

**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, March 21, 2011, at 7:00 p.m. in the City Council Chambers, 245 Washington Street, Watertown, New York.

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**ADOPTION OF MINUTES**

**COMMUNICATIONS**

**PRIVILEGE OF THE FLOOR**

**RESOLUTIONS**

- Resolution No. 1 - Commissioner of Deeds
- Resolution No. 2 - Approving Amendment No. 78 to the Management and Management Confidential Pay Plan
- Resolution No. 3 - Accepting Bid for #2 Lift Pump Motor and Drive at Waste Water Treatment Facility, KJ Electric
- Resolution No. 4 - Approving the Site Plan for the Construction of a 2,000 Square Foot Dunkin' Donuts Restaurant Located at 440 State Street, Parcel No. 12-03-220
- Resolution No. 5 - Approving the Special Use Permit Request Submitted by Michael E. Cusack, Esq. on Behalf of St. Lawrence Seaway Cellular Partnership d/b/a Verizon Wireless to Allow the Construction of a 104' Monopole Communications Tower and Related Appurtenances at the Rear of 491 Eastern Boulevard, Parcel Number 5-26-103.007
- Resolution No. 6 - Approving the Special Use Permit Request Submitted by Ryan G. Churchill of GYMO P.C. on behalf of Norstar Development USA L.P. to Allow the Construction of 200 Multifamily Residential Units Located at 918 Mill Street, Parcel Nos. 3-14-101.100, 3-14-101.200, 3-14-105.100 and 3-14-105.200

## **ORDINANCES**

- Ordinance No. 1 - An Ordinance Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the City of Watertown, Jefferson County, New York, to be Designated "Public Improvement Refunding (Serial) Bonds", and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby

## **LOCAL LAW**

## **PUBLIC HEARING**

## **OLD BUSINESS**

Tabled – Local Law No. 1 Amending City Code of the City of Watertown, §205, Noise

Laid Over Under the Rules – Ordinance Amending City Municipal Code §292, Vehicles and Traffic, Sterling Street

## **STAFF REPORTS**

1. Tree City U.S.A. Designation
2. Ogilvie Site Brownfields Cleanup Grant
3. Sales Tax Revenue – February 2011
4. Offer to Purchase Land, Samaritan Medical Center, Senior Living Village, Tax Parcel 13-23-102.1
5. Arsenal Street and Gaffney Drive Sewer Update Report

## **NEW BUSINESS**

## **EXECUTIVE SESSION**

## **WORK SESSION**

## **ADJOURNMENT**

**NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS MONDAY, APRIL 4, 2011.**

Res No. 1

March 15, 2011

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Commissioner of Deeds

The following resolution was prepared at the request of City Clerk Donna M. Dutton. If adopted, the resolution would provide for the appointment of the individual listed on the resolution as Commissioner of Deeds for the term ending December 31, 2012.

Resolution No. 1

March 21, 2011

# RESOLUTION

Page 1 of 1

Commissioner of Deeds

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

Total .....

YEA	NAY

### *Introduced by*

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RESOLVED that the following individual is hereby appointed Commissioner of Deeds for the term ending December 31, 2012:

### **Non-City Employee**

Joanne M. McClusky

### **Seconded by**

Res No. 2

March 15, 2011

To: The Honorable Mayor and City Council  
From: Mary M. Corriveau, City Manager  
Subject: Approving Amendment No. 78 to the Management and Management  
Confidential Pay Plan, Planner

Attached for City Council consideration is a resolution setting the salary for the Planner position as follows:

Andrew T. Nichols	Starting Salary	\$40,000
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Upon successful completion of one year of service, an increase of \$1,000 will be granted.

Approving Amendment No. 78 to the Management and Management Confidential Pay Plan

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

YEA	NAY

**Introduced by**

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NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 78 to the Management and Management Confidential Pay Plan, effective March 22, 2011 as follows:

Position	Salary
Planner – Andrew T. Nichols	\$ 40,000

Upon successful completion of one year of service in this position, salary will increase by \$1,000.

**Seconded by**

Res No. 3

March 16, 2011

To: The Honorable Mayor and City Council  
From: Mary M. Corriveau, City Manager  
Subject: Accepting Bid for #2 Lift Pump Motor and Drive for  
Waste Water Treatment Facility, KJ Electric

The City Purchasing Department advertised and received sealed bids for the purchase of one new and unused 3-Phase adjustable frequency drive and motor to replace the existing unit at our Waste Water Treatment Facility for installation by City staff.

Invitations to bid were issued to four (4) prospective bidders with four (4) bids submitted to the Purchasing Department where they were publicly opened and read on Thursday, March 10, 2011 at 11:00 a.m.

City Purchasing Agent Robert J. Cleaver reviewed the bids received with Michael J. Sligar, Chief Waste Water Treatment Plant Operator. It is their recommendation that the City Council accept the bid submitted by KJ Electric of Syracuse, New York, in the amount of \$23,888.00 as the lowest bidder meeting our specifications. The bids submitted are detailed in the attached report of Mr. Cleaver.

The purchase of this equipment will be funded from \$34,403 in residual money that is left from a bond issued for the purchase of waste water treatment plant equipment where the items ordered ultimately came in under the budgeted amounts.

A resolution accepting the bid has been prepared for City Council consideration.

**RESOLUTION**

Page 1 of 1

Accepting Bid for #2 Lift Pump Motor and Drive at Waste Water Treatment Facility, KJ Electric

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

YEA	NAY

***Introduced by***

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WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of one new and unused 3-Phase Adjustable Frequency Drive and Motor to replace the existing unit at our Waste Water Treatment Facility, and

WHEREAS invitations to bid were issued to four (4) prospective bidders, with four (4) bids being received and publicly opened and read in the City Purchasing Department on Thursday, March 10, 2011 at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver and Michael Sligar, Chief Waste Water Treatment Plant Operator, reviewed the bids received and are recommending the acceptance of the bid submitted by KJ Electric, 5894 East Molloy Road, Syracuse, New York 13211, in the amount of \$23,888.00 as the lowest qualifying bid meeting the City’s specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York hereby accepts the bid in the amount of \$23,888.00 submitted by KJ Electric, 5894 East Molloy Road, Syracuse, New York 13211, for the purchase of one new and unused 3-Phase Adjustable Frequency Drive and Motor.

**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

March 15, 2011

To: Mary Corriveau  
From: Robert J. Cleaver  
Subject: #2 Lift Pump Motor & Drive Bid  
Waste Water Treatment Facility



The City's Purchasing Department advertised in the Watertown Daily Times on Tuesday, February 22, 2011 calling for sealed bids for the purchase of one new and unused 3-Phase Adjustable Frequency Drive and Motor to replace the existing #2 unit at our Pollution Control Plant for installation by City staff.

Invitations to bid were issued to 4 prospective bidders with 4 bids submitted to the Purchasing Department where they were publicly opened and read on Thursday, March 10, 2011 at 11:00 am local time. Results of those bids are as follows:

Pioneer Pump Systems 110 Factory Ave Syracuse, N.Y. 13211	Marathon Motor w/Toshiba Drive Delivery 60 days after receipt of order	\$22,545.00
KJ Electric 5894 East Molloy Rd Syracuse, N.Y. 13211	Marathon Motor w/ Eaton-Cutler Hammer Drive Delivery 85 days after receipt of order	\$23,888.00
Kaman Industrial Technologies 131 Moulton Street Watertown, N.Y. 13601	Motor & Drive not specified 11 weeks (incomplete bid – disqualified)	\$25,970.00
Koester Associates, Inc. RR #5 Box 620, Suite 7 Madison Blvd. Canastota, N.Y. 13032	Motor & Drive not specified Delivery 8-10 wks after receipt of order (incomplete bid – disqualified)	\$28,300.00

I have reviewed the submittals with Chief Plant Operator, Michael Sligar and I concur with his recommendation that we accept the bid submitted by K J Electric, Syracuse, N.Y. the lowest qualified bidder meeting City's specifications. Their bid is in the amount of \$23,888.00 for the Marathon Motor and Emerson-Cutler Hammer Speed Drive.

The bid submitted by Pioneer Pump Systems is not in compliance with City's bid specification as detailed in the attached inter-office memorandum from Michael Sligar and therefore disqualified.

Funding for this purchase is under capital appropriation J50-8148.0300.

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

A handwritten signature in black ink that reads "Robert J. Cleaver". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Robert J. Cleaver  
Purchasing Agent

cc: Kurt Hauk, City Engineer  
Michael Sligar Chief Plant Operator  
Jim Mills Comptroller  
file  
attach: Inter-Office Memorandum, March 15, 2011

**INTER-OFFICE MEMORANDUM**

**TO:** Kurt Hauk, City Engineer  
Robert Cleaver, Purchasing Agent

**DATE:** March 15, 2011

**CC:** Andrew Barella, O&M Supervisor

**FROM:** Michael J. Sligar, Chief Operator



**SUBJECT:** Bids for 3 Phase Adjustable Frequency Drive and 100 Hp  
Motor for Raw Sewage Lift Pump #2

The Bids for the above referenced equipment were opened at 11:00 AM, Thursday, March 10, 2011. Four bids were received:

Pioneer Pump Systems PO Box 130, Syracuse, NY 13211-0130	\$22,545
KJ Electric PO Box 160, Syracuse, NY 13206-0160	\$23,888
Kaman Industrial 131 Moulton Street, Watertown, NY 13601	\$25,970
Koester Associates, INC. RR#5, Box 620, Ste. 7 Madison Blvd, Canastota, NY 13032	\$28,300

The apparent low bid (Pioneer Pump Systems) and KJ Electric both bid the exact same motor, rendering the adjustable frequency drive unit the only difference in the equipment to be provided. There are two issues that favor the award of the bid to KJ Electric instead of Pioneer.

1. The motor drive unit of the Pioneer Bid does not have an AC Impedance Reactor and therefore does not meet the specifications of the bid. Reactors may be either AC (alternating current) or DC (direct current) reactors. There are advantages and disadvantages to each, with the AC reactors being more expensive. Of

significance is the fact that not having the AC reactor disqualifies the installation from rebate consideration offered by NYSERDA (NY State Energy Research and Development Authority). The potential rebate for the installation of a 100 Hp Motor with Adjustable Frequency Drives is \$5,000. The Pioneer drive unit may be outfitted with the AC reactor but the cost of such would remove it from the low bidder position.

2. The motor and adjustable frequency driver of the KJ Electric bid meets all specifications and qualifies for the NYSERDA rebate as is. Further, the driver unit is identical with two other motor driver units installed at the STP. This means that facility staff is already trained on the technology and software by which it operates. Standardizing on the same equipment and software when possible at the facility has distinct advantages not possible if a variety of different technologies and software are unnecessarily acquired. Even if #1 above were not considered, the standardization of motors and drivers is strong enough to favor the KJ Electric bid.

Because of the two points above, it is recommended that KJ Electric be awarded the bid as it constitutes the more practical and cost effective choice.

Res No. 4

March 15, 2011

To: The Honorable Mayor and City Council

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

Subject: Request for Site Plan Approval for the Construction of a 2,000 Square Foot Dunkin' Donuts Restaurant Located at 440 State Street, Parcel No. 12-03-110

A request has been submitted by Robert C. Abbott, Jr. on behalf of ESW Realty LLC for the above subject Site Plan Approval.

The Planning Board reviewed the request at its March 1, 2011 meeting and adopted a motion recommending that the City Council approve the Site Plan with the conditions listed in the resolution. Attached are copies of the report prepared for the Planning Board and an excerpt from its Minutes.

A revised site plan that addresses most of the conditions, except those listed in the resolution, was submitted to the City Engineer on March 1, 2011. A copy of the revised site plan is included in each Council Member's agenda package.

The City Council must respond to the questions in Part 2, and Part 3, if necessary, of the SEQRA before it may vote on the resolution. The resolution prepared for City Council consideration states that the project will not have a significant negative impact on the environment and approves the revised site plan submitted to the City Engineering Department on March 1, 2011 with the five remaining conditions listed.

**RESOLUTION**

Page 1 of 3

Approving the Site Plan for the Construction of a 2,000 Square Foot Dunkin' Donuts Restaurant Located at 440 State Street, Parcel No. 12-03-220

*Introduced by*

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

Total .....

YEA	NAY

WHEREAS Robert C. Abbott, Jr. has made an application for Site Plan Approval on behalf of ESW Realty LLC for the construction of a 2,000 square foot Dunkin' Donuts Restaurant located at 440 State Street, Parcel No. 12-03-220, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on March 1, 2011, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. A written ingress/egress easement(s) and parking easement(s) for Lot #2 and Lot #3 must be provided and be depicted on the site plan.
2. Calculations for water pressure and fire flows to the proposed site must be provided.
3. Calculations for sanitary flows and grease trap sizing must be provided.
4. Revised drainage calculations must be provided.
5. The sidewalk detail must be revised to require the installation of 6"x6" 6/6 gauge wire mesh in the sidewalk across the driveway opening.
6. An Asphalt Paving Detail for City Streets that meets City Specifications must be provided.
7. The brick paving detail must be modified to require the contractor to salvage and reuse the existing pavers.
8. Prior to issuance of a Building Permit, the traffic signal & intersection modification plans and details must be approved by the City Engineer and must include information on all existing traffic signal pullboxes, the pedestrian crosswalk signal, the underground traffic conduit, details regarding the adjustment and/or relocation of pullbox frame and covers and all work proposed on the signal system.
9. The landscaping plan must be revised to include large deciduous trees spaced 40' on center in the front planting strip and in the island along the drive thru lane as detailed in the Planning Board's Landscaping and Buffer Zone Guidelines.
10. The landscaping plan must be revised to include landscaping along the drive-thru side and rear side of the building.
11. The developer shall provide traffic signal design, construct the proposed modifications, and provide the City with As-Built drawings upon completion. All costs associated with the proposed modifications shall be borne by the developer,

# RESOLUTION

Page 2 of 3

Approving the Site Plan for the Construction of a 2,000 Square Foot Dunkin' Donuts Restaurant Located at 440 State Street, Parcel No. 12-03-220

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

Total .....

YEA	NAY

And,

WHEREAS the applicant submitted a revised site plan to the City Engineering Department on March 1, 2011 that meets most of the conditions recommended by the Planning Board except the following:

1. A written ingress/egress easement(s) and parking easement(s) for Lot #2 and Lot #3 must be provided and be depicted on the site plan.
2. Calculations for sanitary flows and grease trap sizing must be provided.
3. An Asphalt Paving Detail for City Streets that meets City Specifications must be provided.
4. Prior to issuance of a Building Permit, the traffic signal & intersection modification plans and details must be approved by the City Engineer and must include information on all existing traffic signal pullboxes, the pedestrian crosswalk signal, the underground traffic conduit, details regarding the adjustment and/or relocation of pullbox frame and covers and all work proposed on the signal system.
5. The developer shall provide traffic signal design, construct the proposed modifications, and provide the City with As-Built drawings upon completion. All costs associated with the proposed modifications shall be borne by the developer,

And,

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

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Codes

# RESOLUTION

Page 3 of 3

Approving the Site Plan for the Construction of a 2,000 Square Foot Dunkin' Donuts Restaurant Located at 440 State Street, Parcel No. 12-03-220

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

Total .....

