Agreement as follows:

1. By the City for Application preparation (Section II.A), a lump sum fee of $4,500.00 plus reimbursement of expenses incurred during the course of that work.

2. By the Project Sponsor for Program Development activities (Section II.B), a lump sum fee of $7,500, payable when the Project Sponsor has received approval of a Fund Release.

3. By the Project sponsor for General Administration services (Section II.C), fees shall be paid for actual time plus reimbursement of expenses as follows:

   a. These billing rates shall apply during the calendar year in which this Agreement is executed and may be adjusted annually after giving 30 days written notice:

Principal	$100.00/hr.
Associate	$ 90.00/hr.
Community Planner	$ 80.00/hr.
Technician	$ 60.00/hr.
Clerical	N/C (included in above Rates)

   b. At direct cost for out-of-pocket expenses, outside professional services, materials, reproduction costs, long-distance telephone calls, etc. For travel expenses, 38 cents per mile for required automobile travel; at direct cost for travel by commercial carrier, lodging and subsistence if required during travel outside the Glens Falls area.

4. By the Project Sponsor for Program Delivery Services (Section II.D), a fixed fee of $1,000/unit for each project, payable when the case is approved by the Executive Director.

5. The Consultant will submit claims for payment detailing the work performed and the fees payable under the terms of this Agreement. A Service Charge may be added for any amounts unpaid after 30 days at the rate of 1-1/2% per month (18% per annum); and the City or the Project Sponsor will pay all costs of collection including reasonable legal fees in the event the Consultant is forced to pursue legal action in order to collect these fees.

IV. TERMINATION OF AGREEMENT

This Agreement may be terminated by either party upon thirty days written notice should the other party fail to perform in accordance with its terms through no fault of the party initiating the termination, or by mutual consent when terminated for convenience. If the contract is terminated after the application is submitted but before Program Development activities are completed, the full fee specified in Paragraph 2 of Section III will be immediately due and payable. In the event of termination, all materials prepared under the Project shall be forwarded to the Project Sponsor and the Consultant shall be paid all amounts due for work completed on the Project according to the terms of this Agreement.

V. OTHER CONDITIONS

The following conditions required by the Uniform Administrative Requirements (24 CFR Part 85) shall also apply to this Agreement.

A. Equal Employment Opportunity:

The Consultant shall comply with the applicable provisions of Executive Order 11246, entitled "Equal Opportunity", as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

B. Books and Records:

The Consultant shall maintain accurate records for all work performed under this Agreement. The Project Sponsor, the City, New York State, or any of their authorized representatives, shall have access to those records for the purpose of making audit, examination, excerpts, and transcriptions. Said examination of records shall take place in the Glens Falls office of the Consultant. The Consultant shall maintain all required records for three years after final payment is received and all other pending matters are closed.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF WATERTOWN

BY: _____
Mary Corriveau, City Manager

AVALON ASSOCIATES, INC.

BY: _____
Philip A. Smith, President

NEIGHBORS OF WATERTOWN

BY: _____
Gary Beasley, Executive Director

Resolution No. 9

December 6, 2010

RESOLUTION

Approving Contract for Professional Services With Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2011 HOME Application to North Country HOME Consortium

	YEA	NAY
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 ……..		

Introduced by

_____

WHEREAS it is anticipated that grant funding will be available through the North Country HOME Consortium to support local housing programs, and

WHEREAS Avalon Associates Inc. has been selected as the City of Watertown's community development consultant for the HOME Investment Partnership Program, and

WHEREAS a Contract for Professional Services between the City of Watertown, Avalon Associates Inc. and Neighbors of Watertown Inc. has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Contract for Professional Services with Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2011 HOME Investment Partnership Program application to the North Country HOME Consortium, and

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

Seconded by

CONTRACT FOR PROFESSIONAL SERVICES

BY AND BETWEEN

CITY OF WATERTOWN

AND

NEIGHBORS OF WATERTOWN

AND

AVALON ASSOCIATES, INC.
Community Development Consultant

THIS AGREEMENT, made as of the 6th day of December 2010, between the City of Watertown, (the "City") and Neighbors of Watertown (the "Program Coordinator") and Avalon Associates, Inc., Community Development Consultant of Glens Falls, New York, (the "Consultant"), details the terms and conditions applicable to the following "Project":

> **Application preparation, program development activities and general advisory services required for administration of local community development activities funded under the HOME Investment Partnerships Program administered by the North Country HOME Consortium for Fiscal Year 2011**

It is understood that the services detailed in Section II.B and II.C of this Agreement will be required only if a grant is awarded to the City or Neighbors of Watertown by the North Country HOME Consortium. If no grant is received, no services will be needed beyond the application preparation detailed in Section II.A.

I. EMPLOYMENT OF THE CONSULTANT

The City hereby engages the Consultant and the Consultant agrees to perform the services detailed in this Agreement. The services of the Consultant are to commence upon execution of this Agreement and be undertaken in an expeditious manner in order to accomplish the purposes of the Agreement and meet schedules and deadlines established by the parties to this Agreement or by other Agencies involved in the Project. Unless terminated earlier according to Section IV of this Agreement, the services of the Consultant shall continue until completion of all HOME activities and close-out of the grant.

II. SCOPE OF SERVICES

The Consultant shall work with local officials and representatives of Neighbors of Watertown to identify activities that will be appropriate for HOME funding and help gather information, conduct surveys, analysis, etc. as required to complete an application for funding before the deadline established by the North Country HOME Consortium.

A. Application:

The Consultant shall prepare and file a complete application which complies with the regulations and funding criteria established by the North Country HOME Consortium for the HOME Investment Partnership Program, including but not limited to:

1. Program Design

Design of a program of activities that fits the HOME application requirements and addresses the rating criteria for this application.

2. Application Preparation

Information gathering, analysis, documentation, etc. as required to complete the application and address all rating criteria. Three copies of the application will be submitted to the North Country HOME Consortium (including one copy with original signatures) and one copy will be provided for the City and one copy will be provided for Neighbors of Watertown.

3. Meetings

Attendance at meetings in Watertown or any other location as needed to develop the program proposed for this application.

4. Services by Others

The following services required for work to be performed by the Consultant will be provided by the City or Neighbors of Watertown or other agencies that will be involved in the Project. These activities will be coordinated with the work of the Consultant and done in a timely manner to assure completion of the application within the schedule established by the North Country HOME Consortium.

a. Assistance with surveys and documentation required to detail the existing conditions that will be addressed by the proposed program.

b. Inspections in selected properties and preparation of work writeups and cost estimates to be used as samples for the application.

c. Photographs of the individual properties proposed for assistance under the program.

d. Preparation of maps and other graphics required for the application.

e. Collection of support letters and other documentation of local commitments for the proposed program.

f. Scheduling of and attendance at all public hearings required for the project.

g. Resolutions that are required for submission of the application.

B. Program Development and General Administration:

If the application is successful, the Consultant shall assist local officials in the completion of all activities necessary to execute a Grant Agreement and begin the program, including:

1. Files, Records, and Accounts

Assistance in establishing local files and records for the HOME Program.

2. Environmental Clearance

Assistance with Environmental Reviews necessary to assure compliance with the State Environmental Quality Review Act, including:

a. Analysis of adverse impacts and review of alternatives to mitigate those problems for the proposed activities.

b. Documentation of the Environmental Assessment including all required findings, resolutions, notices and reports.

3. Program Guidelines

Assistance with development of guidelines and procedures for implementation of the HOME Improvement Program, including:

a. **Program Manual** with final, approved guidelines and procedures for use by local program administrators.

b. **Forms** - a complete set of forms required for processing applications for assistance under the local program.

4. General Advisory Services:

The Consultant shall provide advice and assistance at the direction of local officials during administration of the HOME Program. These services may include:

a. **Technical Assistance** - assistance with general procedures and analysis of projects being considered for financing assistance under the program.

b. **Monitoring & Documentation** - monitoring and documentation as needed to assure proper performance under the local Guidelines and Procedures.

c. **Reports** - preparation of various reports required to document compliance with applicable federal and state regulations and local program guidelines for each project.

C. Program Delivery Services:

The Consultant shall provide advice and assistance during implementation of the program. With approval by the City, a portion of this work may be subcontracted to a local Program Coordinator; and in that event, the Consultant is not responsible for the activities of the Program Coordinator or others who might be involved with day-to-day activities in the Community. However, all activities will be coordinated by the Consultant who will advise the Community regarding actions required to assure completion of the program on schedule and within the budget established for those activities.