YEA	NAY

Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Codes Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, that site plan approval is hereby granted to Robert C. Abbott, Jr. on behalf of ESW Realty LLC for the construction of a 2,000 square foot Dunkin' Donuts Restaurant located at 440 State Street, Parcel No. 12-03-220, as shown on the revised site plan submitted to the City Engineer on March 1, 2011, contingent on the applicant making the revisions and meeting the remaining conditions listed above.

**Seconded by**



**Project Overview:** The proposed project involves the construction of a new 2,000 square foot Dunkin' Donuts restaurant. The project is located at the intersection of Mechanic Street on a vacant portion of the site that includes Little Caesar's Restaurant. The building includes a drive thru, the construction of a parking area and site landscaping.

**Parking:** The existing site is one parcel that contains two buildings consisting of a 1,200 sq. ft. Little Caesar's building and a 6,050 sq. ft. building that was a former body shop. Subdivision of the lot into three parcels was approved in 2009. Each future parcel must be evaluated individually for compliance with the parking requirements. The Dunkin' Donuts property requires 10 parking spaces based on the proposed size of the building. The site plan depicts 21 spaces on the Dunkin' lot which exceeds the requirement. The Body Shop building is 6,050 sq. ft. but a large percentage of the building is garage space which would not count toward the parking calculation. The 18 spaces provided on the Body Shop lot plus the 5 garage spaces provide adequate parking for the lot at this time. If the use was changed, the parking requirement would have to be reevaluated. The Little Caesar's building is 1,200 sq. ft. and requires 6 parking spaces. 10 spaces are shown on that lot.

The site plan shows 2 handicapped parking spaces, but both of the spaces are on the body shop lot. A minimum of 1 handicap space and an 8' wide aisle must be located on the Dunkin' Donuts property. The overall site plan shows shared parking areas and entrances/exits. A written ingress/egress easement(s) and parking easement(s) for Lot #2 and Lot #3 must be provided and be depicted on the site plan.

**Grading, Drainage and Utilities:** The Engineering Department has reviewed the plans and has the following comments regarding these items:

1. A significant amount of the parking lot west of the proposed building sheet flows over the sidewalks onto State Street. Grading and drainage of the site must be addressed to contain as much runoff as possible onsite.
2. Add spot elevations and contours in the area of the entrance from State Street to show grading of the sidewalk ramps, curbing, and entrance ramp.
3. The proposed handicap parking spaces and aisle are too steep to meet the maximum slope requirements of ADA. The area must be re-graded or the handicap spaces must be relocated to an area that meets ADA requirements of a maximum ¼" per foot slope.
4. Provide Storm Pipe Trench Detail.
5. Provide Connection to Existing Catch Basin Detail and specify rubber booted connections.
6. The proposed type of water service should be depicted on the Utilities Plan. Copper material shall be specified for a 1" water service.
7. Provide calculations for water pressure and fire flows to the proposed site.
8. Provide a Water Pipe Trench Detail.
9. Provide a Water Curbstop Detail that meets City Specifications.
10. The proposed type of sanitary sewer lateral should be depicted on the Utilities Plan. SDR-35 material shall be specified for a 4" lateral.
11. Provide calculations for sanitary flows and Grease Trap sizing. Also provide a detail for the proposed Grease Trap.
12. Provide a Sanitary Pipe Trench Detail.
13. Provide a Sanitary Lateral Connection Detail. A Fernco type coupling must be utilized.
14. Provide a Sidewalk Detail that meets City Specifications.
15. Provide a Handicap Ramp Detail.
16. Provide an Asphalt Paving Detail for City Streets that meets City Specifications.
17. Provide a Sign Installation Detail.
18. Provide a Lawn Restoration Detail.
19. Provide a Brick Paver Installation Detail.

**Traffic Signal and Intersection Modification:** The proposed plan shows the main entrance/exit to the site being constructed at the intersection of State St. and Mechanic St. In order to construct this access it will be necessary to relocate the existing traffic signal pole and mast arm and make modifications to the signal design. In order to evaluate the proposed changes there are several additional items that will have to be submitted:

1. A detailed traffic study on the existing and proposed condition/operation of the intersection at State Street and Mechanic Street including traffic counts and turning movement counts will have to be provided.
2. Plans and details of the traffic signal and intersection modification work are required.
3. Two existing traffic signal pullboxes, the pedestrian crosswalk signal, and the underground traffic conduit are missing and will have to be added to the site plan drawings.
4. Additional information and details need to be provided regarding the adjustment and/or relocation of pullbox frame and covers.
5. An AutoTurn Plan depicting vehicle turning movements and radii throughout the site must be provided.
6. Prior to issuance of a Building Permit, the traffic signal & intersection modifications must be approved by the City Engineer.

**Lighting:** The utilities plan shows 9 pole mounted light fixtures located around the perimeter of the site. A photometric plan included in the engineering report indicates that the average number of foot-candles provided on the site is 3.27.

**Landscaping:** The proposed landscaping plan includes a 4 ½' planting strip along the front (sidewalk) side of the site, a 7' strip along the Chop'n'Save building and a 7' strip along the rear of the property. Each of these planting areas includes only shrubs and perennials and no trees. Two trees are provided in proposed island areas located on left side front and rear corners of the site. With the exception of the interior parking lot landscaping, the proposed landscaping plan does not meet any of the minimum guidelines set forth in the Planning Board's Landscaping and Buffer Zone Guidelines.

The guidelines recommend that a 15' wide landscaped strip be provided adjacent to all public streets and that large deciduous trees spaced 40' on center with shrubs in between to screen the parking area be provided. As noted above, only 4 ½' is shown along the front and no trees are provided. Consideration should be given to increasing the size of the landscaped strip and at least 4 trees should be added in this location.

The guidelines also recommend an 8' wide landscaped strip around the perimeter of the parking lot with large maturing trees spaced 40' on center or small maturing trees spaced 20' on center. The site plan shows a 7' strip along the Chop'n'Save building with evergreen shrubs spaced 11' on center. The width of the landscaped strip is probably adequate and the shrubs are an appropriate choice along the building. The layout of the overall site is such that a full strip along the west property line would not be practical, however, the island separating the drive thru lane from the pass-lane could be widened and trees could be added.

The Zoning Ordinance requires a 5'-15' buffer zone along the rear of the site since the adjacent property is residentially zoned. A 7' width is shown, but the proposed retaining wall takes up 2' leaving a 5' planting space. The standards for buffer zones in between residentially zoned properties and commercially zoned properties such as this include a minimum of 15' wide landscaped strip with large maturing deciduous trees spaced 35' on center with planting beds in between or small to medium maturing deciduous trees spaced 20' on center with planting beds in between or large maturing evergreen

trees spaced 15' on center. Consideration should be given to increasing the width of the buffer and adding trees in this area.

While the site may not be large enough to meet all of the minimum standards noted above, an effort should be made to increase the size of the various planting areas and add trees in each of the locations. In order to increase the width of these areas, several of the one-way driving lanes could be made narrower and/or the angle of the parking spaces could be changed from 60° to 45°. The pass-lane along the east side of the building is 23' wide. This could be changed to 18' and still provide adequate one-way driving room while providing 5' of space to add to the landscaped area on the west side of the building. The same would be true along the rear and in the front of the site.

**Other Comments:** The proposed dumpsters are shown less than 15' from the neighboring property. The applicant will have to provide a letter from the adjacent property owner of 454 State Street (Chop'n'Save), consenting to the location of the dumpster or the dumpster will have to be relocated. A detail for Dumpster Fence enclosure (6' maximum height) will also have to be provided.

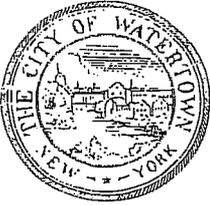
Any proposed signage for the project will not be approved as part of the site plan submission. Any proposed signage will be handled as a separate matter through the Bureau of Code Enforcement. Final approval for this application will be given by the City Council after a recommendation from the Planning Board.

**Summary:** The following lists several key issues that should be addressed:

1. A minimum of 1 handicap space and an 8' wide aisle must be located on the Dunkin' Donuts property.
2. A written ingress/egress easement(s) and parking easement(s) for Lot #2 and Lot #3 must be provided and be depicted on the site plan.
3. Grading and drainage of the site must be modified to contain as much runoff as possible onsite.
4. Spot elevations and contours in the area of the main entrance must be added to show grading of the sidewalk ramps, curbing, and entrance ramp.
5. The proposed handicap parking spaces and aisle are too steep and must be re-graded or the handicap spaces must be relocated to an area that meets ADA requirements of a maximum ¼" per foot slope.
6. A Storm Pipe Trench Detail and a Connection to Existing Catch Basin Detail that specifies rubber booted connections must be provided.
7. Copper material shall be specified and depicted on the Utilities Plan for the 1" water service.
8. Calculations for water pressure and fire flows to the proposed site must be provided.
9. A Water Pipe Trench Detail and a Water Curbstop Detail that meets City Specifications must be provided.
10. SDR-35 material shall be specified and depicted on the Utilities Plan for the 4" sanitary sewer lateral.
11. Calculations for sanitary flows and grease trap sizing along with a detail for the proposed grease trap must be provided.
12. A Sanitary Pipe Trench Detail and a Sanitary Lateral Connection Detail utilizing a Fernco type coupling must be provided.
13. A Sidewalk Detail and an Asphalt Paving Detail for City Streets that meet City Specifications must be provided.
14. A Handicap Ramp Detail, Sign Installation Detail, a Lawn Restoration Detail and a Brick Paver Installation Detail must be provided.

15. A detailed traffic study on the existing and proposed condition/operation of the intersection at State Street and Mechanic Street including traffic counts and turning movement counts must be provided.
16. Plans and details of the traffic signal and intersection modification work must be provided.
17. Two existing traffic signal pullboxes, the pedestrian crosswalk signal, and the underground traffic conduit are missing and will have to be added to the site plan drawings.
18. Additional information and details need to be provided regarding the adjustment and/or relocation of pullbox frame and covers.
19. An AutoTurn Plan depicting vehicle turning movements and radii throughout the site must be provided.
20. Prior to issuance of a Building Permit, the traffic signal & intersection modifications must be approved by the City Engineer.
21. Consideration should be given to increasing the width of front, rear and west side landscaped areas by making the one-way driving lanes narrower and/or changing the angle of the parking spaces from 60° to 45°.
22. Trees should be added in the front, rear and west side landscaped areas to meet the type and spacing requirements identified in the Planning Board's Landscaping and Buffer Zone Guidelines.
23. The applicant must provide a letter from the adjacent property owner of 454 State Street consenting to the location of the dumpster or the dumpster will have to be relocated 15' from the property line.
24. A detail for Dumpster Fence enclosure (6' maximum height) must be provided.

cc: Planning Board Members  
City Council Members  
Robert J. Slye, City Attorney  
Justin Wood, Civil Engineer II  
Robert C. Abbott Jr.



1869

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

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

PROPERTY LOCATION

Proposed Project Name: DUNKIN' DONUTS RESTAURANT  
Tax Parcel Number: 1203220  
Property Address: 420 STATE ST., WATERTOWN, N.Y.  
Existing Zoning Classification: COMMERCIAL BUSINESS

OWNER OF PROPERTY

Name: ROUTE 57 DEVELOPMENT, L.L.C.  
Address: 1944 COLLINS LANDING WEST  
ALEXANDRIA BAY, N.Y. 13607  
Telephone Number: (315) 727-7000  
Fax Number: N/A

APPLICANT

Name: ESW REALTY LLC  
Address: 65 W. GRAY ROAD - UNIT #4  
W. FALMOUTH, MAINE 04105  
Telephone Number: (207) 797-7600  
Fax Number: (207) 797-4300  
Email Address: EWOLAK@AOL.COM

ENGINEER/ARCHITECT/SURVEYOR

Name: ROBERT C. ABBOTT JR. - ARCHITECT  
Address: 2501 JAMES ST. STE. #110  
SYRACUSE, N.Y. 13206  
Telephone Number: (315) 437-1037  
Fax Number: (315) 437-9345  
Email Address: RCAJR.ARCHTEC@YAHOO.COM

**PROJECT DESCRIPTION**

Describe project and proposed use briefly:

CONSTRUCTION OF NEW ±2000 SQ. FT.  
DUNKIN' DONUTS RESTAURANT WITH DRIVE-  
THRU WINDOW AND ± 30 PARKING SPACES.

Is proposed Action:

- New       Expansion       Modification/Alteration

Amount of Land Affected:

Initially: .45 Acres      Ultimately: .45 Acres

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

- Yes       No      If no, describe briefly

What is present land use in vicinity of project?

- Residential       Industrial       Commercial       Agriculture  
 Park/Forest/Open Space       Other

Describe: \_\_\_\_\_

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

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

SITE PLAN APPROVAL & BLDG. PERMIT

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

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

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

Yes  No

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

Proposed building area: 1<sup>st</sup> Floor ±2,000 Sq. Ft.  
2<sup>nd</sup> Floor N/A Sq. Ft.  
3<sup>rd</sup> Floor N/A Sq. Ft.  
Total ±2,000 Sq. Ft.

Area of building to be used for the boiler room, heat facilities, utility facilities and storage: 0 Sq. Ft.

Number of parking spaces proposed: ±30

Construction Schedule: 90 TO 120 DAYS FROM ISSUANCE OF BUILDING PERMIT.

Hours of Operation: 7 A.M. TO 12 MIDNIGHT

Volume of traffic to be generated: 1,644 ADT

## REQUIRED DRAWINGS:

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

### BOUNDARY & TOPOGRAPHIC SURVEY

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

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

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

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

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

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

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

The north arrow & graphic scale are shown.

### DEMOLITION PLAN (If Applicable)

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

All items to be removed are labeled in darker text.

### SITE PLAN

All proposed above ground features are depicted and clearly labeled.

All proposed features are clearly labeled "proposed".

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

Land use, zoning, & tax parcel number are shown.

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

### GRADING PLAN

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

### UTILITY PLAN

- All proposed above & below ground features are shown and labeled.
- All existing above & below ground utilities including sanitary, storm water, water, electric, gas, telephone, cable, fiber optic, etc. are shown and labeled.

- All proposed easements & right-of-ways are shown and labeled.
- The Plan is adequately dimensioned including radii.
- The line work & text for all proposed features is shown darker than existing features.
- The following note has been added to the drawings stating, "All water main and service work must be coordinated with the City of Watertown Water Department. The Water Department requirements supercede all other plans and specifications provided."

**LANDSCAPING PLAN**

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

**PHOTOMETRIC PLAN (If Applicable)** SHOWN IN ENGINEERING REPORT

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

**CONSTRUCTION DETAILS & NOTES**

- All details and notes necessary to adequately complete the project including, but not limited to, landscaping, curbing, catch basins, manholes, water line, pavement, sidewalks, trench, lighting, trash enclosure, etc. are provided.
- Maintenance & protection and traffic plans & notes for all required work within City streets including driveways, water laterals, sanitary laterals, storm connections, etc. are provided.

- The following note must be added to the drawings stating:  
"All work to be performed within the City of Watertown margin will require sign-off from a Professional Engineer, licensed and currently registered to practice in the State of New York, that the work was built according to the approved site plan and applicable City of Watertown standards. Compaction testing will be required for all work to be performed within the City of Watertown margin and must be submitted to the City of Watertown Codes Department."

**PRELIMINARY ARCHITECTURAL PLANS (If Applicable)**

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

**ENGINEERING REPORT**

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

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

GENERAL INFORMATION

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

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

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

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

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

Plans have been collated and properly folded.

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

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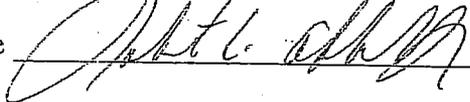
Completed SEQR – Short Environmental Assessment Form – Part I.

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

**SIGNATURE**

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

Applicant (please print) ROBERT L. ABBOTT JR.

Applicant Signature  Date: 10/16/10

## **Excerpt from Planning Board's 3/1/11 Meeting Minutes**

### **SITE PLAN APPROVAL – DUNKIN' DONUTS RESTAURANT 440 STATE STREET, PARCEL NO. 12-03-220**

The Planning Board considered a request for Site Plan Approval submitted by Robert C. Abbott, Jr., Architect, on behalf of ESW Realty LLC for the construction of a 2,000 square foot Dunkin' Donuts Restaurant at 440 State Street, Parcel No. 12-03-220. In attendance to represent the site plan request were Robert C. Abbott, Jr., Nicholas Saturno and Roy Clark of ESW Realty LLC.

Mr. Abbott began by presenting a revised Site Plan to the Planning Board which he said had addressed many of the comments that were raised in the staff review memorandum. Mr. Abbott said that he also made changes to the plans made at the request of the Planning Board at the November 2, 2010 meeting. That one item that had not been completely resolved was the completion of the traffic signal modification plans. He was hoping that the Planning Board would grant approval now contingent upon the traffic signal modification plans being submitted prior to the issuance of a building permit.

Mr. Abbott then addressed several of the items that were raised in the staff report. He said that a formal easement would be prepared and executed and given to the City prior to construction that would allow access among the various property owners across the parcels. Mr. Abbott also presented the Planning Board a revised Engineering Report which he said included calculations on fire and water flows, as well as sanitary sewer flows and grease trap sizing. He also said that the sidewalk detail had been revised along with the asphalt detail. He said the brick paver detail was revised to direct the contractor to reuse the existing pavers so that they would match what is already existing on State Street.

Mr. Abbott noted that one of the major issues that was raised at the November meeting was the fact that the Planning Board wanted to see the green space enlarged and improved with additional plantings. He said the plans now show that the green zones have been increased in size and noted that the front planting strip is now six feet, the rear is nine feet and that the island along the drive-thru has been increased in width to 6'. He also noted that trees have been added in those areas, as requested, and that landscaping was included along the rear and side of the building. Mr. Harris noted that the applicant had done a nice job revising the plans and addressing most of the Planning Board's concerns. He said it appears that the only outstanding issue is the traffic signal modification design.

Mr. Wayte asked if there were any other concerns from the Planning Office or Engineering Department. Mr. Wood referenced an August 2010 letter to the City from Jim Napoleon, the traffic engineer for the project, that indicated that his firm would be preparing the traffic signal modification plan and that the developer would be constructing the proposed changes. He asked the Planning Board to add a condition to their recommendation that noted that the developer would be responsible for the design and construction of the traffic signal modifications.

Hearing no further discussion on the proposed project, Mrs. Gervera moved to recommend that the City Council approve the revised site plan, submitted to the City on March 1, 2011, by Robert C. Abbott, Jr., Architect, on behalf of ESW Realty LLC for the construction of a 2,000 square foot Dunkin' Donuts Restaurant at 440 State Street, Parcel No. 12-03-220, contingent upon the following:

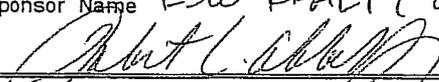
1. A written ingress/egress easement(s) and parking easement(s) for Lot #2 and Lot #3 must be provided and be depicted on the site plan.
2. Calculations for water pressure and fire flows to the proposed site must be provided.
3. Calculations for sanitary flows and grease trap sizing must be provided.
4. Revised drainage calculations must be provided.
5. The sidewalk detail must be revised to require the installation of 6"x6" 6/6 gauge wire mesh in the sidewalk across the driveway opening.
6. An Asphalt Paving Detail for City Streets that meets City Specifications must be provided.
7. The brick paving detail must be modified to require the contractor to salvage and reuse the existing pavers.
8. Prior to issuance of a Building Permit, the traffic signal & intersection modification plans and details must be approved by the City Engineer and must include information on all existing traffic signal pullboxes, the pedestrian crosswalk signal, the underground traffic conduit, details regarding the adjustment and/or relocation of pullbox frame and covers and all work proposed on the signal system.
9. The landscaping plan must be revised to include large deciduous trees spaced 40' on center in the front planting strip and in the island along the drive thru lane as detailed in the Planning Board's Landscaping and Buffer Zone Guidelines.
10. The landscaping plan must be revised to include landscaping along the drive-thru side and rear side of the building.
11. The developer shall provide traffic signal design, construct the proposed modifications, and provide the City with As-Built drawings upon completion. All costs associated with the proposed modifications shall be borne by the developer.

Mr. Fipps seconded the motion and all voted in favor.

## SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

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

1. APPLICANT / SPONSOR ESW REALTY LLC	2. PROJECT NAME DUNKIN' DONUTS RESTAURANT
3. PROJECT LOCATION: Municipality CITY OF WATERTOWN	County JEFFERSON
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map 426 STATE ST. AT INTERSECTION WITH WATERTOWN, N.Y. MECHANIC ST.	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY: - NEW CONSTRUCTION OF A 2,000 SQ.FT. DUNKIN' DONUTS RESTAURANT WITH A DRIVE-THRU WINDOW.	
7. AMOUNT OF LAND AFFECTED: Initially .45 acres Ultimately .45 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly:	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input type="checkbox"/> Other (describe)	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval: CITY OF WATERTOWN BLDG. PERMIT.	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit / approval:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant / Sponsor Name	Date:
ESW REALTY LLC / ROBERT C. ABBOTT JR.	10/19/10
Signature	
	

PART II – ENVIRONMENTAL ASSESSMENT / To be completed by Agency

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

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

Yes  No

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

Yes  No

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

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

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

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

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

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

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

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

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

Yes  No

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

Yes  No If yes, explain briefly

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

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

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

\_\_\_\_\_  
Date

Res No. 5

March 15, 2011

To: The Honorable Mayor and City Council

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

Subject: Request for a Special Use Permit to Allow the Construction of a  
104' Monopole Communications Tower and Related Appurtenances  
Located at 491 Eastern Boulevard, Parcel No. 5-26-103.007

The Planning Board reviewed the above subject request submitted by Michael E. Cusack, Esq., on behalf of St. Lawrence Seaway Cellular Partnership d/b/a Verizon Wireless at its March 1, 2011 meeting and adopted a motion recommending that the City Council approve the Special Use Permit with the condition listed in the resolution. Attached is a copy of the report prepared for the Planning Board and an excerpt from its Minutes.

A public hearing is required before the City Council may vote on this resolution. It is recommended that a public hearing be scheduled for 7:30 p.m. on Monday, April 4, 2011.

**RESOLUTION**

Page 1 of 2

Approving the Special Use Permit Request Submitted by Michael E. Cusack, Esq. on Behalf of St. Lawrence Seaway Cellular Partnership d/b/a Verizon Wireless to Allow the Construction of a 104' Monopole Communications Tower and Related Appurtenances at the Rear of 491 Eastern Boulevard, Parcel Number 5-26-103.007

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

YEA	NAY

***Introduced by***

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WHEREAS Michael E. Cusack, Esq., on behalf of St. Lawrence Seaway Cellular Partnership d/b/a Verizon Wireless, has made an application for a Special Use Permit to allow construction of a 104' monopole communications tower and related appurtenances at the rear of 491 Eastern Boulevard, Parcel Number 5-26-103.007, and

WHEREAS the Jefferson County Planning Board reviewed the special use permit request at its meeting held on February 22, 2011, pursuant to General Municipal Law Section 239-m and adopted a motion that the project does not have any significant county-wide or intermunicipal issues and is of local concern only, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on March 1, 2011, and recommended that the City Council of the City of Watertown approve the request with the following condition:

1. The applicant shall design and construct the communications tower such that the tower has the capacity for co-location (shared use) by two additional wireless providers having panel antenna arrays comparable to those of Verizon Wireless and will negotiate in good faith with other licensed wireless service providers for future shared use of the tower.

And,

WHEREAS a public hearing was held on the proposed Special Use Permit on April 4, 2011, after due public notice, and

**RESOLUTION**

Page 2 of 2

Approving the Special Use Permit Request Submitted by Michael E. Cusack, Esq. on Behalf of St. Lawrence Seaway Cellular Partnership d/b/a Verizon Wireless to Allow the Construction of a 104' Monopole Communications Tower and Related Appurtenances at the Rear of 491 Eastern Boulevard, Parcel Number 5-26-103.007

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

YEA	NAY

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

WHEREAS the City Council has determined that the proposed project is a Type I Action as that term is defined in 6NYCRR Section 617.2, and

WHEREAS a coordinated SEQRA review has not been initiated, because there have been no other Involved Agencies identified, and

WHEREAS the City Council has reviewed the Full Environmental Assessment Form and Visual EAF Addendum and has responded to each of the questions contained in Part II of the Full EAF and has determined that the project, as submitted, will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed Special Use Permit and Site Plan Approval for the construction of a 104' monopole communications tower and related appurtenances is a Type I Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, that a Special Use Permit is hereby granted to Michael E. Cusack, Esq., on behalf of St. Lawrence Seaway Cellular Partnership d/b/a Verizon Wireless to allow construction of a 104' monopole communications tower and related appurtenances at the rear of 491 Eastern Boulevard, Parcel Number 5-26-103.007 with the condition listed above in the Planning Board's recommendation.

**Seconded by**



# MEMORANDUM

## City of Watertown Planning Office

245 Washington Street, Room 304

Watertown, New York 13601

315-785-7730

Fax: 315-782-9014

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

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

SUBJECT: Special Use Permit Approval – 491 Eastern Boulevard

DATE: February 24, 2011

**Request:** Special Use Permit Approval to allow the construction of a 104' Monopole Communications Tower and related appurtenances at the rear of 491 Eastern Boulevard, Parcel Number 5-26-103.007.

**Applicant:** Michael E. Cusack, Esq. on behalf of St. Lawrence Seaway Cellular Partnership d/b/a Verizon Wireless.

**Proposed Use:** Wireless Communications Tower.

**Property Owner:** Parkside Bible Church of the Christian & Missionary Alliance.

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### Submitted:

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8 ½" x 11" Copy of Parcel Map: Yes

A Sketch of the Site to Scale: Yes

Completed Part I of an  
Environmental Assessment Form: Yes

SEQRA: Type I Action

County Planning Board Review Required: Yes

Zoning District: Light Industrial

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**Comments:** The applicant is proposing to construct a 104' Monopole Communications Tower and related appurtenances such as twelve panel antennas, one GPS unit, an unmanned equipment shelter measuring 12' x 30', microwave dish antennas, fencing, a driveway and small gravel parking area and all related ground equipment and utility services. The proposed location for the tower is at the rear of the Parkside Bible Church property located at 491 Eastern Boulevard.

Paragraph F of Section 310-4 (Residence "A" Districts) of the Zoning Ordinance allows public utility structures or facilities when necessary to the servicing of a neighborhood upon approval of the City

Council after a public hearing. In addition to a public hearing and approval by the City Council, Special Use Permits require a recommendation from the Planning Board. The procedure is outlined in Section 310.67 of the Zoning Ordinance. Special Use Permit standards can be found in Section 310-52.3 and are as follows:

- A. **General Standards.** In granting a special use permit, the City Council may specify appropriate conditions and safeguards in harmony with the following rules and standards. These conditions will be in addition to any that may be imposed as part of site plan approval.
- (1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. The nature and intensity of the operations involved in or conducted in connection with it shall be compatible with the general character and intensity of development of the neighborhood.
  - (2) The use's relation to streets giving access to it shall be such that traffic to and from the use will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. Convenient routes of pedestrian traffic shall be considered in relation to main traffic thoroughfares and to street intersections.
  - (3) The use's site layout shall minimize the inconvenience to the neighborhood by providing adequate parking and adequate visual and noise buffering. The parking requirements of this chapter shall be considered the minimum. The buffer composition, density and width shall be determined after considering the type of proposed use, type of uses surrounding it and the distance from the surrounding uses.

As is noted above, the Planning Board, in its recommendation for approval, and the City Council in granting a special use permit for the project, may specify appropriate conditions and safeguards in harmony with the standards listed above. As a condition of its recommendation for approval, the Planning Board may wish to consider requiring that the applicant allow other wireless carriers to utilize the proposed tower as a continued condition of the permit. This would minimize the possibility of a proliferation of similar towers in the immediate area by competing companies. As can be seen in Tab 8 of the Site Plan Application, Verizon Wireless has submitted a letter indicating their willingness to build a tower that has the capacity for co-location (shared use) by two additional wireless providers having panel antenna arrays comparable to those of Verizon Wireless. If the Planning Board wishes to make this an absolute requirement, it should include language to that effect in the motion recommending approval.

**SEQR:** The proposed construction of this tower is considered a Type I Action pursuant to the State Environmental Quality Review Act (SEQR). Section 617.4 of SEQR lists various Type I Actions. Paragraph B (7) of that section states "any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height" is a Type I Action. Part 1 of the Full Environmental Assessment Form has been completed along with a Visual EAF Addendum and submitted as part of the application.

**Site Plan Review:** This project will also require site plan approval. After making a recommendation on the Special Use Permit, the Planning Board will have to act on the site plan approval application. A separate report for the site plan has been prepared and is part of the agenda package.

**Summary:** If the Planning Board wishes to require the applicant to allow other wireless carriers to utilize the proposed tower as a continued condition of the permit, it should include language to that effect in the motion recommending approval. Sample language could include the following:

“The applicant shall design and construct the communications tower such that the tower has the capacity for co-location (shared use) by two additional wireless providers having panel antenna arrays comparable to those of Verizon Wireless and will negotiate in good faith with other licensed wireless service providers for future shared use of the tower.”

cc: Planning Board Members  
City Council Members  
Robert J. Slye, City Attorney  
Justin Wood, P.E., Civil Engineer II  
Michael E. Cusack, Esq.  
Sarah Mayberry Stevens, Verizon Wireless

# YOUNG, SOMMER ... LLC

JEFFREY S. BAKER  
DAVID C. BRENNAN  
MICHAEL J. MOORE  
J. MICHAEL NAUGHTON  
KENNETH S. RITZENBERG  
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January 24, 2011

Michael A. Lumbis, Planner  
City of Watertown  
245 Washington Street, Rm 302  
Watertown, New York 12601

RE: St. Lawrence Seaway RSA Cellular Partnership d/b/a Verizon Wireless (Proposed  
Thompson Park Communications Facility)

Dear Mr. Lumbis:

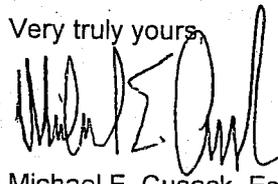
In accordance with our recent correspondence concerning the pending Site Plan Review Application of St. Lawrence Seaway RSA Cellular Partnership d/b/a Verizon Wireless, we enclose fifteen (15) copies of the following supplemental application materials (with one additional County Planning copy):

1. Application for Special Use Permit (with Appendix);
2. Full Environmental Assessment Form (updated 12/3/10);
3. Visual EAF Addendum; and
4. Balloon Fly/Photosimulation Report (Visual Resource Evaluation).

Also enclosed is our check for the Special Use Permit Application Fee in the amount of \$100.00. Kindly place this project on the agenda for review by the City of Watertown City Council and/or Planning Board, as required by applicable local regulations.