1. Assistance to Property Owners

If the program includes activities to promote housing rehabilitation, the Consultant and the local Program Coordinator will work with eligible property owners to help them decide what improvements are needed and arrange for qualified contractors to complete that work in compliance with all local, state and federal rules and regulations, as follows:

a. Explanation of the program, it's objectives and eligibility requirements both at public meetings and in response to inquiries from property owners.

b. Inspection of eligible properties to identify deficiencies that may be addressed with assistance under the program.

c. Lead-based paint inspections (using qualified staff or contractors) to identify problems that should be addressed during rehabilitation activities.

d. Preparation of work write-ups detailing the improvements needed in each property and including estimates of the cost of this work if performed by qualified contractors.

e. Qualification of contractors who will be permitted to work under the program.

f. Computation of the assistance that may be available for work on each property.

g. Assistance in securing competitive bids from qualified contractors for the work to be done on each property.

h. Review of bids for contract awards to be made by property owners.

i. Computation of final grant awards and recommendation for approval by the Community for each eligible property.

j. Periodic inspections of work in progress, including at a minimum, on-site inspections before approval of any progress payments.

k. Final inspection before approval of final payment on each property.

l. Clearance testing (using qualified staff or contractors) to certify that lead-based paint hazards have not been created by the work completed under this program.

2. **Assistance to First-time Home Buyers**

If the program includes activities to promote home ownership, the Consultant and the local Program Coordinator will work with eligible applicants to help them qualify as first-time buyers and locate a suitable home that is for sale in the City. Where needed, rehabilitation improvements will be made in those properties to correct code violations and eliminate any other problems that could become a financial hardship to the home owner, as follows:

a. Explanation of the program, it's objectives and eligibility requirements both at public meetings and in response to inquiries from applicants.

b. Special Home Ownership Counseling to help applicants prepare for home ownership and decide what they can afford with assistance under the program.

c. Assistance with purchase negotiations and mortgage applications to local banks who will provide primary financing for each project.

d. Inspection of selected properties to identify deficiencies that may be addressed with assistance under the program.

e. Lead-based paint inspections (using qualified staff or contractors) to identify problems that should be addressed during rehabilitation activities.

f. Preparation of work write-ups detailing the improvements needed in each property and estimates of the cost of this work if performed by qualified contractors.

g. Assistance in securing competitive bids from qualified contractors for the work to be done on each property.

h. Computation of the financial assistance that may be available for eligible work on each project and recommendation for approval by the Project Review Committee.

i. Periodic inspections of work in progress on each property, including as a minimum, inspections of work completed before approval of any progress payments.

j. Final inspection before approval of final payment on each property.

k. Clearance testing (using qualified staff or contractors) to certify that lead-based paint hazards have not been created by the work completed under this program.

3. **Periodic Reports**

Monthly reports shall be submitted to the Community detailing the status of all activities in the program. Those reports will include the following:

a. Project Status including the number and status of active projects handled to date.
b. Budget Status detailing commitments and expenditures for each activity to date.

III. COMPENSATION AND METHOD OF PAYMENT

The Consultant will be paid for the services detailed in this Agreement as follows:

1. For Application preparation (Section II.A), at hourly rates plus reimbursement of expenses, as outlined in Paragraph 4 and 5 below (up to a maximum of $3,500).

2. For Program Development and Administration (Section II.B), at hourly rates plus reimbursement of expenses, as outlined in Paragraph 4 and 5 below.

3. For Program Delivery Services (Section II.C), a fixed fee of $2,250 for each project, payable when the case is approved by the Project Review Committee.

4. The following hourly billing rates shall apply during the calendar year in which this Agreement is executed. These rates may be increased annually to reflect higher costs of the Consultant after giving 30 days written notice:

Principal	$100.00/hr.
Associate	$ 90.00/hr.
Community Planner	$ 80.00/hr.
Technician	$ 60.00/hr.
Clerical	N/C (included in above Rates)

5. Expenses shall be reimbursed to the Consultant as follows:

   a. At direct cost for out-of-pocket expenses, outside professional services, reproduction costs, long-distance telephone calls, materials, etc.

   b. For travel expenses: (i) 38 cents per mile for required automobile travel; (ii) at direct cost for travel by commercial carrier; and (iii) at direct cost for lodging and subsistence if required during travel outside the Glens Falls area.

6. The Consultant will submit claims for payment detailing the work performed and the fees payable under the terms of this Agreement. A Service Charge may be added for any amounts unpaid after 30 days at the rate of 1-1/2% per month (18% per annum); and the City or the Project Sponsor will pay all costs of collection including reasonable legal fees in the event the Consultant is forced to pursue legal action in order to collect these fees.

IV. TERMINATION OF AGREEMENT

This Agreement may be terminated by either party upon thirty days written notice should the other party fail to perform in accordance with its terms through no fault of the party initiating the termination, or by mutual consent when terminated for convenience. In the event of termination, all materials prepared under the Project shall be forwarded to the City and the Consultant shall be paid all amounts due for work completed on the Project according to the terms of this Agreement. In the event of termination before the application is submitted, the Consultant shall be paid for time and expenses incurred at the hourly billing rates then in effect.

V. OTHER CONDITIONS

The following conditions required by the Uniform Administrative Requirements (24 CFR Part 85) shall also apply to this Agreement.

A. Equal Employment Opportunity:

The Consultant shall comply with the applicable provisions of Executive Order 11246, entitled "Equal Opportunity", as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

B. Books and Records:

The Consultant shall maintain accurate records for all work performed under this Agreement. The City, the City, New York State, or any of their authorized representatives, shall have access to those records for the purpose of making audit, examination, excerpts, and transcriptions. Said examination of records shall take place in the Glens Falls office of the Consultant. The Consultant shall maintain all required records for three years after final payment is received and all other pending matters are closed.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF WATERTOWN

BY: _____

Mary Corriveau, City Manager

AVALON ASSOCIATES, INC.

BY: _____

Philip A. Smith, President

NEIGHBORS OF WATERTOWN

BY: _____

Gary Beasley, Executive Director

Res No. 10

December 2, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Sidewalk Improvement Special Assessment District No. 7,
Spring and Fall 2011

On November 15, 2010, the City Council adopted a resolution approving sidewalk Improvement District No. 7, and scheduling the Public hearing to determine what costs will be borne by the abutting property owners. Since that time the City Engineering Department has had an opportunity to do a thorough review of the walks proposed for the district and has determined that it is more work than can be completed in one construction season. Therefore, City Engineer Kurt Hauk is asking that a resolution be adopted amending those properties that will be included in District No. 7.

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

Resolution No. 10

December 2, 2010

RESOLUTION

Sidewalk Improvement Special Assessment Program, District No. 7

	YEA	NAY
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		

Introduced by

WHEREAS on November 15, 2010, the City Council approved Sidewalk Special Assessment District No. 7, and

WHEREAS since that time the City Engineering Department has done a more thorough inspection of the sidewalks to be included in the district and is asking that the properties to be included in district No. 7 be amended to include those parcels enumerated on the attached list,

NOW THEREFORE BE IT FURTHER RESOLVED that the properties included in the Sidewalk Special Assessment Program, District No. 7, are those detailed on the attached report.

Seconded by

1869

CITY OF WATERTOWN
ENGINEERING DEPARTMENT
MEMORANDUM

OFFICE OF CITY MANAGER
DEC 02 2010
WATERTOWN NEW YORK

DATE: December 2, 2010

TO: Mary Corriveau, City Manager

FROM: Kurt Hauk, City Engineer KWH

SUBJECT: Amendment to the Proposed 2011 Sidewalk District #7

Enclosed is an amended property listing for the proposed Sidewalk District #7. The original proposed district was based on estimates of the amount of work prior to the Council approving the proposed area. Upon completion of all of the detailed inspections, the final total volume of work exceeds the amount of sidewalk that is projected to be completed in one construction season. The Engineering Department would like to amend the property listing to reach an acceptable volume of work.

The proposed change is to remove Main St. W. and add the 1000 block of Superior Street. This will give the district an acceptable level of work for the season.

A public hearing is scheduled for January 3, 2011 at which time the City Council will set the rate each property owner will be charged at that meeting. The current rate is $5.25/SF.

After the district is amended at the December 6, 2010 meeting, each property owner will be sent a copy of their inspection report and the estimate for repairs based on the current $5.25/SF rate. They will also receive paperwork explaining the Sidewalk Program, the Special Assessment District, and a contact number for any questions. Once the actual rate for District #7 is determined, if there is a change, revised estimates will be sent based on the new rate.