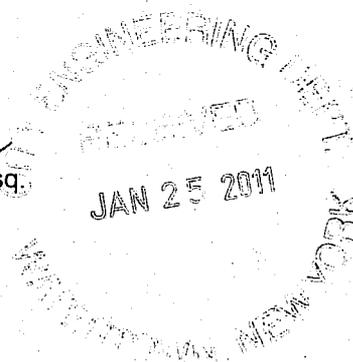
Thank you for your consideration.

Very truly yours,

  
Michael E. Cusack, Esq.

Encl.

cc: Deb Burke, AiroSmith Development  
Sarah Mayberry Stevens, Verizon Wireless  
Kurt Hauk, P.E. City Engineer  
Bob Siye, Esq., City Attorney





# City of Watertown, New York

## Special Use Permit Application

### I. Applicant Information

**Name:** St. Lawrence Seaway RSA Cellular Partnership d/b/a Verizon Wireless  
**Mailing Address:** 175 Calkins Road, Rochester, NY 14623  
**Phone Number:** 585/321-5463 - Sarah Mayberry Stevens

### II. Property Information

**Address:** 491 Eastern Boulevard  
**Tax Parcel#** 5-26-103.007  
**Property Owner (if not applicant):** Parkside Bible Church of the Christian & Missionary Alliance

**If applicant is not the owner, does applicant have a signed purchase agreement?**  
**YES**  **lease** **NO**

**Zoning District:** LI

Attachments Required:  
 8 1/2" x 11" parcel map with tax parcel involved in request outlined with a thick black line  
 A sketch of the site drawn to an engineering scale (e.g. 1"=20', 1"= 30').  
 Completed Part I of an Environmental Assessment Form (SEQR)

### III. Request Information:

**Proposed Use:** Public utility/personal wireless service facility

**Explain Proposal:** See attached Appendix to Application for Special Use Permit, together with the revised Full Environmental Assessment Form (Full EAF) (updated 12/3/10), Visual EAF Addendum and Balloon Fly/Photosimulation Report (Visual Resource Evaluation) prepared by Costich Engineering, P.C., included herewith.

(Use additional 8 1/2" x 11" sheets as needed.)

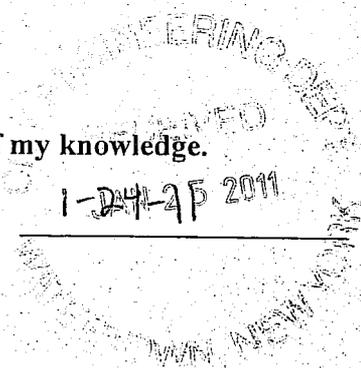
I certify that the information provided above is true to the best of my knowledge.

Signature: \_\_\_\_\_

Michael E. Cusack, Esq.  
 Regional Local Counsel  
 St. Lawrence Seaway RSA Cellular Partnership

Date: \_\_\_\_\_

1-DAY-25 2011



APPENDIX TO  
APPLICATION FOR SPECIAL USE PERMIT  
and STATEMENT OF INTENT

January 24, 2011

I. Introduction

ST. LAWRENCE SEAWAY RSA CELLULAR PARTNERSHIP d/b/a Verizon Wireless ("Verizon Wireless" or the "Applicant") proposes the construction of an unmanned public utility/personal wireless service facility (a "communications facility") on a 100± ft. by 100± ft. (10,000± sq. ft.) portion of land n/f owned by Parkside Bible Church of The Christian & Missionary Alliance (the "premises"). The premises are located in the City of Watertown, County of Jefferson, State of New York (Tax Map Parcel No. 5-26-103.007) in the LI (Light Industrial) Zoning District [Application TABS 2 and 10, and updated Full Environmental Assessment Form included herewith].

Pursuant to the City of Watertown Zoning Law, Chapter 310 of the City Code (hereinafter, the "Zoning Law"), "public utility structures or facilities" are allowable in the LI zone "when necessary to the servicing of a neighborhood and of a kind and character in keeping with the [light industrial] character of the neighborhood" (*Zoning Law § 310-10[A] referencing back to § 310-4[F]*). Verizon Wireless is considered both a public utility under New York decisional law (*Cellular Telephone Company v. Rosenberg*, 82 N.Y.2d 364 (1993))<sup>1</sup>, and a provider of "personal wireless services" under the federal Telecommunications Act of 1996 (the "TCA") [Application TAB 4]. In accordance with said local, state and federal law, the Applicant previously filed an Application for Site Plan Review and Statement of Intent dated November 12, 2010, requesting Site Plan approval from the City Council and a recommendation by the Planning Board (*Zoning Law § 310-55[A]*).

By letter dated November 18, 2010, Michael A. Lumbis, Planner for the City of Watertown, advised that this project would also require Special Use Permit review by the City Council, and the parties thereafter agreed to coordinate a visual impact assessment "balloon test" on December 11, 2010. Accordingly, this Appendix, together with the included Full Environmental Assessment Form (updated 12/3/10), Visual EAF Addendum, and Balloon Fly/Photosimulation Visual Resource Evaluation Report completed by Costich Engineering, P.C., supplements and amends Verizon Wireless' Application for Site Plan Review and Statement of Intent dated November 12, 2010.

---

<sup>1</sup> In *Rosenberg*, the State's highest Court determined that the ordinary variance standard is inapplicable and a cellular telephone company applying for relief need only show that (1) the relief is "required to render safe and adequate service," and (2) there are "compelling reasons, economic or otherwise," for needing the variance. *Cellular Telephone Company v. Rosenberg*, 82 N.Y.2d 364, 372 (1993). For the reasons set forth herein, Verizon Wireless believes that this project complies in all material respects with the criteria in the City of Watertown Zoning Law, and that no additional relief is required from the Zoning Board of Appeals ("ZBA").

## II. Purpose of Thompson Park Communications Facility

As noted in Verizon Wireless' pending application, the purpose of the Thompson Park communications facility is to provide an adequate and safe level of emergency and non-emergency Verizon Wireless communications services (in-building and mobile) to the eastern section of the City of Watertown, including local sections of State Street (State Routes 3 and 12), Eastern Boulevard (State Route 3), Pearl Street (State Route 283), Water Street, and numerous residences, businesses and local thoroughfares in and around Thompson Park. Additionally, this communications facility will increase calling capacity in the targeted area, by offloading call traffic from overburdened adjacent cell sites in the Verizon Wireless network.

Due to the distance between Verizon Wireless' existing and proposed cell sites, surrounding terrain and vegetation, increasing demand on the Verizon Wireless network and changes in mobile telecommunications technology generally, existing Verizon Wireless network facilities are unable to provide adequate and safe coverage and calling capacity to the Thompson Park area. Accordingly, construction of a new, locally-based communications facility is required to provide a dominant (i.e., continuous) level of advanced third-generation (3G) communications service to this area. See, Site Selection Analysis prepared by Verizon Wireless' Radio Frequency (RF) Engineer and Site Acquisition Specialist, detailing the purpose and need for this facility [Application TAB 6].

## III. Description of Use

In general, Verizon Wireless' communications facility consists of the following components: a single 100± ft. monopole communications tower (104± ft. when including a 4± ft. lightning rod); twelve (12) panel antennas mounted to the top of the tower; one GPS unit; an unmanned equipment shelter measuring 12± ft. x 30± ft. in size; microwave dish antennas as required for utility services; and all related ground equipment and utility services (power and telephone) [see, Zoning Site Plan of Costich Engineering included at Application TAB 10].

The communications tower, equipment shelter and associated improvements will be located on a 100± ft. by 100± ft. (10,000± sq. ft.) section of the premises. A 6-foot chain link safety fence (with 1 foot of barbed wire on the top) will be installed to secure the tower site, and protect Verizon Wireless' telecommunications equipment and tower apparatus from unauthorized access. A 30± ft. wide easement area will provide the Applicant with access to and from the premises and to the required utility services [TABS 2 and 10].

The proposed communications facility is unmanned, and will be visited for routine maintenance purposes approximately 1 - 3 times per month (as needed). As such, this project will have no impact on existing water and sewage services. In addition, neither pedestrian nor vehicular access will be significantly impacted (see, Zoning Law §310-52.3[A][2] and [3]).

#### IV. Compliance With Special Use Permit Criteria

1. **Documentation of Public Utility Status:** Documentation of the Applicant's status as a public utility under New York law is set forth at **Application TAB 3**. This project is necessary to the provision of Verizon Wireless' public utility services, and the proposed facility is properly classifiable as a "public utility structure or facility" under *Zoning Law § 310-10[A]* (referencing back to § 310-4[F]).
2. **Telecommunications Act of 1996; FCC Licenses:** Documentation of the Applicant's status as a provider of "personal wireless services" under the federal Telecommunications Act of 1996 (the "TCA") is set forth at **Application TAB 4**. Copies of the Applicant's Federal Communications Commission (FCC) licenses are set forth at **Application TAB 5**. The public utility / personal wireless services in question will be provided over these federally-licensed radio frequencies.
3. **Necessary Local Public Utility Service:** As discussed in the Site Selection Analysis at **Application TAB 6**, there is a lack of adequate and safe Verizon Wireless public utility service in the surrounding community or neighborhood. This facility is necessary to correct these deficiencies, and provide local residents, businesses and travelers with much needed additional Verizon Wireless calling capacity and in-building coverage in accordance with the Applicant's FCC licenses and applicable law.

In accordance with *Zoning Law §310-10[A]* (referencing back to §310-55[A]), Verizon Wireless' communications facility is clearly "necessary to the servicing of the neighborhood" in and around Thompson Park. By its very nature, a wireless communications facility provides local coverage and calling capacity, and therefore needs to be located in the area where services are required. Currently, service to the Thompson Park neighborhood comes from cell sites that are too far (1.6 - 2.3± miles) away to adequately serve the local community, and construction of a new, *locally-based* communications facility is required to provide adequate and safe Verizon Wireless service and capacity to this area [**Application TAB 6 at pp. 1-7**].

4. **Compatibility with District & Neighborhood:** Verizon Wireless' facility is "in keeping with the character of the neighborhood" (*Zoning Law §310-10[A]*, referencing back to §310-55[A]), which includes a variety of commercial, light industrial, municipal services, parkland and residential land uses.

In addition, the project is "in harmony with the appropriate and orderly development of the district in which it is situated" and "will not be detrimental to the orderly development of adjacent districts" in accordance with *Zoning Law §310-52.3[A][1]*. Finally, the nature and intensity of the communications facility will be "compatible with the general character and intensity of development in the neighborhood." *Id.*

First, the communications facility is located in a LI (Light Industrial) District on a vacant portion of a large (8.62± acre) parcel currently use for religious purposes (Parkside Bible Church). This parcel is sufficiently large to maintain setbacks of a significant distance from adjoining properties [Application TAB 10 Sheet CA100]:

<u>Parcel / Owner</u>	<u>Direction</u>	<u>Monopole Setback</u>
Huntington Heights	West	115± ft. (boundary)
The Gym Raquette Club	South	209± ft. (access road)
Huntington Street	North	333± ft. (roadside)
Eastern Blvd (NY-3)	East	456± ft. (roadside)

At these distances, the proposed facility will meet all setback requirements for the LI District set forth in the Watertown Zoning Law. In addition, the project will be set back from abutting parcels, public property or street lines a distance sufficient to contain on-site substantially all ice-fall or debris from tower failure, and preserve the privacy of the adjoining residential properties. The nearest residential structure (Huntington Heights Apartments) is approximately 252 ft. to the west, on the opposite side of an existing 61± ft. tall tree line that will not be significantly disturbed [Application TAB 10 Sheet CA100].

Second, the Parkside Bible Church site is located in a LI District, at the corner of Huntington St. and Eastern Blvd. (State Route 3), a developed commercial corridor. The City of Watertown water treatment plant is located immediately north in the LI (Light Industrial) District. A number of businesses such as Stebbins Engineering & Manufacturing, The Gym Raquette Club, and ABC Supply (a building supply business) surround the Church along State Route 3 to the east and south, in the Residence C District. Apartment complexes to the west (Huntington Heights and Mountainview Estates, in the PD-12 and Residence C District) and other residential areas of the City of Watertown are separated from Verizon Wireless' proposed facility by significant distance. As noted, the existing tree / brush line at the site (including mature deciduous and non-deciduous trees averaging 61± ft. in height, with some trees 75± ft. tall) will not be significantly disturbed, and will therefore naturally screen lower portions of the project from view from these areas.

Third, Verizon Wireless has limited the height of its proposed communications facility to 104± ft. above ground level (100± ft. monopole plus 4± ft. lightning rod), which will allow its antennas to clear all intervening terrain, structures and vegetation and accomplish applicable coverage and service capacity objectives [Application TAB 6]. The Applicant's airspace safety consultant (Jeppesen Sanderson, Inc.) has also determined that so long as the height of the telecommunications tower is at or below 160 ft. above ground level, no tower marking and/or lighting will be required under Federal Aviation Administration (FAA) rules and regulations [Application TAB 9].

Finally, the Applicant has completed a visual impact assessment "balloon test" to determine areas of potential visibility in areas of the City of Watertown and surrounding communities. To complete this analysis, a visual impact "balloon test" was completed to determine project visibility (i.e., a balloon was flown at a height of 100± ft. above ground level, with a second balloon on the same line at a height of 120' to reference height, wind direction and location). A Viewshed Analysis Map incorporating the results of the balloon test was then generated, to illustrate anticipated project visibility within a three (3) mile radius of the project site. a Visual EAF Addendum was then completed, and four (4) photo simulations of the proposed tower were generated to give a representative sample of tower appearance. In their written report, the Applicant's consultant engineers (Costich Engineering, P.C.) conclude:

"The viewshed map represents a conservative delineation of potential visibility within the study area, along publicly accessible areas and highways. In actuality, the views from many of these areas will be partially or wholly obscured by existing structures and dense mature vegetation in the area. Visibility of the proposed 100' monopole tower is primarily limited to a relatively small area surrounding the site, within roughly one (1.0) mile of the project site and 3 very small areas around 2 miles away.

As noted, Verizon Wireless' proposed site is located on a relatively large (8.62± acre) tract used for religious purposes, and the proposed monopole will be set back from adjoining properties a significant distance ranging from a minimum of 115± ft. (Huntington Heights) to a maximum of 456± ft. (Eastern Blvd / State Route 3). The moderate tower height proposed, combined with dense mature vegetation on site, existing build conditions and moderate terrain in the vicinity, will serve to buffer and shield the tower from view in significant portions of the study area.

Based upon this analysis, we conclude that the proposed communications facility will not result in a significant level of visual impact to the surrounding community or neighborhood. The communications facility proposed has been sited to have the least practical adverse visual effect on the environment, and any resultant visual impact will be minimal in nature and scope. "

*See, e.g., Visual EAF Addendum and Visual Resource Evaluation Report dated December 11, 2010, included herewith.*

For the foregoing reasons, Verizon Wireless respectfully submits that the proposed communications facility will be in harmony with the character of the LI District and all surrounding Districts, and that an appropriate visual buffer from surrounding districts has been provided for this project in accordance with *Zoning Law* §§ 310-52.3[A][1-3].

V. Conclusion

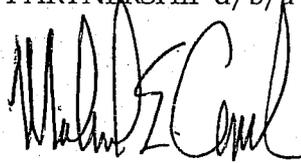
Based upon the foregoing, Verizon Wireless respectfully submits that this project complies in all material respects with the Special User Permit criteria in the City of Watertown Zoning Law, and any potential impact on the community created by project approval may properly be considered to be minimal and of no significant adverse effect.