SIDEWALK PROGRAM - DISTRICT 7

#	Property Add.	Parcel #	Orig. Sq. Ft.	Adj. Sq. Ft.	Cost/ft	Sub-total	Tax
512	Cayuga Ave.	1-20-207	192		5.25	$1,008.00	0.0775
514	Cayuga Ave.	1-20-208	272		5.25	$1,428.00	0.0775
522	Cayuga Ave.	1-20-209	16		5.25	$84.00	0.0775
602	Cayuga Ave.	1-20-506	288		5.25	$1,512.00	0.0775
603	Cayuga Ave.	1-21-108	176		5.25	$924.00	0.0775
606	Cayuga Ave.	1-20-507	160		5.25	$840.00	0.0775
607	Cayuga Ave.	1-21-107	224		5.25	$1,176.00	0.0775
610	Cayuga Ave.	1-20-508	32		5.25	$168.00	0.0775
611	Cayuga Ave.	1-21-106	208		5.25	$1,092.00	0.0775
614	Cayuga Ave.	1-20-509	240		5.25	$1,260.00	0.0775
615	Cayuga Ave.	1-21-105	16		5.25	$84.00	0.0775
618	Cayuga Ave.	1-20-510	192		5.25	$1,008.00	0.0775
619	Cayuga Ave.	1-21-104	192		5.25	$1,008.00	0.0775
621	Cayuga Ave.	1-21-103	192		5.25	$1,008.00	0.0775
631	Cayuga Ave.	1-21-101	112		5.25	$588.00	0.0775
513	Frontenac St.	1-16-406	192		5.25	$1,008.00	0.0775
514	Frontenac St.	1-16-209	144		5.25	$756.00	0.0775
515	Frontenac St.	1-16-405	176		5.25	$924.00	0.0775
519	Frontenac St.	1-16-404	176		5.25	$924.00	0.0775
522	Frontenac St.	1-16-210	32		5.25	$168.00	0.0775
523	Frontenac St.	1-16-403	128		5.25	$672.00	0.0775
524	Frontenac St.	1-16-211	80		5.25	$420.00	0.0775
609	Frontenac St.	1-16-305	64		5.25	$336.00	0.0775
613	Frontenac St.	1-16-304	32		5.25	$168.00	0.0775
620	Frontenac St.	1-16-115	48		5.25	$252.00	0.0775
621	Frontenac St.	1-16-303	192		5.25	$1,008.00	0.0775
VL	Frontenac St.	1-16-208.001	124		5.25	$651.00	0.0775
906	Main St. W.	1-20-101.001	224		5.25	$1,176.00	0.0775
509	Meade St.	1-16-204	96		5.25	$504.00	0.0775
520	Meade St.	1-15-220	384		5.25	$2,016.00	0.0775
529	Meade St.	1-16-201	1080		5.25	$5,670.00	0.0775
610	Meade St.	1-15-111	108		5.25	$567.00	0.0775
613	Meade St.	1-16-102	64		5.25	$336.00	0.0775
513	Mohawk St.	1-20-141	624		5.25	$3,276.00	0.0775
516	Mohawk St.	1-16-411	344		5.25	$1,806.00	0.0775
522	Mohawk St.	1-16-412	208		5.25	$1,092.00	0.0775
523	Mohawk St.	1-20-139	272		5.25	$1,428.00	0.0775
525	Mohawk St.	1-20-138	96		5.25	$504.00	0.0775
610	Mohawk St.	1-16-311	128		5.25	$672.00	0.0775
613	Mohawk St.	1-20-314	80		5.25	$420.00	0.0775
614	Mohawk St.	1-16-312	128		5.25	$672.00	0.0775
620	Mohawk St.	1-16-313	176		5.25	$924.00	0.0775
622	Mohawk St.	1-16-314	96		5.25	$504.00	0.0775
508	New York Ave.	1-20-109	80		5.25	$420.00	0.0775
509	New York Ave.	1-20-218	448		5.25	$2,352.00	0.0775
513	New York Ave.	1-20-217	16		5.25	$84.00	0.0775
517	New York Ave.	1-20-216	16		5.25	$84.00	0.0775
522	New York Ave.	1-20-126	336		5.25	$1,764.00	0.0775

SIDEWALK PROGRAM - DISTRICT 7

#	Property Add.	Parcel #	Orig. Sq. Ft.	Adj. Sq. Ft.	Cost/ft	Sub-total	Tax
527	New York Ave.	1-20-214	48		5.25	$252.00	0.0775
606	New York Ave.	1-20-406	64		5.25	$336.00	0.0775
609	New York Ave.	1-20-520	176		5.25	$924.00	0.0775
615	New York Ave.	1-20-519	176		5.25	$924.00	0.0775
619	New York Ave.	1-20-518	64		5.25	$336.00	0.0775
623	New York Ave.	1-20-517	112		5.25	$588.00	0.0775
627	New York Ave.	1-20-519	112		5.25	$588.00	0.0775
1014	Railroad St.	1-20-203	256		5.25	$1,344.00	0.0775
1018	Railroad St.	1-20-204	32		5.25	$168.00	0.0775
1022	Railroad St.	1-20-205	240		5.25	$1,260.00	0.0775
14	Summer St.	1-20-115	144		5.25	$756.00	0.0775
912	Summer St.	1-20-118	208		5.25	$1,092.00	0.0775
916	Summer St.	1-20-119	192		5.25	$1,008.00	0.0775
917	Summer St.	1-20-117	80		5.25	$420.00	0.0775
920	Summer St.	1-20-120	64		5.25	$336.00	0.0775
924	Summer St.	1-20-121	320		5.25	$1,680.00	0.0775
928	Summer St.	1-20-122	32		5.25	$168.00	0.0775
929	Summer St.	1-20-114	48		5.25	$252.00	0.0775
933	Summer St.	1-20-113	96		5.25	$504.00	0.0775
936	Summer St.	1-20-124	48		5.25	$252.00	0.0775
937	Summer St.	1-20-112	144		5.25	$756.00	0.0775
940	Summer St.	1-20-125	176		5.25	$924.00	0.0775
943	Summer St.	1-20-111	176		5.25	$924.00	0.0775
947	Summer St.	1-20-110	304		5.25	$1,596.00	0.0775
25	Superior St.	1-16-214	128		5.25	$672.00	0.0775
111	Superior St.	1-20-403	192		5.25	$1,008.00	0.0775
804	Superior St.	1-16-104	64		5.25	$336.00	0.0775
810	Superior St.	1-16-105	144		5.25	$756.00	0.0775
816	Superior St.	1-16-107	176		5.25	$924.00	0.0775
828	Superior St.	1-16-110	48		5.25	$252.00	0.0775
829	Superior St.	1-16-213	64		5.25	$336.00	0.0775
832	Superior St.	1-16-111	32		5.25	$168.00	0.0775
833	Superior St.	1-16-212	432		5.25	$2,268.00	0.0775
840	Superior St.	1-16-306	208		5.25	$1,092.00	0.0775
841	Superior St.	1-16-401	272		5.25	$1,428.00	0.0775
845	Superior St.	1-16-417	80		5.25	$420.00	0.0775
847	Superior St.	1-16-416	64		5.25	$336.00	0.0775
850	Superior St.	1-16-308	160		5.25	$840.00	0.0775
851	Superior St.	1-16-415	112		5.25	$588.00	0.0775
854	Superior St.	1-16-309	80		5.25	$420.00	0.0775
858	Superior St.	1-16-310	368		5.25	$1,932.00	0.0775
901	Superior St.	1-20-137	304		5.25	$1,596.00	0.0775
902	Superior St.	1-20-301	272		5.25	$1,428.00	0.0775
904	Superior St.	1-20-302	160		5.25	$840.00	0.0775
908	Superior St.	1-20-303	128		5.25	$672.00	0.0775
909	Superior St.	1-20-135	176		5.25	$924.00	0.0775
913	Superior St.	1-20-134	144		5.25	$756.00	0.0775
916	Superior St.	1-20-305	112		5.25	$588.00	0.0775

SIDEWALK PROGRAM - DISTRICT 7

#	Property Add.	Parcel #	Orig. Sq. Ft.	Adj. Sq. Ft.	Cost/ft	Sub-total	Tax
917	Superior St.	1-20-133	80		5.25	$420.00	0.0775
924	Superior St.	1-20-401	16		5.25	$84.00	0.0775
927	Superior St.	1-20-131	112		5.25	$588.00	0.0775
928	Superior St.	1-20-402	160		5.25	$840.00	0.0775
933	Superior St.	1-20-129	192		5.25	$1,008.00	0.0775
936	Superior St.	1-20-404	80		5.25	$420.00	0.0775
942	Superior St.	1-20-405	416		5.25	$2,184.00	0.0775
943	Superior St.	1-20-127	258		5.25	$1,354.50	0.0775
1002	Superior St.	1-20-501	400		5.25	$2,100.00	0.0775
1005	Superior St.	1-20-213	80		5.25	$420.00	0.0775
1006	Superior St.	1-20-502	112		5.25	$588.00	0.0775
1010	Superior St.	1-20-503	16		5.25	$84.00	0.0775
1014	Superior St.	1-20-504	160		5.25	$840.00	0.0775
1016	Superior St.	1-20-505	48		5.25	$252.00	0.0775
1019	Superior St.	1-20-210	176		5.25	$924.00	0.0775
1013/1015	Superior St.	1-20-211	192		5.25	$1,008.00	0.0775
M34	Superior St.	1-16-106	160		5.25	$840.00	0.0775
VL	Superior St.	1-20-212	112		5.25	$588.00	0.0775

Local Law No. 5 of 2010

December 2, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Local Law No. 5 of 2010, Annexation of Property
From Town of Watertown

Attached for City Council consideration is a Local Law annexing a City-owned two acre landlocked parcel from the Town of Watertown. I have attached a copy of a letter received from City Attorney Robert J. Slye that details the situation surrounding this annexation which was initially requested in 1996.

As you can see on the attached map, this parcel is adjacent to a parcel a parcel owned by the City, that is located within the corporate limits of the City. It appears that since 1997 this parcel has been off the tax rolls in the Town of Watertown, but because of this office was unaware that the Town approved the annexation, we never held the Public Hearing to begin the final steps in the annexation process.

Before this Local Law can be considered a Public Hearing regarding the proposed annexation must be scheduled. It is my recommended that a public hearing be held on this Local Law on December 20, at 7:30 p.m. in the City Council Chambers.

This is the first step in the process to complete the annexation. Once this Local Law has been adopted we will need to survey the property, mark the boundaries, create a map, file it with the appropriate authorities, and adopt another Local Law amending the City Charter to incorporate this property into the City's boundaries.

A Local Law Annexing Territory
from the Town of Watertown

	YEA	NAY
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 ……..		

Introduced by

_____

WHEREAS on May 23, 1996, the City of Watertown petitioned for annexation of City-owned vacant territory from the Town of Watertown pursuant to Article 17 of the New York General Municipal Law, said territory being a landlocked 2-acre parcel off Outer Washington Street, and

WHEREAS the Town Board of the Town of Watertown provided appropriate notice of the requested annexation to all involved schools and fire districts pursuant to Article 17 of the New York Municipal Law, and

WHEREAS after a meeting held, upon such notice, on November 6, 1997, the Town Board of the Town of Watertown resolved to consent to the annexation of the City of Watertown parcel, tax parcel No. 91.05-1-12 to the City, and

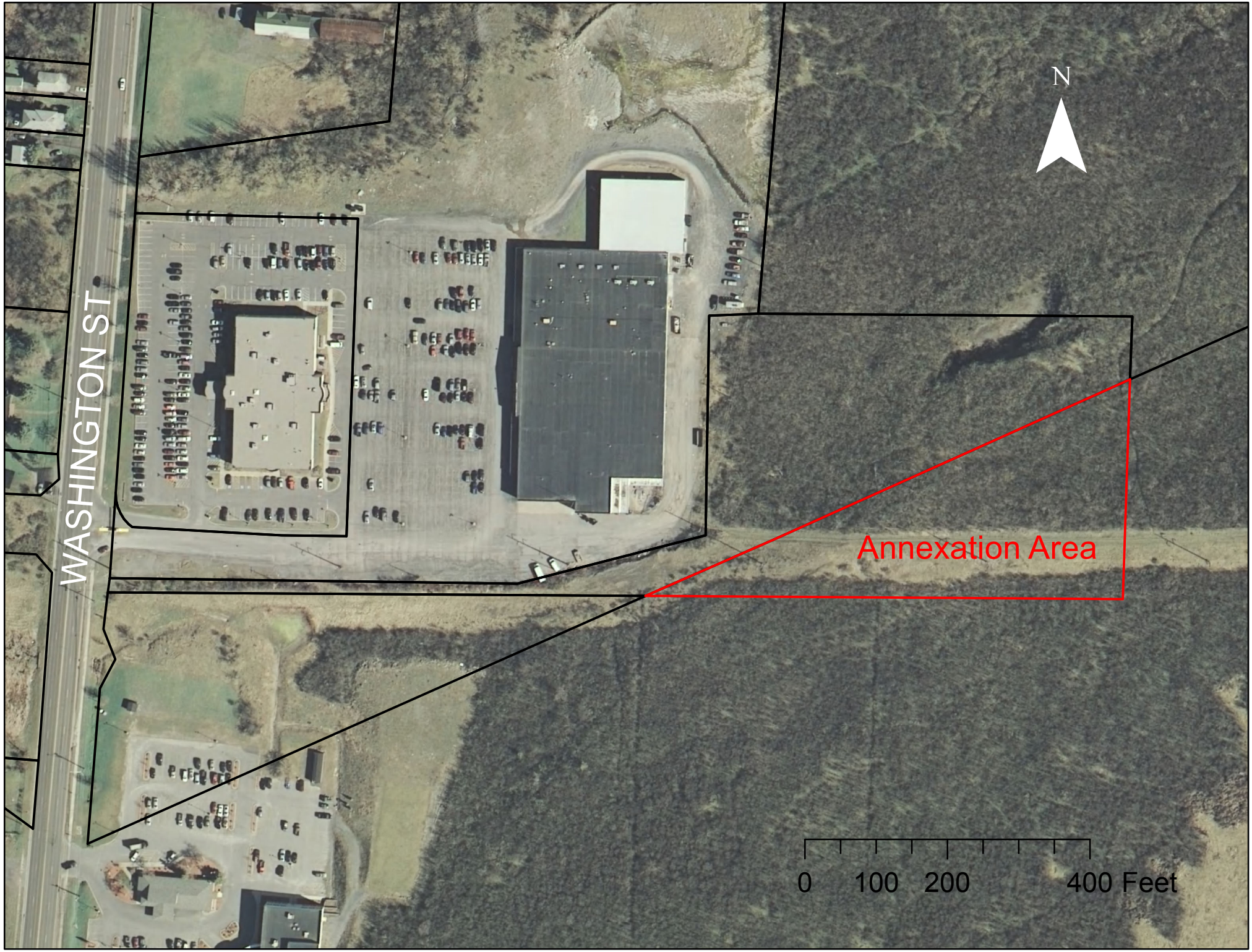
WHEREAS the property was then removed from the Town tax rolls, but a formal annexation of the property, pursuant to Section 714(2) of the New York General Municipal Law, required to be adopted by Local Law by the City, never occurred, and

WHEREAS a public hearing was held on this amendment on December 20, at 7:30 p.m. in the City Council Chambers, and

NOW THEREFORE BE IT FURTHER ENACTED, that the City Council of the City of Watertown, New York hereby annexes City-owned vacant property known as tax parcel No. 91.05-1-12 pursuant to the provisions of Section 706(2) of the New York General Municipal Law.

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

Seconded by


N
WASHINGTON ST
Annexation Area
0
100
200
400 Feet

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 2, 2010

City of Watertown
245 Washington Street
Watertown, New York 13601

Attn: Ms. Mary M. Corriveau
City Manager

Re: Local Law No. 5 of 2010 (Annexation of Tax Parcel No. 91.05-1-12)

Dear Ms. Corriveau:

In May of 1996, the City of Watertown petitioned the Town Board of the Town of Watertown for annexation of a City-owned vacant parcel located in the Town of Watertown. The 2-acre parcel is located immediately behind Samaritan Medical Center's property on Outer Washington Street (the old K-Mart property).

In May of 1999, I wrote the City Manager's office, indicating that it was my understanding that the Town Board had declined to permit the City's annexation. I am now provided with resolutions of the Town Board of the Town of Watertown from October and November of 1997, scheduling the meeting approving the annexation, and actually approving it. I have no explanation for the discrepancy, or lapse in time, other than the famous movie line "what we have here is a failure to communicate."

The City's Assessor, Brian Phelps, informs me that the property has long since been removed from the Town's tax rolls. Accordingly, the City has not been paying taxes on the parcel for some time. Its assessed value, in 1996, was $3,000.00.

To remedy this, we have prepared a Local Law annexing the property pursuant to Section 714(2) of the New York General Municipal Law. We ask that the Local Law be included in the next agenda for the scheduling of a public hearing.

Section 717 of the General Municipal Law requires the City, within a reasonable time after an annexation, "to have a survey to be made of the annexed territory, the boundaries of the same to be marked from monuments, and a map to be made including the annexed territory, which map to be filed in the office of the City Clerk, the County Clerk, and the office of the

Secretary of State." In addition to this requirement, it will be necessary to amend Section 2 of the City Charter, by separate Local Law, to include the annexed property.

If you have any questions concerning this matter, please do not hesitate to give me a call.

Very truly yours,

SLYE & BURROWS

By:

Robert J. Slye

RJS/ktl

7:30 p.m. - Public Hearing
Local Law No. 4

November 12, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Local Law No. 4 of 2010, Amendments to the City Code, Chapter 81, Animals, Dog Licensing

On June 22, 2010, Governor Paterson signed a measure into law as part of the 2010-2011 State Budget that moves the remainder of the dog licensing function required by Article 7 of the Agriculture and Markets Law to local governments. On September 21, 2010 , City Clerk Donna M. Dutton and I had an opportunity to meet with the Town Clerks, Town Supervisors and representatives from Jefferson County to discuss the steps that need to be taken to transition to this new way of doing business.

The City Clerk's Office is prepared to undertake the additional responsibilities shifted from the State to the City. In order to comply with the new regulations adopted by the State, amendments need to be made to the City Code, Chapter 81, Animals. Mrs. Dutton and I have met with City Attorney James Burrows and discussed the Code changes that need to be made to allow the City to issue dog licenses after January 1, 2011. The attached Local Law enumerates the changes that need to be incorporated into City Code. A synopsis of the NYS Dog Licensing Laws is attached for City Council review.

As part of this modification, the fees for spayed or neutered dogs will be raised to $10.00, which includes a $1.00 surcharge required by the State. The fee for unsprayed or unneutered dogs will be $20.00 which includes a $3.00 surcharge. These increased fees will bring the City's fees in line with those charged by the Towns in Jefferson County.