All information submitted herewith is respectfully incorporated by this reference into Verizon Wireless' pending application for Site Plan Review, and we ask that it be considered in this light. We further request that City officials kindly place this matter on the agenda for discussion at the next meeting of the City of Watertown City Council and Planning Board. In the meantime, if you should have any questions or require any additional information concerning this project, I can be reached at (518) 469-7770.

Thank you for your consideration.

Respectfully submitted,

ST. LAWRENCE SEAWAY RSA CELLULAR  
PARTNERSHIP d/b/a Verizon Wireless

A handwritten signature in black ink, appearing to read "Michael E. Cusack". The signature is stylized and cursive.

Michael E. Cusack, Esq.  
Regional Local Counsel

Dated: January 24, 2011

617.20  
Appendix A  
State Environmental Quality Review  
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

---

**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:  Part 1       Part 2       Part 3  
Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED** negative declaration will be prepared.\*
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

St. Lawrence Seaway RSA Cellular Partnership d/b/a Verizon Wireless- Thompson Park Wireless Communications Facility

\_\_\_\_\_  
Name of Action

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from responsible officer)

November 11, 2010, Revised 12/3/10

\_\_\_\_\_  
Date

PART 1--PROJECT INFORMATION  
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action St. Lawrence Seaway RSA Cellular Partnership d/b/a Verizon Wireless- Thompson Park Communications Facility

Location of Action (include Street Address, Municipality and County)

Near 491 Eastern Boulevard, City of Watertown, Jefferson County

Name of Applicant/Sponsor St. Lawrence Seaway RSA Cellular Partnership d/b/a Verizon Wireless

Address 175 Calkins Road

City / PO Rochester State NY Zip Code 14623

Business Telephone 585-703-1099 Sarah Mayberry-Stevens

Name of Owner (if different) Parkside Bible Church of the Christian & Missionary Alliance

Address 491 Eastern Boulevard

City / PO Watertown State NY Zip Code 13601

Business Telephone 315-782-6534 Justin Norris

Description of Action:

Proposed St. Lawrence Seaway RSA Cellular Partnership d/b/a Verizon Wireless 100' monopole(104'+/- with 4' +/- lightning rod), 11'-6"x30'-0" telecommunications equipment shelter on a 11'-6"x30'-0" concrete pad and associated improvements within a 48'x60' fenced compound for a proposed St. Lawrence Seaway RSA Cellular Partnership d/b/a Verizon Wireless wireless communications facility. Access to the compound will be provided via a 12' wide gravel driveway extending from Huntington Street.

Please Complete Each Question--Indicate N.A. if not applicable

**A. SITE DESCRIPTION**

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:  Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Other Light Industrial, Municipal Water Treatment, Apartment Complex

2. Total acreage of project area: 0.56 ± acres. (Lease Parcel & Access Drive)

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>0.49</u> acres	<u>0.351</u> acres
Forested	<u>0.07</u> acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill) <u>Stone Yard (0.07)/Gravel Drive (0.13)</u>	_____ acres	<u>0.20</u> acres
Roads, buildings and other paved surfaces	_____ acres	<u>0.009</u> acres
Other (Indicate type) _____	_____ acres	_____ acres

3. What is predominant soil type(s) on project site? Collamer Silt Loam (CnB) per SCS Soil Survey

- a. Soil drainage:  Well drained \_\_\_\_\_% of site  Moderately well drained 100% of site.  
 Poorly drained \_\_\_\_\_% of site.
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?  Yes  No

a. What is depth to bedrock >6.6 (in feet) per SCS Soil Survey

5. Approximate percentage of proposed project site with slopes:  
 0-10% 100%  10-15% \_\_\_\_\_%  15% or greater \_\_\_\_\_%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?  Yes  No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No

8. What is the depth of the water table? 1.5'-2' (in feet) per SCS Soil Survey

9. Is site located over a primary, principal, or sole source aquifer?  Yes  No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  Yes  No

According to:

Per the New York State Department of Conservation Environmental Resource Mapper.

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes  No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes  No

If yes, explain:

14. Does the present site include scenic views known to be important to the community?  Yes  No

15. Streams within or contiguous to project area:

NONE

a. Name of Stream and name of River to which it is tributary

N/A

16. Lakes, ponds, wetland areas within or contiguous to project area:

NONE

b. Size (in acres):

N/A

17. Is the site served by existing public utilities?  Yes  No
- a. If YES, does sufficient capacity exist to allow connection?  Yes  No
- b. If YES, will improvements be necessary to allow connection?  Yes  No  
Extension of lines from existing terminus to compound
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: 0.56 acres. (lease parcel & access easement)
- b. Project acreage to be developed: 0.21 acres initially; 0.21 acres ultimately.
- c. Project acreage to remain undeveloped: 0.35 acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing 0; proposed 2.
- g. Maximum vehicular trips generated per hour: 2-3 month (upon completion of project)?
- h. If residential: Number and type of housing units:
- |            | One Family                  | Two Family                  | Multiple Family             | Condominium                 |
|------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Initially  | <u>N/A</u>                  | <u>                    </u> | <u>                    </u> | <u>                    </u> |
| Ultimately | <u>                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> |
- i. Dimensions (in feet) of largest proposed structure: 100' monopole height; 11'-6" width; 30' length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 30' ft. Easement
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards.
3. Will disturbed areas be reclaimed?  Yes  No  N/A
- a. If yes, for what intended purpose is the site being reclaimed?
- Grading and seeding
- b. Will topsoil be stockpiled for reclamation?  Yes  No
- c. Will upper subsoil be stockpiled for reclamation?  Yes  No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0.21 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes  No

6. If single phase project: Anticipated period of construction: 3 months, (including demolition)

7. If multi-phased: N/A

a. Total number of phases anticipated \_\_\_\_\_ (number)

b. Anticipated date of commencement phase 1: \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition)

c. Approximate completion date of final phase: \_\_\_\_\_ month \_\_\_\_\_ year.

d. Is phase 1 functionally dependent on subsequent phases?  Yes  No

8. Will blasting occur during construction?  Yes  No

9. Number of jobs generated: during construction 10; after project is complete 0

10. Number of jobs eliminated by this project 0

11. Will project require relocation of any projects or facilities?  Yes  No

If yes, explain:

12. Is surface liquid waste disposal involved?  Yes  No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount \_\_\_\_\_

b. Name of water body into which effluent will be discharged \_\_\_\_\_

13. Is subsurface liquid waste disposal involved?  Yes  No Type \_\_\_\_\_

14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain?  Yes  No

16. Will the project generate solid waste?  Yes  No

a. If yes, what is the amount per month? \_\_\_\_\_ tons

b. If yes, will an existing solid waste facility be used?  Yes  No

c. If yes, give name \_\_\_\_\_; location \_\_\_\_\_

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No

e. If yes, explain:

17. Will the project involve the disposal of solid waste?  Yes  No

a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.

b. If yes, what is the anticipated site life? \_\_\_\_\_ years.

18. Will project use herbicides or pesticides?  Yes  No

19. Will project routinely produce odors (more than one hour per day)?  Yes  No

20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No

21. Will project result in an increase in energy use?  Yes  No

If yes, indicate type(s)

Electric

:

:

:

:

:

:

:

:

:

:

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day N/A gallons/day.

24. Does project involve Local, State or Federal funding?  Yes  No

If yes, explain:

25. Approvals Required:

	Yes	No	Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan Approval	
			Special Use Permit	
City, Town, Village Planning Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan Review	
City, Town Zoning Board	<input type="checkbox"/>	<input type="checkbox"/>		
City, County Health Department	<input type="checkbox"/>	<input type="checkbox"/>		
Other Local Agencies	<input type="checkbox"/>	<input type="checkbox"/>		
Other Regional Agencies	<input type="checkbox"/>	<input type="checkbox"/>		
State Agencies	<input type="checkbox"/>	<input type="checkbox"/>		
Federal Agencies	<input type="checkbox"/>	<input type="checkbox"/>		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision?  Yes  No

If Yes, indicate decision required:

- |   |  |  |                                      |
|---|--|--|--------------------------------------|
| <input type="checkbox"/> Zoning amendment     | <input type="checkbox"/> Zoning variance               | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Site plan | <input checked="" type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan    | <input type="checkbox"/> Other       |

2. What is the zoning classification(s) of the site?

Light Industrial (LI)

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

N/A

4. What is the proposed zoning of the site?

Same as existing

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Land Uses: Church, Commercial, Industrial, Residential, Park Land, Water Treatment Plant  
Zoning Districts: Planned Development, Residence C, Neighborhood Business, Heavy Industrial, Residence B, Light Industry

8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile?  Yes  No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? \_\_\_\_\_

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  
 Yes  No

a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No

12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No

a. If yes, is the existing road network adequate to handle the additional traffic?  Yes  No

D. Informational Details

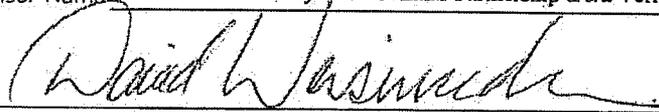
Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

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

Applicant/Sponsor Name St. Lawrence Seaway RSA Cellular Partnership d/b/a Verizon Wireless Date 11/11/2010, revised 12/3/10

Signature



Title David A. Weisenreder, PE-Costich Engineering - Project Engineer, Agent for Applicant

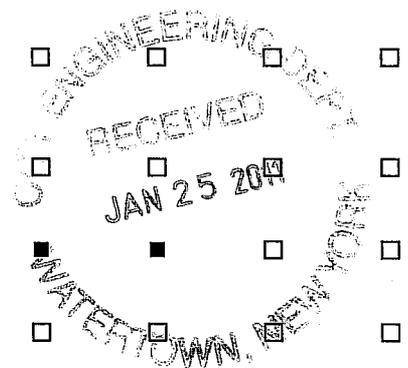
If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

# 617.20 Appendix B State Environmental Quality Review Visual EAF Addendum

Thompson Park  
Project No. 4562  
12/11/2010  
Revised 1/20/2011

This form may be used to provide additional information relating to Question 11 of Part 2 of the Full EAF.  
(To be completed by Lead Agency)

Visibility	Distance Between Project and Resource (in Miles)				
	0-1/4	1/4-1/2	1/2-3	3-5	5+
1. Would the project be visible from:					
A.) A parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.) An overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C.) A site or structure listed on the National or State Registers of Historic Places?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D.) State Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E.) The State Forest Preserve?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F.) National Wildlife Refuges and state game refuges?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G.) National Natural Landmarks and other outstanding natural features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H.) National Park Service lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J.) Rivers designated as National or State Wild, Scenic or Recreational?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K.) Any transportation corridor of high exposure, such as part of the Interstate System, or Amtrak?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L.) A governmentally established or designated interstate or inter-county foot trail, or one formally proposed for establishment or designation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M.) A site, area, lake, reservoir or highway designated as scenic?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N.) Municipal park, or designated open space?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
P.) County road? *	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
R.) State? *	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.) Local road? *	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the visibility of the project seasonal? (i.e. screened by summer foliage, but visible during other seasons?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
3. Are any of the resources checked in questions 1 used by the public during the time of year during which the project will be visible? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					



**DESCRIPTION OF EXISTING VISUAL ENVIRONMENT**

4. From each item checked in questions 1, check those which generally describe the surrounding environment.

	Within	
	*1/4 mile	* 1 mile
Essentially undeveloped	<input type="checkbox"/>	<input type="checkbox"/>
Forested	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Suburban residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Industrial	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Commercial	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Urban	<input type="checkbox"/>	<input checked="" type="checkbox"/>
River, Lake, Pond	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Cliffs, Overlooks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Designated Open Space	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Flat	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Hilly	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mountainous	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

Note: add attachments as needed

5. Are there visually similar projects within:

- \* 1/4 mile     Yes     No \*
- \* 1 mile     Yes     No \*
- \* 1 1/2 miles     Yes     No \*
- \* 3 miles     Yes     No \*

\* Distance from project site are provided for assistance. Substitute other distances as appropriate.

**EXPOSURE**

6. The annual number of viewers likely to observe the proposed project is 231,176 \*

NOTE: When user data is unavailable or unknown, use best estimate.

**CONTEXT**

7. The situation or activity in which the viewers are engaged while viewing the proposed action is

Activity	FREQUENCY			
	Daily	Weekly	Holidays/ Weekends	Seasonally
Travel to and from work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Involved in recreational activities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Routine travel by residents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At a residence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At worksite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Refer to attached sheet

**SUPPLEMENTAL DATA FOR VISUAL EAF ADDENDUM**

- A.) Waterworks Park and Thompson Park 0.08± Miles and 0.78± Miles
- B.) Thompson Park Scenic Overlook 0.91± Miles
- C.) Calvary Cemetary 0.47± Miles
- K.) Interstate Route 81 (I-81) 2.80± Miles
- N.) Waterworks Park, Thompson Park 0.08± Miles and 0.78± Miles

R.) State Roads

State Road(s)	Distance Between Project and Resource (Miles)
Eastern Boulevard (NYS Route 3)	0.10±
Pearl Street (NYS Route 283)	0.81±
State Street (NYS Route 126)	0.72±
Interstate Route 81	2.80±

S.) Local Roads

Local Road(s)	Distance Between Project and Resource (Miles)
Huntington Street	0.06±
Christie Lane	0.16±
Torkle Drive	0.17±
Cross Country Lane	0.23±
Sorenson Avenue	0.24±
Gill Street	0.18±
Michigan Avenue	0.22±
Ohio Street	0.36±
Monroe Avenue	0.37±
Ridge Road	0.29±
Hunt Street	0.28±

- 5. Two (2) existing radio towers and (2) existing cell towers located within 3 miles of the project site along State Street (NYS Route 126).
- 6. Established by assuming a percentage of travelers within the viewshed who will actually observe the project. ADT information taken from NYSDOT Traffic Data viewer (<http://gis.dot.ny.gov>).

**ADT x % = Est. # of Viewers**

Eastern Boulevard (NYS Route 3) 10556x6% = 633

Total Average Daily Viewers = 633  
 X 365 days per year

**Total Estimated Viewers per Year = 231,176/year\***

## Excerpt from Planning Board's 3/1/11 Meeting Minutes

### SPECIAL USE PERMIT – VERIZON WIRELESS 491 EASTERN BOULEVARD, PARCEL NO. 5-26-103.007

The Planning Board then considered a Special Use Permit submitted by Michael E. Cusack, Esq. on behalf on St. Lawrence Seaway Cellular Partnership d/b/a Verizon Wireless to allow the construction of a 104' monopole communications tower and related appurtenances at the rear of 491 Eastern Boulevard, Parcel No. 5-26-103.007. In attendance to represent the proposed project were Michael Cusack, Debbie Burke, and Rick Andrus.

Mr. Cusack began by provided the Planning Board with a brief history of the application process for this project. He said that they started with a Site Plan Approval application but were informed by the City Planning Office that a Special Use Permit was also required under the Zoning Ordinance. He said that in conjunction with the Special Use Permit discussions, they had scheduled a balloon test for December 11, 2010 to assess the visual impact of the proposed project. He said that the results of the balloon test revealed that the tower will be primarily visible within one-half to one mile of the site. He said that they are proposing a 100' tower with a four foot lightning rod located on the lands of Parkside Bible Church, which is an 8.62 acre property located in a Light Industrial Zoning District. He said that the uses surrounding the proposed tower location include residential, manufacturing, City-owned facilities, and a mixture of other uses.