Prior to considering this Local Law, a Public Hearing must be held. Staff is recommending that a hearing be scheduled for Monday, December 6, 2010 at 7:30 p.m. to hear public comment on the proposed changes to the City Code related to Dog Licensing.

November 15, 2010

Amending City Code Chapter 81, Animals

	YEA	NAY
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		

Introduced by

Council Member Jeffrey M. Smith

WHEREAS the City Council of the City of Watertown hereby finds that in view of the new State Laws imposing increased responsibility on the City for the licensing of dogs that it is necessary to revise prior regulations with respect to licensing of dogs,

NOW THEREFORE BE IT ENACTED by the City Council of the City of Watertown that §81-1, Licensing of Dogs is amended to read as follows:

No person shall own or harbor a dog except as provided herein.

(a) All dogs in the City of Watertown unless otherwise exempted, must be licensed with the City Clerk by the age of 4 months, have license tags, and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license. Dogs of any age which are held at a shelter, pursuant to a contract or agreement with the County of Jefferson or a duly incorporated society for the prevention of cruelty to animals, humane society or dog protective association do not have to be licensed.

(b) Any dog harbored within the City of Watertown which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this local law.

(c) All dog licenses shall be for a period of one (1) year and will expire at the end of the month one (1) year from the date of issue. Municipal identification tags will be issued by the City Clerk.

(d) Fees for Licensing Dogs: The fee for a spayed or neutered dog will be $10.00, (which includes the assessment of a $1.00 surcharge for the purpose of carrying out animal population control) and the fee for an un-spayed or un-neutered dog

	YEA	NAY
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		

will be $20.00, (which includes the assessment of a $3.00 surcharge for the purpose of carrying out animal population control) with such fees being reviewed by the City Council periodically and which may be changed by a resolution of the City Council, if deemed necessary.

(e) Enumeration Fee: When, and if, the City Council determines the need for a dog enumeration, a fee of $5.00 will be assessed to all dogs found unlicensed, or upon license renewal, at the time the enumeration is conducted.

(f) Purebred/Kennel License: The City of Watertown will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.

(g) Service Dogs: The City of Watertown will issue exempt license(s) for any guide dog, service dog, hearing dog, detection dog, search dog, working dog or therapy dog upon presentation of a current Certificate of Rabies.

(h) The City of Watertown does not authorize the licensing of dogs by a shelter.

(i) All dog licenses and municipal identification tags may be purchased by visiting the City Clerk's office or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.

(j) All fees will be used in funding the administration of this Chapter.

BE IT FURTHER ORDAINED that this Local Law shall repeal and supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the licensing of dogs within the City of Watertown, and

BE IF FURTHER ORDAINED that if any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter, and

	YEA	NAY
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		

BE IT FURTHER ORDAINED that a public hearing was held on this amendment on December 6, at 7:30 p.m. in the City Council Chambers, and

BE IT FURTHER ORDAINED that this Local Law will be immediately filed in the Office of the Secretary of State and shall take effect on January 1, 2011.

Seconded by Council Member Joseph M. Butler, Jr.

NYS DOG LICENSING LAW CHANGES
Effective January 1, 2011

On June 22, 2010, Governor Paterson signed a measure into law as part of the 2010-2011 State Budget that moves the remainder of the dog licensing function required by Article 7 of the Agriculture and Markets Law to the level of local government. ***As a result, the existing roles of both county government and the New York State Department of Agriculture and Markets (NYSDAM) in the licensing of dogs will be eliminated on January 1, 2011.*** At the request of local stakeholders led by the NYS Town Clerks' Association and the Association of Towns of the State of New York, the information below is designed to assist local government, shelters and dog control personnel to prepare for these pending changes.

BACKGROUND

Over the past two years, all state agencies have been required to significantly reduce state operations spending. It is likely that additional operating reductions will be required moving into 2011. Over the same timeframe, staffing at NYSDAM has also been impacted. Without appropriate action to mitigate the costs of non-essential services, these cuts could directly jeopardize public health and safety.

The Department's Division of Animal Industry (which currently oversees the statewide Dog Licensing System) must prioritize highly-contagious animal and human diseases like Avian Influenza (Bird Flu), Tuberculosis, Brucellosis and Chronic Wasting Disease. The elimination of the state's role in dog licensing is to ensure that resources for animal disease programs will not be jeopardized. The revised Article 7 provides new revenue and greatly expanded programmatic flexibility to assist localities in managing this transition.

OVERVIEW

Part T of Chapter 59 of the Laws of 2010 provides for the elimination of NYSDAM's dog licensing functions, including the agency's centralized Dog Licensing System (DLS). You can download a copy of this law on the NYSDAM website at http://www.agmkt.state.ny.us/AI/DogLic.html. Procurement of new municipal dog tags – as well as the tracking and issuance of license renewals – will be the responsibility of each local government currently authorized to issue licenses.

In order to offset costs associated with this requirement, Part T eliminates the current revenue-sharing structure (between localities, counties and NYSDAM) and directs 100% of the revenue associated with dog licensing to the town/city where it is raised. In addition, the new statute builds a great deal of local flexibility into Article 7, which will allow municipalities to enact local laws or ordinances that best suit the unique character of their administrative structure and constituencies.

CHANGES REQUIRING LOCAL ACTION BEFORE JANUARY 1, 2011

As a part of this new flexibility, Part T repeals a significant portion of state-level mandates in terms of licensing fees, exemptions, enumeration fee caps and penalties. ***Therefore it is crucially important to recognize that local government action will be necessary to determine local fees and other policies prior to January 1, 2011.*** Without such action, you will not be able to ensure the continuity of revenue used to pay for the licensing function. For example, because the new law removes

9. Municipalities may exempt guide dogs and other service dogs from license fees (*page 16, lines 32-38*) but are not required to do so. Because current law mandates this exemption, your town/city will need to proactively do so in order for the exemption to remain effective.

10. Municipalities must collect a surcharge on licenses to be deposited in the NYS Animal Population Control Fund. This surcharge must be at least $1 dollar for altered dogs and at least $3 for unaltered dogs (*page 16, lines 39-45*). Currently the law only requires a $3 assessment on licenses for unaltered dogs. Please see the separate guidance document on the new NYS Animal Population Control Program for more details.

11. Licensing municipalities may provide for assessment of other surcharges for costs associated with enumeration and other items (*page 16, line 46 through page 17, line 5*).

12. Municipalities may exempt dogs in dog shows from having to wear ID tags (*page 17, line 17*). Because current law mandates this exemption, your town/city will need to proactively do so in order for the exemption to remain effective.

13. Municipalities opting to offer purebred licenses may provide purebred tags (*page 17, line 31*). Existing law allows any number of tags to be imprinted with the same number as a given purebred license. This too will have to be proactively prescribed in local law if your town/city decides to offer purebred licenses and issue tags in this manner.

14. Municipalities may issue special tags for guide dogs if desired (*page 17, lines 44-50*). Current law requires NYSDAM to provide such tags – in addition to the standard ID tag – upon request, and also requires NYSDAM to prescribe the shape, size, color, and form of imprint of the tag. This will now be a local option to be included in a local law or ordinance if desired. *

15. As is the case in current law, municipalities may set impoundment fees to a level beyond $10, $20 and $30 respectively, based on number of offenses (*page 26, lines 10-22*). However, because the new statute uses these numbers as a "floor," municipalities must establish increased fees *at or above* these amounts. If there is no pre-existing local law or ordinance and no new action is taken in this regard, the "floor" fee must be utilized.

16. Monetary penalties for a violation of Article 7 may now be set by the courts at a level beyond $25, $50 and $100 respectively, based on number of offenses (*page 27, lines 35-56 through page 28, lines 1-2*). While current law prohibits the assessment of monetary penalties beyond these amounts, the new statute uses these numbers as a "floor," that allows judicial discretion to establish increased monetary penalties beyond that amount. While not requiring board/council action, municipalities should keep this in mind while considering other local actions based on the above guidance.

**PLEASE NOTE – On page 17, lines 51-52 a technical drafting error failed to strike the current provision requiring NYSDAM to provide these tag free of charge. This technical error will be addressed legislatively at the earliest opportunity. Please do not rely upon NYSDAM to provide these tags.*

TIMELINES

Perhaps equally as important as the consideration and enactment of local laws governing dog licensing is the ability for clerks to coordinate the transfer and organization of their towns existing dog

5. Licensing exemptions for senior citizens will still be made at the discretion of the municipality.

6. All laws in relation to dangerous dogs will remain the same (note, however, that the sections of law regarding dangerous dogs have been renumbered).

7. Deer and night quarantine authorization will remain at the discretion of the licensing municipality.

8. All licensing municipalities will still be required to have a dog control officers (DCOs) under municipal supervision.

9. Exemptions.
    i. New York City will still oversee its own licensing program.
    ii. Dogs at veterinary hospitals or research institutions remain exempt.
    iii. Wholesale dog breeders licensed with United States Department of Agriculture remain exempt.

10. Dog licensing revenue must still be used to control dogs, enforce Article 7 and local dog laws, subsidize spay/neuter initiatives and finance humane education programs in responsible dog ownership.

11. While the ability to raise penalties for Article 7 violations has been made discretionary, the type of violations for which penalties may be assessed remains largely the same. Such violations include failure to license or identify a dog, failure to notify a new municipality upon relocation, refusal to accommodate on-duty service dogs and offenses to service dogs and handlers.

12. All existing local laws regarding dogs will still be recognized. The breed-specific prohibition also remains intact.

13. Dog control and shelter services must be provided by the licensing municipality.

14. NYSDAM will retain regulatory authority over DCO's, municipal shelters, and all violations in relation to these entities.

15. Local governments will still not be required spend more than they receive from their dog licensing programs.

Tabled

November 30, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Health Insurance Plan Design Changes

The attached report was provided to the City Council as part of the October 4, 2010 agenda. As requested by City Council at the September 7, 2010 meeting, Staff has completed the research on the sunset provision proposed by Council Member Jeffrey M. Smith.

This matter was discussed briefly at the October 12, 2010 work session and again at the November 15, 2010 work session. If the City Council is prepared to take action on this Resolution, a motion is in order to take this item from the table.

Resolution No. 5

September 7, 2010

RESOLUTION

Approving Amendments to the City of Watertown Health Insurance Plan Design

	YEA	NAY
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		

Introduced by

Council Member Roxanne M. Burns

WHEREAS the City of Watertown provides health insurance for its employees under a self-funded health insurance plan, and

WHEREAS the plan design was negotiated between the City of Watertown and its three Unions at the time the City became self-insured, and

WHEREAS as part of the negotiations the City established a Health Insurance Advisory Committee whose charge is to monitor the health insurance plan and its finances, and as part of those negotiations also established a process for proposing changes to the City's plan structure, and

WHEREAS the City's Health Insurance Advisory Committee has followed the required steps, and made a proposal to the City Council for consideration,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the changes detailed in the Proposed Plan Design Changes document, which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that these proposed design changes will be effective for services provided on or after January 1, 2011.

Seconded by Council Member Teresa R. Macaluso

September 29, 2010

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Health Insurance Plan Design Changes

During the August 9, 2010 City Council work session, the City's Health Insurance Advisory Committee presented for City Council consideration, a number of plan design changes to the City's Health Insurance Plan. This issue first came to the City Council on February 2, 2009. At that time, the City Council unanimously concurred to hold off considering these proposals until after reviewing the proposed 2009-10 Budget. Following that discussion with the City Council, the Health Insurance Advisory Committee met again and modified their proposal and in November 2009 it came before the City Council, at which time no action was taken.

As a result of the discussions that occurred on August 9, 2010, staff was asked to prepare a resolution that incorporates the following changes agreed upon by the City Council: add a National Provider Network; add coverage for Cardiac Rehabilitation; revise Multiple Surgery Benefit and add coverage for Air Ambulance (with protocols).

At the September 7, 2010 meeting, Staff presented the attached resolution for Council consideration and approval. At that time, we were asked to research to see if a sunset provision can be added to the language incorporating these proposed plan amendments.

After talking with POMCO regarding the proposed sunset provision, they have indicated that from a claims payment and compliance perspective the City can implement a sunset provision. However, from a health care reform standpoint, the regulations do not specifically address if providers are allowed to increase benefits and then reduce these benefits at a later date (even though we would be offering the same level of benefits in place today, following the sunset).

The clause in the reform act that causes a specific conflict is that a plan cannot implement changes that result in the "Elimination of all or substantially all benefits to diagnose or treat a particular condition." Under this clause, revoking cardiac rehab, once implemented could cause an issue relative to grandfather status; this is the one change that is being proposed which is specifically addressed in the new health care legislation.

Overall, increasing benefits for a period of time, and then reverting back to the benefits in place today does not align completely with the intent of health care reform. Further clarification is needed on this topic from the government to determine if revoking benefits as part of a sunset provision would be acceptable.

It is possible to move forward with the amendment including a sunset provision; one option is to extend the sunset provision to 2014, when losing grandfather status becomes irrelevant. If the Council wants to implement an earlier sunset date, then the safest way to move forward would be to have the sunset provision apply to all of the changes except cardiac rehab. However, there is no guarantee that our grandfathering status would not be in jeopardy. If we lose our grandfathering status, we will be required to:

> Add coverage for the following: Routine Colonoscopy, Immunizations for both adults and children, Routine Vision Care
>
> Increase coverage for the following to pay in full at the In-Network Level, all currently take deductible and copayment: Routine Adult Physical, Routine Well-Child, Routine Well-Woman, Routine Labs, Routine Mammography, Routine Prostate, Routine Vision Benefit
>
> Increase Out-of-network Physician ER to the same level as in-network: In-network currently pays in full, Out-of-network pays at 80% subject to deductible

The annual estimated cost associated with providing these increased benefits due to the loss of grandfathered status is approximately $100,000.

Staff is prepared to move forward with whatever changes the City Council wishes to implement. If the City Council wishes to implement a sunset provision, I would recommend that this modification in the proposal presented be taken back to the Health Insurance Committee to determine if , based on the proposed changes they are still recommending implementation of the proposed plan design changes.

PROPOSED PLAN DESIGN CHANGES

Packet modified based on feedback received during August 9, 2010 City Council session

Presented by:

City of Watertown Health Insurance Committee

Executive Summary

The City of Watertown Health Insurance Committee presents the following plan changes. The annual cost information included is based on 7/1/08-4/30/09 claims experience and the percentage represents overall cost for the 2008/2009 year.

For further detail on the current and proposed plan benefits, please review the pages following this summary.

Page #	Proposed Plan Change	Projected Plan Impact*	Other Benefits (Not Considered in Cost Estimate)
3	Add a **National Provider Network**	**$8,020 annual savings (considers 2009/2010 PPO Utilization)** *.12% Decreased Cost*	
4	Add coverage for **Cardiac Rehabilitation**	$4,600 annually *.07% Increased Cost*	Prevent repeat events Prevent future hospital stays Decreased time to return to work Improved overall health and risk reduction
5	Revise **Multiple Surgery Benefit**	$65,300 annually *1.0% Increased Cost*	Decreased costs associated with additional operative sessions Decreased time employees are absent from work
6	Add coverage for **Air Ambulance**	$5,800 annually *.09% Increased Cost*	Decreased risks and costs associated with delayed treatment

*The above illustration and subsequent contents of this presentation represent estimated cost avoidance savings in year one only based on current plan experience, enrollment and trends. Once these savings are in place, the base cost of the plan will be lowered; therefore you will realize the hard dollar savings of these changes year over year. However, cost increases including healthcare inflation will still affect the total cost of the plan. Because healthcare inflation can account for as much as a 10-12% increase per year, consideration of a CPI index to some of the co-payment items would assist in keeping the cost avoidance for in line for future years.

National Provider Network

Current Network

There is opportunity for plan savings by adding a national provider network. It is most cost effective for the plan when members obtain services from network providers. The City of Watertown health plan members currently access the following provider network.

- POMCO Provider Network
- 45,000 providers
- Tri-State Area (NY, NJ, CT)

Proposed Additional Network

In addition to the POMCO network, add a national network that gives members greater access to participating providers. This is especially applicable to retirees and other members who live out of state. With this additional network, members can access the following networks:

POMCO Provider Network	PHCS-Multiplan Provider Network
45,000 providers **Tri-State Area (NY, NJ, CT)**	**600,000 providers** **Nationwide**

Cardiac Rehabilitation

Current Plan Benefits

Physical therapy and respiratory therapy are covered in full under the outpatient hospital benefit. Cardiac rehabilitation is NOT covered by the plan.

Proposed Benefit

Revise the plan to include a benefit for Cardiac Rehabilitation which is considered the standard of care.

Multiple Surgeries

Current Plan Benefits

The Plan will only benefit the most expensive and the second most expensive procedure. The first procedure may be covered at 100% of the Allowed Amount and the second procedure is covered at 50% of the Allowed Amount. There are no benefits for subsequent procedures.

Proposed Plan Language

The first procedure may be covered at 100% of the Allowed Amount and subsequent procedures are covered at 50% of the Allowed Amount. If the multiple surgical procedures are for the same condition or if the procedures are performed by physicians of different specialties for treatment of different conditions, the benefit for the subsequent procedures will not be reduced.

Air Ambulance

Current Plan Benefits

Benefits are available for land ambulance transportation when found Medically Necessary. Ambulance transportation benefits are available if the following criteria are met:

- When member could not have been safely transported by other means
- When medically necessary or ordered by a Physician, a police officer or firefighter
- When transported to the nearest facility that can treat the patient's condition
- When transferred from one hospital to another hospital because it is medically necessary

Proposed Benefit

Cover air ambulance according to the provisions applicable to current coverage for land ambulance. Air ambulance may also be reimbursed if the location from which the patient required emergency transportation was inaccessible by land ambulance.