Mr. Cusack described the site by stating there would be a 30' easement and a gravel driveway provided to the tower site from Huntington Street. He said that the setbacks from the tower enclosure area, which measures 100' x 100', would be at the nearest point, 115' from the property line. Mr. Cusack said the vegetation at the rear of the church is very heavy and that trees in the area range in size from 60' to 75' tall. He said that the project would not intrude into the existing vegetation too much which would allow them to use the vegetation to provide screening for the lower portion of the tower and the fencing and structure they are proposing.

Mr. Cusack talked briefly about the technology of the communications noting that the project will operate on two-way radio technology which does not pass through land mass or vegetation. He said that the height of the tower needs to be slightly above the top of the vegetation in order for the technology to work properly. He also noted that the height of the tower was selected based on the height of some of the other existing towers that they have in the area, including one on top of the Woolworth Building in downtown Watertown and a proposed tower that will be located in the Town of Pamelia. Mr. Cusack said that the overall wireless network in the Jefferson County/St. Lawrence County region includes 45 sites, and he added that this area has seen tremendous growth and the existing facilities in Watertown are reaching capacity with regard to usage. He said that their usage is doubling in each year, which can be attributed to Fort Drum, as well as other factors. He said the growth in this area rivals growth in the Albany area. He noted that this new tower would help to break up the network and take the pressure off of the Woolworth Building site.

Mr. Cusack further explained that in their decision to propose a tower in this area, they considered a number of factors, including terrain and vegetation and said they tried to find a site that would allow them to locate on structures, such as buildings or existing towers, but no suitable locations were able to be found within the area.

Mr. Wayte asked if Verizon was looking at any other sites in the City for future growth. Mr. Cusack said that they are not looking at any other sites in the City, but they are looking at other locations outside of the City including the Town of LeRay and the Town of Pamela. Mr. Wayte asked if it was imperative that the project be constructed on this particular site. He wondered if the Water Treatment Plant facility would be a potential location. Mr. Cusack noted that they considered the Water Treatment Plant site, but the existing site has numerous buildings and the size is somewhat limited. He said the west end of that property is parkland, which can be difficult to construct a tower in because of alienation issues. He also noted that they would like to stay out of the flood plain with their projects, another factor which made the Water Treatment Plant property not an attractive option. Mr. Wayte wondered if Verizon would eventually replace the proposed tower with a larger tower in the future. Mr. Cusack responded that it was not likely as they do not want to build a taller tower because the tower needs to match the height of their existing infrastructure. He referred again to the tower on top of the Woolworth Building and the proposed tower in the Town of Pamela, all of which are about 100' tall. He said that the service would not work as well if the tower were taller than what they are proposing.

Mr. Wayte asked if other companies could propose towers in this area. Mr. Mix responded that it was certainly possible that other companies could come forward and propose towers in this vicinity; however, to minimize that concern, Staff is suggesting that the Planning Board require the applicant to consider a co-location on their proposed tower. He said the co-location would require Verizon to rent space on the tower for up to two other wireless providers. This would provide an option that would avoid additional towers. Regarding the co-location issue, Mr. Mix asked Mr. Cusack whether or not the height of the trees would become an issue for the other carriers. Mr. Cusack responded that other companies are not looking at the same type of coverage and that their systems run on different frequencies, so the height of the trees should not be an issue. He said that they like to clear the top of the trees by around 40' so that the other provider systems still have clearance.

Mr. Cusack then corrected an earlier statement that he had made regarding other proposed sites in the City of Watertown. He noted that they are working to locate their equipment on top of Samaritan Medical Center, but they would not be building a tower per se on that structure. Mr. Wayte asked if Mr. Cusack could provide an example of a similar sized tower that was constructed in a similar location in a similar sized city. Mr. Cusack said that they have recently built structures in Utica and Albany. Mrs. Gervera asked Staff to compare the 100' height with an existing building for reference. Mr. Lumbis noted that the applicant had stated that the tower on top of the Woolworth Building is at approximately the 100' level.

Mr. Harris noted that he did not have an issue with the proposed tower as the site is well screened with a lot of existing vegetation. Mr. Wayte said he is not sure it fits into the proposed area and surrounding land uses. Mr. Harris noted again that he did not find the proposal that intrusive. Mrs. Gervera said that she agreed. Mr. Coburn noted that the proposed tower looks a lot like a utility pole. Mr. Cusack noted that if desired, Verizon would be willing

to paint the pole brown to better blend it into the landscape, something they had done that in other communities.

Mr. Wayte apologized and stated that he had to excuse himself from the meeting at 5:02 p.m. Mrs. Gervera then assumed the role of the Acting Chairman.

Mrs. Gervera noted that there was someone from the neighborhood that wanted to address the Planning Board about the proposed project. Chester Gray, the owner and manager of the Watertown Racquet Club, then addressed the Planning Board. Mr. Gray began by stating that he is here to be informed about the project as well as to state some of his concerns about it. He wanted it noted that he had the same opportunity to house the proposed cell tower as the church now has, but he decided not to go ahead with the proposed project. Mr. Gray noted that he felt that the tail was sort of wagging the dog with regard to the approval of this project and that there has been a slick presentation about the project and how the view of it would be minimally invasive to the surrounding community. He noted that the statement about it being minimally invasive did not cover his property as the view from their large picture windows would be a direct view of the proposed tower.

Mr. Gray continued by stating that he has been in the health and fitness business for 32 years and noted that the applicant has made a case in their application that there will be no danger to the health of people in the area, but he thinks there is more to the story and asked that the Planning Board not hurry in making a recommendation. He said that the project was presented today as a simple problem with a simple answer, but he felt that it was much more complex and there is much more to consider by the Planning Board.

Mrs. Gervera asked if Planning Board had any other questions or points that they would like to make regarding this project. Mr. Harris asked if it would be appropriate to address the proposed landscaping now or during the Site Plan Approval discussion. Mrs. Gervera said that it should be discussed during the Site Plan Approval.

Hearing no further discussion on the proposed project, Mr. Harris moved to recommend approval of the Special Use Permit for the request submitted by Michael E. Cusack, Esq. on behalf on St. Lawrence Seaway Cellular Partnership d/b/a Verizon Wireless to allow the construction of a 104' monopole communications tower and related appurtenances at the rear of 491 Eastern Boulevard, Parcel No. 5-26-103.007, contingent upon the following:

1. The applicant shall design and construct the communications tower such that the tower has the capacity for co-location (shared use) by two additional wireless providers having panel antenna arrays comparable to those of Verizon Wireless and will negotiate in good faith with other licensed wireless service providers for future shared use of the tower.

The motion was then seconded by Mr. Fipps. Prior to calling for a vote on the recommendation, Mrs. Gervera asked Mr. Mix to better explain why a Special Use Permit was needed for this project. Mr. Mix explained that Verizon has made the case that they are considered a public utility. He said public utility structures are allowed in any zoning district within the City with a Special Use Permit from City Council. Hearing no further discussion on the motion, Mrs. Gervera called for a vote. All remaining Planning Board members in attendance voted in favor and the motion carried by a vote of 4 to 0.

Mr. Gray then addressed the Planning Board again. He said that he did not understand the condition that was added to the recommendation for approval. Mr. Mix and Mr. Cusack explained that the condition would require Verizon to allow other wireless carriers to attach their equipment to the proposed tower. Mr. Cusack noted that additional carriers would have to apply for a Special Use Permit and obtain approval for their projects, as needed. Mr. Mix clarified that this request for a Special Use Permit approves the use, so additional carriers would not be required to obtain a separate special use permit; however, if the site were changed, Site Plan Approval may be required if additional equipment is added to the footprint of the site.

**SITE PLAN APPROVAL – VERIZON WIRELESS  
491 EASTERN BOULEVARD, PARCEL NO. 5-26-103.007**

The Planning Board then considered a request for Site Plan Approval submitted by Michael E. Cusack, Esq. on behalf on St. Lawrence Seaway Cellular Partnership d/b/a Verizon Wireless for the construction of a 104' monopole communications tower, a 360 square foot building, driveway, parking area and related appurtenances at the rear of 491 Eastern Boulevard, Parcel No. 5-26-103.007. Mr. Cusack again addressed the Planning Board regarding the proposed site plan.

Mr. Cusack began by stating that they had no issues regarding any of the review comments that were raised in the staff report for the project. Mr. Cusack then addressed the various issues. He began by stating that they are not proposing any signage except for a sign with emergency contact information which would be located on the fence or building. Mr. Mix said that this type of signage would not require a permit. Mr. Cusack noted that they had no problem paving the portion of the driveway that would be within the City right-of-way. He also noted that they would have no problem providing an asphalt paving detail and no problem with obtaining a permit for any digging within the City right-of-way.

Regarding the review comments that addressed proposed landscaping at the site, Mr. Cusack said that they did not have a problem addressing the addition of evergreen trees and shrubs around the fence and adding deciduous trees along the driveway and in near the existing stand of trees. He said that they will make plans for additional landscaping more formal on the proposed Site Plan.

Thereafter, a discussion followed on the proposed chain link fence. Mr. Cusack said that they would be willing to install a vinyl coated chain link fence. Mrs. Gervera asked why a chain link fence is proposed. Mr. Cusack responded that the reason for the fencing is for security purposes, to keep out trespassers and kids who may tamper with the equipment. Mrs. Gervera said that she would like to see the lower section of the tower and the ground equipment be softened, particularly with the addition of landscaping. Mr. Cusack noted that they would be willing to plant 8' evergreen trees around the proposed fencing. He said that after a couple of years, the trees would grow together and adequately screen the facility. Mrs. Gervera noted that this would help address concerns of neighboring property owners.

Mr. Coburn asked if the applicant would be willing to paint the structure dark brown as a condition of the approval as previously stated. Mr. Cusack stated that they would.

Mr. Gray then addressed the Planning Board again by asking when the application would be forwarded to the City Council. Mr. Mix then provided the time line and stated that a public hearing would likely be scheduled for April 4 on the proposed project.

Hearing no further discussion, Mr. Harris moved to recommend Site Plan Approval for the request submitted by Michael E. Cusack, Esq. on behalf of St. Lawrence Seaway Cellular Partnership d/b/a Verizon Wireless for the construction of a 104' monopole communications tower, a 360 square foot building, driveway, parking area and related appurtenances at the rear of 491 Eastern Boulevard, Parcel No. 5-26-103.007, contingent upon the following:

1. The 12' wide driveway must be paved with asphalt for the portion of the driveway that is within the street right-of-way.
2. An asphalt pavement detail must be provided showing an asphalt section consisting of a minimum of 1" top course and 3" binder course.
3. The applicant must obtain a General City Permit for any digging in the City right-of-way.
4. Evergreen trees and shrubs shall be added along the south and east sides of the proposed chain link fence.
5. Deciduous trees shall be added along the entrance drive, in the existing stand of mature trees and in the lawn area to the south and east of the proposed facility.
6. The chain link fence shall be dark green or black vinyl coated fencing material.
7. The applicant shall paint the structure a brown color to blend in with the surrounding area.

The motion was seconded by Mr. Coburn and all voted in favor.

The Planning Board then decided to postpone discussion on the proposed Zoning Ordinance Amendment until the next meeting as several members needed to leave. Mr. Harris then moved to adjourn the meeting. The motion was seconded by Mr. Coburn and all voted in favor. The meeting was adjourned at 5:25 p.m.

MAL:eg

Res No. 6

March 14, 2011

To: The Honorable Mayor and City Council

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

Subject: Request for a Special Use Permit to Allow the Construction of  
200 Multifamily Residential Units Located at 918 Mill Street,  
Parcel Nos. 3-14-101.100, 3-14-101.200, 3-14-105.100 and  
3-14-105.200

The Planning Board reviewed the above subject request submitted by Ryan G. Churchill, Project Engineer of GYMO, P.C., on behalf of Norstar Development USA L.P. at its March 1, 2011 meeting and adopted a motion recommending that the City Council approve the Special Use Permit with the condition listed in the resolution. Attached is a copy of the report prepared for the Planning Board and an excerpt from its Minutes.

A public hearing is required before the City Council may vote on this resolution. It is recommended that a public hearing be scheduled for 7:30 p.m. on Monday, April 4, 2011.

# RESOLUTION

Page 1 of 2

Approving the Special Use Permit Request Submitted by Ryan G. Churchill of GYMO P.C. on behalf of Norstar Development USA L.P. to Allow the Construction of 200 Multifamily Residential Units Located at 918 Mill Street, Parcel Nos. 3-14-101.100, 3-14-101.200, 3-14-105.100 and 3-14-105.200

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

Total .....

YEA	NAY

### *Introduced by*

---

WHEREAS Ryan G. Churchill, Project Engineer of GYMO P.C., on behalf of Norstar Development USA L.P. has made an application for a Special Use Permit to allow the construction of 200 multifamily residential units located at 918 Mill Street, Parcel Nos. 3-14-101.100, 3-14-101.200, 3-14-105.100 and 3-14-105.200, and

WHEREAS the Jefferson County Planning Board previously reviewed the special use permit request at its meeting held on April 29, 2008, pursuant to General Municipal Law Section 239-m and adopted a motion recommending approval based on the need for a range of housing choices in the community and the overall efficiency of higher density housing when sited in proximity to existing municipal infrastructure and services, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on March 1, 2011, and recommended that the City Council of the City of Watertown approve the request with the following condition:

1. The applicant and developer shall make provisions for the construction for a secondary access to the site if only Phase I is completed,

And,

WHEREAS a public hearing was held on the proposed Special Use Permit on April 4, 2011, after due public notice, and

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

**RESOLUTION**

Page 2 of 2

Approving the Special Use Permit Request Submitted by Ryan G. Churchill of GYMO P.C. on behalf of Norstar Development USA L.P. to Allow the Construction of 200 Multifamily Residential Units Located at 918 Mill Street, Parcel Nos. 3-14-101.100, 3-14-101.200, 3-14-105.100 and 3-14-105.200

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

YEA	NAY

WHEREAS the City Council has determined that the proposed project is an Unlisted Action as that term is defined in 6NYCRR Section 617.2, and

WHEREAS the City initiated a coordinated review with all other involved agencies, and established itself as the lead agency for the purposes of the State Environmental Quality Review, and

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

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed Special Use Permit to allow the construction of 200 multifamily residential units is an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, that a Special Use Permit is hereby granted to Ryan G. Churchill, Project Engineer of GYMO P.C., on behalf of Norstar Development USA L.P. to allow the construction of 200 multifamily residential units located at 918 Mill Street, Parcel Nos. 3-14-101.100, 3-14-101.200, 3-14-105.100 and 3-14-105.200 with the condition listed above in the Planning Board's recommendation.

**Seconded by**



# MEMORANDUM

City of Watertown Planning Office

245 Washington Street, Room 304

Watertown, New York 13601

315-785-7730

Fax: 315-782-9014

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

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

SUBJECT: Special Use Permit – 918 Mill Street

DATE: February 24, 2011

**Request:** Special Use Permit Approval to allow the construction of 200 multifamily residential units located at 918 Mill Street, Parcels Number 3-14-101.100, 3-14-101.200, 3-14-105.100 and 3-14-105.200.