- When medically necessary
- When member could not have been safely transported by other means
- When transported to the nearest facility that can treat the patient's condition
- When transferred from one hospital to another hospital because it is medically necessary

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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 untrammeled 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

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COPY

August 24, 2010

OFFICE OF CITY MANAGER
AUG 25 2010
WATERTOWN, NEW YORK

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. Sub-Sections 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 F3rd 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.3rd 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 ✓

December 2, 2010

To: The Honorable Mayor and City Council

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

Subject: LWRP Zoning Ordinance Revisions

At the November 8, 2010 Work Session, the City Council agreed that the draft of the proposed Zoning Ordinance changes related to the Local Waterfront Revitalization Program should go through an informal review by the boards and committees that are involved with zoning and the river. A meeting will be held on Thursday, December 16, 2010, at 7:00 p.m. in the City Council Chambers for the members of the Planning Board, Advantage Watertown and River Committee who are interested in taking part in the review. City Council Members are also invited to participate.

Attached is a copy of the proposed Zoning Ordinance Changes for your reference.

Appendix C
Proposed Zoning Ordinance Changes

Delete
Add

ARTICLE I Definitions and Word Usage

§ 310-1. Terms defined; word usage.

A. Words in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "lot" includes the word "plot," and the word "building" includes the word "structure."

B. For the purpose of this chapter, certain words and terms shall have the following meanings:

BUILDING SETBACK – The minimum distance allowed between a building or structure and a lot line.

ORDINARY HIGH WATER MARK – The highest level reached by a body of water that has been maintained for a sufficient period of time to leave evidence on the landscape.

RIVER SETBACK –The minimum distance allowed between a building, structure, or parking area and a river's or stream's top-of-bank.

TOP-OF-BANK – The point of inflection on the river bank where the trend of the land slope changes by 10 percent to begin its descent to the ordinary high water mark of the river. If there is no major change within a distance of 50 ft from the ordinary high water mark, then the top of bank will be the elevation 2 ft above the ordinary high water level. Distances shall be measured horizontally from the top of bank.

WATER-DEPENDENT USE – An activity that can only be conducted on, in over or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

WATER-ENHANCED USE – An activity that does not require a location adjacent to or over coastal waters, but whose location on land adjacent to the shore adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail, or entertainment uses.

ARTICLE II Establishment of Districts

§ 310-2. Enumeration of districts; Zone Map

A. For the purpose of this chapter, the City of Watertown is divided into the following types of districts:

Residence A Districts	RA
Residence B Districts	RB
Residence C Districts	RC
Limited Business Districts	LB
Neighborhood Business Districts	NB
Commercial Districts	CD
City Center Overlay District	CC
Downtown District	DT
Health Services Districts	HS
Light Industrial Districts	LI
Heavy Industrial Districts	HI
Riverfront Development Overlay District	RD
Open Space and Recreation District	OS
Waterfront District	WD
Planned Development Districts	PD

§ 310-3. Interpretation of district boundaries.

F. City Center District [Added 3-23-87]

(1) The City Center district (overlay) boundaries are as follows:
Beginning at the intersection of the center line of Court Street with the center line of Main Street West; thence easterly along the center line of Main Street West, crossing Mill Street and continuing easterly along the center line of Main Street East to the center line of Grove Street; thence southerly along the center line of Grove Street and continuing southerly along the extension of Grove Street to the center line of the Black River; thence easterly along the center line of the Black river to the center line of Pearl Street; thence southwesterly along the center line of Pearl Street to the center line of Factory Street and continuing southwesterly along the center line of Factory street to the center line of High Street; thence southerly along the center line of High Street crossing State Street to a point that is on the center line of William Street and l50 feet south of the center line of State Street to the center line of Parker Street; thence southerly along the center line of Parker Street to the center line of Sterling Street; thence westerly along the center line of Sterling Street to the center line of Gotham Street; thence southerly along the center line of Gotham Street to the center line of Academy Street; thence westerly along the center line of Academy Street to a point in the center line of Academy Street that is l50 feet east of the center line of Washington Street;

thence southerly along a line parallel to and l50 feet east of the center line of Washington Street to the center line of Winslow Street; thence westerly along the center line of Winslow Street crossing Washington Street to a point that is on the center line of Paddock Street and l50 feet west of the center line of Washington Street; thence northerly along a line parallel to and l50 feet west of the center line of Mullin Street; thence westerly along a line that is parallel to and 150 feet south of the center line of Mullin Street to the center line of Sherman Street; thence northerly along the center line of Sherman Street to the center line of Stone Street; thence westerly along the center line of Stone Street to the center line of Massey Street South; thence northerly along the center line of Massey Street South, crossing Arsenal Street to Massey Street North and continuing along the center line of Massey Street North to the center line of Court Street; thence northerly along the center line of Court Street to the place of beginning.

(2) The Black River Paper Company, Inc., shall be excluded from the City Center District.

ARTICLE III District Use Regulations

§ 310-9.1. Downtown District

A. Purpose. The purpose and intent of this district is to regulate development in such a way that the compact pedestrian-oriented quality of the downtown area is maintained. This is primarily a commercially oriented district with a significant amount of upper floor housing where the synergy between the uses is intended to revitalize the activity in the area.

B. Permitted principal uses. In Downtown Districts no building or structure shall be erected, altered or extended, and no land, building, structure or part thereof shall be used for other than one or more of the following uses:

(1) Multifamily dwelling, except on the ground floor

(2) Business or professional office

(3) Retail store

(4) Bank or monetary institution

(5) Restaurant or other place for serving of food and beverages

(6) Theater

(7) Place of business of the following and businesses of a similar nature:

Barber
Caterer
Dance or music classes
Decorator
Hairdresser
Laundry
Martial arts classes
Photocopy services
Photographer
Printer
Shoe repairer
Tailor or seamstress
Tanning services

(8) Church or other place of worship

(9) Public park

(10) Hotel

§ 310-11.1. Open Space and Recreation District

A. Purpose. The purpose and intent of this district is to provide a suitable classification for sites designated for park, open space and/or recreational use.

B. Permitted principal uses. In Open Space and Recreation Districts no building or structure shall be erected, altered or extended, and no land, building, structure or part thereof shall be used for other than one or more of the following uses:

(1) Public park

(2) Golf course

(3) Cemetery

(4) Athletic field

(5) Zoo

§ 310-11.2. Waterfront District

A. Purpose. The purpose and intent of this district is to allow the Black River to be used as an economic development catalyst while protecting its environmental characteristics. Priority is given to water dependent uses and then water enhanced uses. Providing public access to the river is an important policy that is promoted through these regulations.

C. Permitted principal uses. In Waterfront Districts no building or structure shall be erected, altered or extended, and no land, building, structure or part thereof shall be used for other than one or more of the following uses:

(1) Multifamily dwelling

(2) Water-dependent Use

(3) Water-enhanced Use
Water - enhanced uses shall not be allowed on or over surface waters unless the proposed use meets all of the following criteria:
(a) The proposed use will not be sited so as to encroach upon water uses such as navigational channels.
(b) The proposed use will not be sited so as to degrade or diminish natural resources.
(c) The proposed use will not be sited so as to degrade or diminish significant scenic views.
(d) The proposed use will not be sited so as to degrade or diminish the reasonable exercise of riparian rights by waterfront owners.
(e) The proposed use will not create conflicts between potential water-dependent uses.
(f) The proposed use shall provide meaningful public access.

(4) Public park

ARTICLE IV Area and Yard Regulations

§ 310-13. Lot area.

A. No building used in whole or in part for dwelling purposes shall be erected, altered or extended so as to provide for less lot area per family than specified below:

(1) Residence A: five thousand (5,000) square feet.

(2) Residence B: three thousand (3,000) square feet.

(3) Residence C: two thousand five hundred (2,500) square feet.

(4) Limited Business: one thousand (1,000) square feet.

(5) Neighborhood Business: one thousand (1,000) square feet.

(6) Commercial: one thousand (1,000) square feet.

B. Except as permitted by Sec. 310-14, no single-family dwelling in any district shall be erected on a lot of less than five thousand (5,000) square feet and less than fifty (50) feet frontage for Residential C; six thousand (6,000) square feet and sixty (60) feet frontage for Residential B; seven thousand five hundred (7,500) square feet and seventy-five (75) feet frontage for Residential A.

C. This section shall not apply to housing for the elderly as described in federal or state statutes, provided that the housing facilities meet the applicable standards for project-density land use of the statute of the federal or state government aiding such project.

§ 310-13. Minimum Lot Sizes.

Every parcel of land shall meet the following minimum sizes for the district it is located in:

District	Lot Size	Lot Size/ Household	Lot Width
Residence A	7,500 sq. ft.	7,500 sq. ft.	75 ft.
Residence B	6,000 sq. ft.	3,000 sq. ft.	60 ft.
Residence C	5,000 sq. ft.	2,500 sq. ft.	50 ft.
Limited Business		1,000 sq. ft.	
Neighborhood Business		1,000 sq. ft.	
Commercial		1,000 sq. ft.	
Downtown		250 sq. ft.	
Health Services		2,500 sq. ft.	
Light Industrial		N.A.	
Heavy Industrial		N.A.	
Open Space and Recreation		N.A.	
Waterfront		500 sq. ft.	