**Applicant:** Ryan G. Churchill, Project Engineer of GYMO, P.C. on behalf of Norstar Development USA, L.P.

**Proposed Use:** Multifamily Residential.

**Property Owner:** Creekwood I LLC and Seaway Acquisition Company LLC.

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**Submitted:**

---

8 ½" x 11" Copy of Parcel Map: Yes

A Sketch of the Site to Scale: Yes

Completed Part I of an  
Environmental Assessment Form: Yes

SEQRA: Unlisted Action

County Planning Board Review Required: Yes

---

**Comments:** The applicant is proposing the construction of 200 multifamily housing units known as the Creekwood Housing Project on property located at 918 Mill Street. A Special Use Permit and Site Plan was considered and approved by the Planning Board and City Council for this project in 2008. More than one year has passed since the Special Use Permit approval was granted so it has expired. After some delays, the developer is expecting to have all of the financing soon and has made another application for a Special Use Permit.

The parcels are currently zoned Neighborhood Business. Multifamily residences are permitted within this zoning district upon special approval of the City Council. Special Use Permits require City Council approval after a recommendation from the Planning Board and a Public Hearing. The procedure is outlined in Section 310.67 of the Zoning Ordinance. The standards are in Section 310-52.3.

The original Special Use Permit approval was granted as requested and the Planning Board and City Council did not require any conditions on the approval. At the time though, the developer indicated that both phases of the project would be constructed at the same time. It is likely now that only Phase I will be built and Phase II will be built at some future date. The approved site plan has two points of vehicle access, but one is in Phase I and the other is in Phase II. Therefore, this approval should be conditioned on providing the two points of vehicle access if only Phase I is built.

**SEQR:** The application is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQR). However, we anticipate that the New York State Homes and Community Renewal, a project funding agency, will require a coordinated review for SEQR, so we have initiated that process with the various involved agencies. Part I of the Full Environmental Assessment Form has been completed and submitted as part of the application.

**239m Review:** This action requires Jefferson County Planning Board review pursuant to General Municipal Law Section 239m. We have received a letter from the County indicating that their previous review of the project at the County Planning Board's April 29, 2008 meeting is adequate since the new submission does not contain any changes to the project.

cc: Planning Board Members  
City Council Members  
Robert J. Slye, City Attorney  
Justin Wood, P.E., Civil Engineer II  
Ryan Churchill, GYMO, P.C.

2 February 2011

Mr. Kurt Hauk, P.E.  
City Engineer  
Room 305 City Municipal Building  
245 Washington Street  
Watertown, NY 13601

Re: Special Use Permit Submission  
Norstar Development – Creek Wood I & II  
Mill Street, Watertown, NY  
File: 2006-112E.01

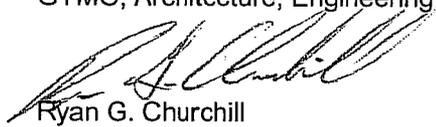
Dear Mr. Hauk:

On behalf of Norstar Development USA, L.P., we are submitting one set of the following materials for review and approval at the 22 February 2011 Jefferson County Planning Board Meeting and at the 1 March 2011 City Planning Board meeting:

- Completed Special Use Permit Application;
- \$100 Application Fee;
- Parcel map with property outlined;
- Overall Plan C100 (24"x36"), and
- Completed Part I of Long EAF.

The project is located on tax parcels 314101 and 314105 within the City of Watertown. The proposed development consists of the construction of 200 residential units with utilities. The developer plans on beginning construction in the Summer of 2011. If there are any questions, please feel free to contact our office.

Sincerely,  
GYMO, Architecture, Engineering & Land Surveying, PC



Ryan G. Churchill  
Project Engineer

Attachments

PC: Kevin McCarthy – Norstar Development  
Patrick J. Scordo, P.E. - GYMO, PC

\\WINSERVER1\ENG\JOBS\2006\2006-112E\DOCUMENTS\SPECIAL USE PERMIT\CITY\_SUP\_SUBM\_(2-2-11).DOC

Leo F. Gozalkowski, PLS  
Stephen W. Yaussi, AIA  
Edward G. Olley, Jr., AIA  
William P. Plante, PLS  
Patrick J. Scordo, PE  
Thomas S.M. Compo, PE

Gregory F. Ashley, PLS





# City of Watertown, New York Special Use Permit Application



## I. Applicant Information

**Name:** Norstar Development, USA, L.P.  
**Mailing Address:** 200 South Division Street, Buffalo, NY 14204  
**Phone Number:** 716-847-1098

## II. Property Information

**Address:** US RT. 11/MILL ST., SOUTH OF SEAWAY PLAZA  
**Tax Parcel#** 3-14-105, 3-14-101  
**Property Owner (if not applicant):**

**If applicant is not the owner, does applicant have a signed purchase agreement?**

YES  NO

**Zoning District:** NEIGHBORHOOD BUSINESS

Attachments Required:  
8 1/2" x 11" parcel map with tax parcel involved in request outlined with a thick black line  
A sketch of the site drawn to an engineering scale (e.g. 1"=20', 1"= 30').  
Completed Part I of an Environmental Assessment Form (SEQR)

## III. Request Information:

**Proposed Use:** MULTI-FAMILY RESIDENTIAL HOUSING

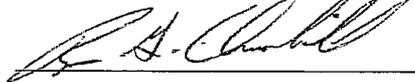
### Explain Proposal:

200 RESIDENTIAL UNITS ARE PROPOSED ON THE LISTED PROPERTIES

CURRENT ZONING DOES NOT ALLOW THIS

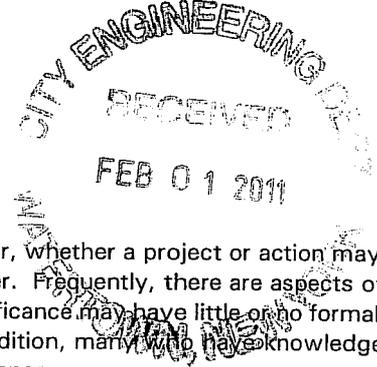
(Use additional 8 1/2" x 11" sheets as needed.)

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

Signature: 

Date: 2/1/11

617.20  
Appendix A  
State Environmental Quality Review  
FULL ENVIRONMENTAL ASSESSMENT FORM



**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

---

**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:  Part 1  Part 2  Part 3  
Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.\***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

Creek Wood I and II, 200 unit residential development

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Name of Action

---

Name of Lead Agency

---

Print or Type Name of Responsible Officer in Lead Agency

---

Title of Responsible Officer

---

Signature of Responsible Officer in Lead Agency

---

Signature of Preparer (If different from responsible officer)

---

Date

## PART 1--PROJECT INFORMATION

### Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Creek Wood I and II, 200 unit Residential Development

Location of Action (include Street Address, Municipality and County)

South of Seaway Plaza, East side of Mill St. / US Route 11, City of Watertown

Name of Applicant/Sponsor GYMO Architecture, Engineering, Land Surveying, P.C.

Address 220 Sterling Street

City/ PO Watertown

State NY

Zip Code 13601

Business Telephone (315) 788-3900

Name of Owner (if different) Norstar Development USA, L.P.

Address 200 South Division Street

City/ PO Buffalo

State NY

Zip Code 14204

Business Telephone 716-847-1098

Description of Action:

The owner plans to construct a 200 unit Residential Development. Water, sanitary, storm and other utility systems will be installed to serve the development. Interconnecting roadways will also be constructed, and will remain privately owned and maintained.

Please Complete Each Question--Indicate N.A. if not applicable

**A. SITE DESCRIPTION**

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:  Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Other Mix of open areas, brush, forests, and Stream/Wetlands systems.

2. Total acreage of project area: 39.87 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>12.46</u> acres	<u>4.53</u> acres
Forested	<u>25.51</u> acres	<u>9.61</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>0.0</u> acres	<u>0.0</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>1.90</u> acres	<u>1.90</u> acres
Water Surface Area	<u>0.0</u> acres	<u>0.74</u> acres
Unvegetated (Rock, earth or fill)	<u>0.0</u> acres	<u>0.0</u> acres
Roads, buildings and other paved surfaces	<u>0.0</u> acres	<u>10.98</u> acres
Other (Indicate type) <u>Lawn</u>	<u>0.0</u> acres	<u>12.11</u> acres

3. What is predominant soil type(s) on project site?

- a. Soil drainage:  Well drained \_\_\_% of site  Moderately well drained 80 % of site.  
 Poorly drained 20 % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? \_\_\_\_\_ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?  Yes  No

a. What is depth to bedrock >2.5' (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% 50 %  10- 15% 25 %  15% or greater 25 %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?  Yes  No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No

8. What is the depth of the water table? 2 - 6' (in feet)

9. Is site located over a primary, principal, or sole source aquifer?  Yes  No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  Yes  No

According to:

A letter has been received from the NYS DEC stating that there are no known occurrences of endangered or threatened species in this area (see attached).

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes  No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes  No

If yes, explain:

14. Does the present site include scenic views known to be important to the community?  Yes  No

15. Streams within or contiguous to project area:

Unnamed tributaries

a. Name of Stream and name of River to which it is tributary

Kelsey Creek, Black River

16. Lakes, ponds, wetland areas within or contiguous to project area:

James Pippin, a wetland biologist with the firm EDR, was hired and flagged out wetland areas. See engineering report and civil drawings.

b. Size (in acres):

1.9 acres

17. Is the site served by existing public utilities?  Yes  No
- a. If YES, does sufficient capacity exist to allow connection?  Yes  No
- b. If YES, will improvements be necessary to allow connection?  Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: 39.87 acres.
- b. Project acreage to be developed: 21.91 acres initially; 21.91 acres ultimately.
- c. Project acreage to remain undeveloped: 17.96 acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing 0; proposed 349
- g. Maximum vehicular trips generated per hour: 104 (upon completion of project)?
- h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	_____	_____	<u>13</u>	_____
Ultimately	_____	_____	<u>27</u>	_____

- i. Dimensions (in feet) of largest proposed structure: 26.54' height; 33' width; 146.75 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 68 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards.

3. Will disturbed areas be reclaimed  Yes  No  N/A

a. If yes, for what intended purpose is the site being reclaimed?

Disturbed areas will be reclaimed for stabilization and lawn.

b. Will topsoil be stockpiled for reclamation?  Yes  No

c. Will upper subsoil be stockpiled for reclamation?  Yes  No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 21.91 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes  No

6. If single phase project: Anticipated period of construction: 18 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated \_\_\_\_\_ (number)

b. Anticipated date of commencement phase 1: \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition)

c. Approximate completion date of final phase: \_\_\_\_\_ month \_\_\_\_\_ year.

d. Is phase 1 functionally dependent on subsequent phases?  Yes  No

8. Will blasting occur during construction?  Yes  No

9. Number of jobs generated: during construction 50; after project is complete 5

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities?  Yes  No

If yes, explain:

12. Is surface liquid waste disposal involved?  Yes  No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount \_\_\_\_\_

b. Name of water body into which effluent will be discharged \_\_\_\_\_

13. Is subsurface liquid waste disposal involved?  Yes  No Type \_\_\_\_\_

14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain?  Yes  No

16. Will the project generate solid waste?  Yes  No

a. If yes, what is the amount per month? 18 tons

b. If yes, will an existing solid waste facility be used?  Yes  No

c. If yes, give name Rodman Regional ; location State Rt. 177 T. of Rodman

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No

e. If yes, explain:

Recyclables

17. Will the project involve the disposal of solid waste?  Yes  No

a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.

b. If yes, what is the anticipated site life? \_\_\_\_\_ years.

18. Will project use herbicides or pesticides?  Yes  No

19. Will project routinely produce odors (more than one hour per day)?  Yes  No

20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No

21. Will project result in an increase in energy use?  Yes  No

If yes, indicate type(s)

Natural Gas, Electric

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day 60,100 gallons/day.

24. Does project involve Local, State or Federal funding?  Yes  No

If yes, explain:

DANC Funding

**25. Approvals Required:**

			Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>City Cncl. Site Plan</u>	<u>4/22/08</u>
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>City of Watertown (Site</u>	<u>4/22/08</u>
			<u>Plan, Special Use Permit)</u>	_____
			<u>T. Pamela (Min. Subdiv.)</u>	_____
			_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, County Health Department	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Local Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>County Planning</u>	<u>4/15/08</u>
			_____	_____
			_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
State Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>DOH-Public Water</u>	_____
			<u>DEC-Public Sewer</u>	_____
			_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____

**C. Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision?  Yes  No

If Yes, indicate decision required:

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> Zoning amendment     | <input type="checkbox"/> Zoning variance               | <input type="checkbox"/> New/revision of master plan | <input checked="" type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Site plan | <input checked="" type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan    | <input type="checkbox"/> Other                  |

2. What is the zoning classification(s) of the site?

Neighborhood Business

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

N/A

4. What is the proposed zoning of the site?

Neighborhood Business

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

Multifamily dwelling if a special use permit is obtained.

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?

Yes

No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Neighborhood Business, Residential

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?

Yes

No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? N/A

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

Within Sewer/Water District

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes  No

a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No

[Empty text box for response to question 11a]

12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No

a. If yes, is the existing road network adequate to handle the additional traffic.  Yes  No

[Empty text box for response to question 12a]

**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

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

Applicant/Sponsor Name GYMO, PC, Project Engineer Date 2/2/11

Signature 

Title Project Engineer (GYMO, PC.)

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



New York State Department of Environmental Conservation  
**Division of Fish, Wildlife & Marine Resources**  
New York Natural Heritage Program  
625 Broadway, Albany, New York 12233-4757  
Phone: (518) 402-8935 • FAX: (518) 402-8925



Alexander B. Grannis  
Commissioner

January 31, 2008

**RECEIVED**

FEB 04 2008

EDR, P.C.

James B Pippin  
Environmental Design and Research  
274 North Goodman Street  
Rochester, NY 14607

Dear Mr. Pippin:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Creek Wood Residential Development, Project 07109, site as indicated on the map you provided, located in the City of Watertown, Town of Pamela, Jefferson County.

We have no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain any information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. For these reasons, we cannot provide a definitive statement on the presence or absence of rare or state-listed species, or of significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

Sincerely,

*Tara Seoane*  
Tara Seoane, Information Services  
NY Natural Heritage Program

Encs.

cc: Reg. 6, Wildlife Mgr.

## Excerpt from Planning Board's 3/1/11 Meeting Minutes

### SPECIAL USE PERMIT – CREEKWOOD HOUSING PROJECT 918 MILL STREET

The Planning Board then considered a request for a Special Use Permit submitted by Ryan G. Churchill, Project Engineer of GYMO, P.C. on behalf of Norstar Development USA, L.P. to allow the construction of 200 multifamily residential units located at 918 Mill Street, Parcels Nos. 3-14-101.100, 3-14-101.200, 3-14-105.100 and 3-14-105.200. In attendance to represent the proposed Special Use Permit request was Ryan G. Churchill of GYMO, P.C.

Mr. Churchill began by stating that GYMO had applied for and received approval from the Planning Board and City Council for both a Special Use Permit and Site Plan Approval for this project in May of 2008, but that the project was delayed due to financing and that the Special Use Permit had expired in the meantime. He said that the developer is now prepared to go forward with Phase I of the project, and they need to obtain a Special Use Permit in order for that to happen.

Mrs. Gervera asked Mr. Churchill to provide a brief overview of the project for members of the Planning Board who were not around when the original approval was granted. Mr. Churchill then provided that overview of the project by describing the 200 unit multifamily facility. He described the two access points for the project located at Mill Street and Plaza Drive. He also described various components of the project, including the site utilities and landscaping.