§ 310-l5. Lot coverage.

In Residence and Neighborhood Business Districts, no building or structure shall be erected, altered or extended so as to cover more of the lot than prescribed below:

A. Residence A Districts: thirty percent (30%)

B. Residence B Districts: thirty-five percent (35%)

C. Residence C Districts: forty percent (40%)

D. Neighborhood Business Districts: forty percent (40%)

The total area of each parcel covered by buildings shall not exceed the following percentages:

District	Maximum Lot Area Covered by Buildings
Residence A	30%
Residence B	35%
Residence C	40%
Limited Business	40%
Neighborhood Business	40%
Commercial	40%
Downtown	100%
Health Services	40%
Light Industrial	50%
Heavy Industrial	50%
Open Space and Recreation	10%
Waterfront	30%

§ 310-16. Front yard requirements.

In Residence, Limited Business, Neighborhood Business and Health Services Districts, there shall be provided in connection with all buildings and structures a front yard of at least twenty (20) feet in depth.

§ 310-l6. Minimum Setbacks.

Every building shall be setback from property lines according to the minimum distances listed below:

District	Front Yard	Side Yard	Rear Yard
Residence A	20’	5’	25’
Residence B	20’	5’	25’
Residence C	20’	5’	25’
Limited Business	20’	5’	25’
Neighborhood Business	20’	5’	25’
Commercial	20’	5’	25’
Downtown	0’*	0’	0’
Health Services	20’	5’	25’
Light Industrial	0’	0’	0’
Heavy Industrial	0’	0’	0’
Open Space and Recreation	50’	50’	50’
Waterfront	20’	5’	30’

*Also the maximum.

§ 310-19. Required side yards.

A. In Residence, Limited Business and Health Services Districts there shall be provided, in connection with all buildings and structures, two (2) side yards of at least five (5) feet each.

B. In Neighborhood Business, Commercial, Light Industrial and Heavy Industrial Districts, no side yards will be required, except as required in Sections 310-20, 310-22 and 310-23.

§ 310-21. Required rear yards.

A. In Residence, Limited Business, Neighborhood Business, and Health Services Districts there shall be provided a rear yard of at least twenty-five (25) feet in depth.

B. In Commercial, Light Industrial or Heavy Industrial Districts, no rear yard will be required, except as required in Sec. 310-22.

§ 310-21.1. River setback.

A. In Riverfront Development Overlay Districts, n No building, structure or parking area shall be constructed within 30 50 feet of the top-of-bank of any river or stream, except for structures that are designed and built specifically for the purpose of providing pedestrian access and travel along the bank, for improving the safety of such access and travel, or for facilitating boat access to the river without disturbing pedestrian access.

B. The setback from the top-of-bank may be reduced to 30 feet if public access to the river or stream bank, which has the potential for connecting with a continuous pedestrian trail along the river or stream, is provided through a permanent easement. A licensed engineer must certify that the soils within the reduced setback area are stable and suitable for development.

ARTICLE V Accessory Uses and Buildings

§ 310-36. Parking of motor vehicles in required yards.

A. Open-air parking of vehicles shall be prohibited in Residence, Limited Business and Health Services Districts in the area of the front yard, except for hospitals and nursing homes. An exception to this shall be to permit the parking of not more than two noncommercial vehicles in the area of the front of an attached carport or garage.

B. For hospitals or nursing homes, all parking spaces shall be at least 20 feet back from any street lot line.

C. Open air parking of vehicles shall be prohibited in Waterfront districts in the area of the yard between buildings and the river. Vehicles also shall not be parked closer than 30 feet from the top of bank.

ARTICLE VII Parking and Loading

§ 310-44. Parking facilities or vehicle storage required.

A. Except as provided in Subsections B and C of this section, for every building or structure hereafter erected or addition to a structure or building hereafter made, to be used for any of the purposes hereinafter set forth, there shall be provided parking facilities or vehicle storage as set forth in § § 310-45 through 310-51.

B. Off-street parking shall not be required for any use within the City Center Overlay District Downtown District.

C. Because the property within Riverfront Development Overlay Districts Waterfront Districts is valuable for recreational purposes and there exists little space for off-street parking, off-street parking is not required in this district for buildings within 300 feet of a public parking lot.

ARTICLE VIII Miscellaneous Provisions

§ 310-52.2. Signs.

G. Signs Allowed With a Permit. All signs which are not classified under "General Prohibitions" or "Signs Allowed Without a Permit" are considered "Signs Allowed With a Permit" and are subject to the following requirements.

(1) Allowed Sign Surface Area.

(a) A parcel is allowed a total sign surface area not to exceed two (2) square feet for each linear foot of building frontage. The total sign surface area may be allocated to the occupants of the parcel in any manner, except in no case shall the allocation per occupant exceed the maximum sign surface area listed in the following table:

District	Occupant Max. Sign Surface Area
Res. A, B, & C	4 sq. ft.
Limited Business	35 sq. ft.
Neighborhood Business	75 sq. ft.
City Center Overlay	100 sq. ft.
Commercial	200 sq. ft.
Downtown	100 sq. ft.
Health Services	200 sq. ft.
Light & Heavy Industrial	200 sq. ft.
Open Space & Recreation	200 sq. ft.
Waterfront	100 sq. ft.

(b) In all districts, except Residence A, B, and C, each occupant located above the ground floor level of a multistory building is allowed window signs covering fifty percent (50%) of the window surface area of the space occupied by the business. This allowed window sign surface area is in addition to the total sign surface area allowed.

(c) In all districts, except Residence A, B, and C, additional sign surface area is allowed on each parcel for directional and informational signs. One (1) directional sign, not to exceed four (4) square feet, and one (1) informational sign, not to exceed thirty-two (32) square feet, are allowed per parcel.

(d) In Residence A, B, and C districts, churches, schools and other allowed institutions may have additional sign surface area of not more than thirty-six (36) square feet.

(e) In Residence A, B, and C districts, subdivisions and multi-family dwellings may have additional sign surface area of not more than sixteen (16) square feet for each street on which it has a frontage.

(f) In Planned Development Districts, unless signs are addressed in the regulations adopted at the creation of the PDD, as amended, the sign regulations within this section pertaining to Commercial Districts shall apply to commercial uses and sign regulations within this section pertaining to Residential Districts shall apply to residential uses.

(g) Commerce Centers shall be allowed additional sign surface area to identify the center, up to the maximum per parcel for each district in the chart below:

District	Commerce Center ID Max. Sign Area
Limited Business	10 sq. ft.
Neighborhood Business	15 sq. ft.
City Center Overlay	20 sq. ft.
Commercial	100 sq. ft.
Downtown District	20 sq. ft.
Light & Heavy Industrial	100 sq. ft.

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OFFICE OF CITY MANAGER
DEC 02 2010
WATERTOWN, NY

November 29, 2010

Honorable Mayor and City Council
C/O Mrs. Donna Dutton, City Clerk
245 Washington Street
Watertown, NY 13601

RE: Rehabilitation of the J.B. Wise Parking Lot

Dear Honorable Mayor and City Council:

I'm writing this letter to seek your assistance in trying to understand the Council's position concerning the proposed entry road into the J.B. Wise Parking Lot. This was brought to the Council's attention on Monday Evening, November 15, 2010. I understand this is part of the Public Square Rehabilitation Project and is necessary to the culmination of that project. However, I do have four questions concerning that road and request your input:

a. **Can the road be moved to a less intrusive location and if not, why?**

b. **Did the A&E Firm and the City Council's input into the design reviews take into consideration the disruption and possible injury to the most vulnerable group of your constituency, the aged and infirmed; i.e. legal and safety reviews of the plan?,**

c. **Are you aware of the position the Council has placed the City concerning potential law suits resulting from possible injuries caused by this intrusive road at this particular location?, and finally,**

d. **Did your legal review of the project make you aware of any anticipated legal problems, or was it determined to be in the best interest of the city to pass those concerns and potential costs off into the future, if and when something occurs?**

Yes, I am a patient of Dr. Kellogg's and I am very concerned about the changes in parking and subsequent safety problems created by the intrusion of this new road.

Please be advised that I am a 100% disabled Veteran of the Viet Nam War and I am ambulatory with the use a prosthetic leg. My vehicle has been specially adapted by the Veterans Administration so it can be driven with hand controls. As you can see, I rely heavily on the current parking configuration. Your change will not only affect me, but many other elderly and handicapped constituents.

Please keep in mind, my major concerns as a City Taxpayer, Store Owner and Member of the City Civil Service Commission are to protect the City and its Taxpayers. I know, based on your tenure as City Council, you have the same concerns. Therefore, as you may know, any failure to properly address this problem could place the City in future financial jeopardy. A just and equitable resolution to this problem will be in the best interest of the City.

Any help you can furnish to resolve this problem will be greatly appreciated. Thank you for your help and concern in this matter.

Sincerely,

Ronald C. Johnson Nov 29, 2010

cc: Mary M. Corriveau, City Manager
Beth Morris, Executive Secretary, Civil Service Commission