Mr. Wayte asked if the entire project was now within the City of Watertown limits. Mr. Churchill responded that it was. Mr. Wayte then asked if the school district issue has been resolved. He stated that it was his opinion that it was misuse of taxpayer's dollars to send half of the students that may reside in this development to Watertown High School while the other half are bused to General Brown because of where the school district boundary line falls. He said that there are numerous schools within a quarter mile of this project that the students should attend rather than be bused 15-20 miles away.

Mrs. Gervera then asked about the project phasing. She said that if only Phase I is completed at this time, a second point of access should be provided to the site. Mr. Harris said that a road could be built through to Plaza Drive without putting up the Phase II buildings. Mr. Churchill noted that he had scheduled a meeting for March 2 with various members of City Staff to discuss that particular issue along with other site issues such as the utilities. Mr. Mix noted that the Code Enforcement Bureau has indicated that they will not issue a Certificate of Occupancy for Phase I of the project without a second means of access to the site. He said that the original Special Use Permit and Site Plan were approved in 2008, assuming that both phases would be completed at the same time. Now he said that it appears that only Phase I of the project will be completed to start, which would leave a dead end in the project with no other way to get into or out of the site. He said the type of access has not been decided yet. He said it could be a gravel or paved road with limited or full access. He said that since Codes will require the access, Staff is asking the Planning Board to make that a condition of their approval.

Mr. Wayte noted that there is a member of the public that wanted to comment on the project. Justin LaJoie, the owner of property on Haven Street, then addressed the Planning Board. Mr. LaJoie noted that he had concerns regarding the construction of this project in some of the marshlands and wetlands on site. He said that much of that area has been used in the past as a dumping ground and some of the creeks that run through the property have been contaminated from industrial uses. He said he has been cleaning up much of the area on his own. Mr. LaJoie noted that he has some of the older plans for this project, but has not seen any new plans and is concerned that the project is being built around a dump site.

Mr. LaJoie continued by stating he has concerns about what the project would look like and whether or not it would fit into the neighborhood. Mr. Wayte stated that Mr. LaJoie can have the assurance of the Planning Board that they will look to protect the neighborhood and thinks that this project will fit in nicely with the neighborhood. He said it would be similar design to the Summit Wood project located on Washington Street. Mr. LaJoie said that he just wants the project to fit into the area and wants the City to clean up some of the contaminated creeks that run through the area.

Hearing no further discussions, Mr. Fipps moved to recommend approval for the Special Use Permit request submitted by Ryan G. Churchill, Project Engineer of GYMO, P.C. on behalf of Norstar Development USA, L.P. to allow the construction of 200 multifamily residential units located at 918 Mill Street, Parcels Nos. 3-14-101.100, 3-14-101.200, 3-14-105.100 and 3-14-105.200, contingent upon the following.

1. The applicant and developer shall make provisions for the construction for a secondary access to the site if only Phase I is completed.

The motion was seconded by Mrs. Gervera and all voted in favor.

Ord No. 1

March 16, 2011

To: The Honorable Mayor and City Council  
From: James E. Mills, City Comptroller  
Subject: Bond Refunding Ordinance

Current interest rates for municipal debt have created an opportunity for the City to refinance \$8,575,000 of outstanding debt. Advance refunding opportunities have been identified for the following bond issues:

- Taxable bond issue dated 11/15/97 –Series A - \$4,625,000 outstanding
- Tax-exempt bond issue dated 11/15/97 –Series B - \$2,140,000 outstanding
- Tax-exempt bond issue dated 4/15/2000 - \$1,075,000 outstanding
- Taxable bond issue dated 5/15/2002 - \$100,000 outstanding
- Tax-exempt bond issue dated 5/15/2002 – \$635,000 outstanding

The refunding calculation prepared by the City’s financial advisor, New York Municipal Advisors Corporation (NYMAC), projects an estimated minimum budget savings of **\$346,441** over the life of the bond issue. The minimum calculation is based upon the City not being able to obtain bond insurance for the new debt. If the City is able to obtain bond insurance the estimated budget savings could be as high as \$606,793 over the life of the bond issue. The current environment for bond insurance is unclear as Standard & Poor’s may require Assured Guaranty Corporation to increase their capital or reduce their risks which in turn may affect their ability to offer insurance for the City’s new debt issue. Assured Guaranty Corporation is the only active U.S. bond insurer currently in the market.

The projected budgetary savings for the current fiscal year ranges from \$178,894 to \$182,049 depending on the bond insurance availability issue. I would recommend that the current year appropriations not spent on debt service due to the refinancing savings be transferred to the capital projects fund to lower the amount needed to be borrowed for a project such as Riggs Avenue.

The following information regarding the City’s outstanding debt and call features was requested by Councilman Butler. The shaded areas of the chart represent the bond issues that are included in the proposed bond refunding ordinance.

Bond Issue Date	Call Features	Interest Rates	Maturity Date	Original Amount	Outstanding at 3/16/2011
12/1/1983	None	9.60%	12/1/2017	\$ 2,330,000	\$ 400,000
10/15/1991	None	6.30 - 6.375%	10/15/2011	\$ 10,518,000	\$ 400,000
9/15/1992 Series A	None	5.50 - 5.70%	10/15/2011	\$ 3,599,000	\$ 150,000
9/15/1992 Series B	None	5.25 - 5.60%	10/15/2011	\$ 3,060,000	\$ 25,000
11/15/1997	Callable between 11/15/2007 - 11/14/2008 at 102%; Callable between 11/15/2008 - 11/14/2009 at 101%; Callable after 11/15/2009 at 100%	5.00 - 5.10%	11/15/2025	\$ 4,895,000	\$ 2,140,000
11/15/1997 (Taxable)	Callable between 11/15/2007 - 11/14/2008 at 102%; Callable between 11/15/2008 - 11/14/2009 at 101%; Callable after 11/15/2009 at 100%	7.00 - 7.10%	11/15/2025	\$ 6,115,000	\$ 4,625,000
4/15/2000	Callable between 6/15/2009 - 6/14/2010 at 101%; Callable between 6/15/2010 - 6/14/2011 at 100.5%; Callable after 6/15/2011 at 100%	5.125 - 5.50%	6/15/2020	\$ 6,105,000	\$ 1,075,000
5/15/2002 (Taxable)	Callable 5/15/2011 at 100%	7.40 - 7.50%	5/15/2021	\$ 190,000	\$ 110,000
5/15/2002	Callable 5/15/2011 at 100%	4.00 - 5.00%	5/15/2020	\$ 2,310,000	\$ 760,000
8/27/2002	None	2.50 - 4.00%	3/1/2012	\$ 2,155,000	\$ 165,000
1/15/2005	Callable 1/15/2014 at 100%	2.75 - 4.25%	1/15/2024	\$ 8,145,000	\$ 4,050,000
11/15/2005	Callable 11/15/2014 at 100%	4.00 - 4.375%	11/15/2020	\$ 5,700,000	\$ 3,700,000
5/1/2006	None	4.625 - 7.5%	11/1/2015	\$ 250,000	\$ 125,000
2/15/2008	Callable 2/15/2017 at 100%	3.25 - 4.00%	2/15/2023	\$ 7,345,000	\$ 5,150,000
2/11/2009	None	2.50 - 3.25%	9/15/2018	\$ 3,220,000	\$ 2,600,000
6/15/2010	Callable 12/15/2018 at 100%	3.125 - 4.00%	12/15/2024	\$ 2,225,000	\$ 2,025,000
				\$ 68,132,000	\$ 27,500,000

Attached for City Council consideration is the bond ordinance necessary to authorize this refinancing.

# ORDINANCE

An Ordinance Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the City of Watertown, Jefferson County, New York, to be Designated "Public Improvement Refunding (Serial) Bonds", and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby

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

YEA	NAY

Total .....

### *Introduced by*

At a regular meeting of the Council of the City of Watertown, Jefferson County, New York, held at the Municipal Building, in Watertown, New York, in said City, on March 21, 2011, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by \_\_\_\_\_, and upon roll being called, the following were

PRESENT:

ABSENT:

The following ordinance was offered by Councilman \_\_\_\_\_, who moved its adoption, seconded by Councilman \_\_\_\_\_, to wit:

WHEREAS, the City of Watertown, Jefferson County, New York (the "City") heretofore issued, on December 10, 1997, an aggregate principal amount of \$6,115,000 Public Improvement (Serial) Bonds, 1997 Taxable Series A, dated November 15, 1997, pursuant to a bond certificate of the City Comptroller dated November 25, 1997 (the "1997 Taxable Bond Certificate"), and the bond ordinances adopted by the Council identified therein, as more fully described in the 1997 Taxable Bond Certificate (the "1997 Taxable Bonds") and of which there are presently \$4,625,000 aggregate principal amount outstanding, maturing on November 15 in each of the following years and amounts;

**ORDINANCE**

An Ordinance Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the City of Watertown, Jefferson County, New York, to be Designated "Public Improvement Refunding (Serial) Bonds", and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby

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

YEA	NAY

Year	Amount	Year	Amount
2011	\$180,000	2019	315,000
2012	195,000	2020	340,000
2013	210,000	2021	365,000
2014	225,000	2022	390,000
2015	240,000	2023	420,000
2016	255,000	2024	450,000
2017	275,000	2025	470,000
2018	295,000		

WHEREAS, it appears that it would be in the public interest to refund all \$4,625,000 principal amount of the 1997 Taxable Bonds maturing in the years 2011 through 2025 (the "1997 Taxable Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, the City heretofore issued, on December 10, 1997, an aggregate principal amount of \$4,895,000 Public Improvement (Serial) Bonds, 1997 Tax Exempt Series B, dated November 15, 1997, pursuant to a bond certificate of the City Comptroller dated November 25, 1997 (the "1997 Tax Exempt Bond Certificate"), and the bond ordinances adopted by the Council identified therein, as more fully described in the 1997 Tax Exempt Bond Certificate (the "1997 Tax Exempt Bonds") and of which there are presently \$2,140,000 aggregate principal amount outstanding, maturing on November 15 in each of the following years and amounts;

Year	Amount	Year	Amount
2011	\$100,000	2019	\$145,000
2012	105,000	2020	155,000
2013	110,000	2021	160,000
2014	115,000	2022	170,000
2015	120,000	2023	180,000
2016	125,000	2024	190,000
2017	130,000	2025	195,000
2018	140,000		

**ORDINANCE**

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

YEA	NAY

Total .....

WHEREAS, it appears that it would be in the public interest to refund \$2,140,000 principal amount of the 1997 Tax Exempt Bonds maturing in the years 2011 through 2025 (the "1997 Tax Exempt Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, the City heretofore issued, on May 2, 2000 an aggregate principal amount of \$6,105,000 Public Improvement (Serial) Bonds, 2000, dated April 15, 2000, pursuant to a bond certificate of the City Comptroller dated April 20, 2000 (the "2000 Bond Certificate"), and the bond ordinances adopted by the Council identified therein, as more fully described in the 2000 Bond Certificate (the "2000 Bonds") and of which there are presently \$1,075,000 aggregate principal amount outstanding, maturing on June 15 in each of the following years and amounts;

Year	Amount	Year	Amount
2011	\$250,000	2016	\$50,000
2012	250,000	2017	40,000
2013	225,000	2018	25,000
2014	125,000	2019	25,000
2015	75,000	2020	10,000

WHEREAS, it appears that it would be in the public interest to refund all \$1,075,000 principal amount of the 2000 Bonds maturing in the years 2011 through 2020 (the "2000 Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, the City heretofore issued, on May 29, 2002 an aggregate principal amount of \$2,310,000 Public Improvement (Serial) Bonds, 2002, dated May 15, 2002, pursuant to a bond certificate of the City Comptroller dated May 20, 2002 (the "2002 Tax Exempt Bond Certificate"), and the bond ordinances adopted by the Council identified therein, as more fully described in the 2002 Tax Exempt Bond Certificate (the "2002 Tax Exempt Bonds") and of which there are presently \$760,000 aggregate principal amount outstanding, maturing on May 15 in each of the following years and amounts;

**ORDINANCE**

An Ordinance Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the City of Watertown, Jefferson County, New York, to be Designated "Public Improvement Refunding (Serial) Bonds", and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby

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

YEA	NAY

Total .....

Year	Amount	Year	Amount
2011	\$125,000	2016	\$100,000
2012	100,000	2017	50,000
2013	100,000	2018	35,000
2014	100,000	2019	25,000
2015	100,000	2020	25,000

WHEREAS, it appears that it would be in the public interest to refund \$635,000 principal amount of the 2002 Tax Exempt Bonds maturing in the years 2012 through 2020 (such portion, the "2002 Tax Exempt Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, the City heretofore issued, on May 29, 2002 an aggregate principal amount of \$190,000 Hydroelectric Plant (Serial) Bonds, 2002 (Federally Taxable Series), dated May 15, 2002, pursuant to a bond certificate of the City Comptroller dated May 20, 2002 (the "2002 Taxable Bond Certificate"), and the bond ordinance or ordinances adopted by the Council identified therein, as more fully described in the 2002 Taxable Bond Certificate (the "2002 Taxable Bonds") and of which there are presently \$110,000 aggregate principal amount outstanding, maturing on May 15 in each of the following years and amounts;

Year	Amount	Year	Amount
2011	\$10,000	2016	\$10,000
2012	10,000	2017	10,000
2013	10,000	2018	10,000
2014	10,000	2019	10,000
2015	10,000	2020	10,000

WHEREAS, it appears that it would be in the public interest to refund \$100,000 principal amount of the 2002 Taxable Bonds maturing in the years 2012 through 2021 (such portion, the "2002 Taxable Refunded Bonds" and together with the 1997 Taxable Refunded Bonds, the 1997 Tax-Exempt Refunded Bonds, the 2000 Refunded Bonds and the 2002 Tax-Exempt Refunded Bonds, the "Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

**ORDINANCE**

An Ordinance Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the City of Watertown, Jefferson County, New York, to be Designated "Public Improvement Refunding (Serial) Bonds", and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby

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

YEA	NAY

Total .....

WHEREAS, it appears that each of the refundings of the 1997 Taxable Refunded Bonds, the 1997 Tax Exempt Refunded Bonds, the 2000 Refunded Bonds, the 2002 Tax Exempt Refunded Bonds and the 2002 Taxable Refunded Bonds will result in present value savings in debt service as required by Section 90.00 or Section 90.10 of the Local Finance Law;

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

Section 1. For the object or purpose of refunding the \$8,575,000 aggregate outstanding principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the redemption premiums on the Refunded Bonds at their respective call dates, (iii) the aggregate amount of interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds either maturing or are to be called prior to their respective maturities in accordance with the Refunding Financial Plan, as hereinafter defined, (iv) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the Refunding Financial Plan, as hereinafter defined, compensation to the Purchaser, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the Escrow Contract, as hereinafter defined, and fees and charges of the Escrow Holder, as hereinafter mentioned, and (v) any premium or premiums for a policy or policies of municipal bond insurance for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued up to \$9,150,000 refunding bonds of the City pursuant to the provisions of Section 90.00 or Section 90.10 of the Local Finance Law (the "Public Improvement Refunding Bonds or, sometimes, the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$8,950,000 as provided in Section 3 hereof. As indicated in the Refunding Financial Plan, as hereinafter defined, the Refunding Bonds shall be divided into one or more series of taxable bonds, presently expected to aggregate \$4,965,000, and one or more series of tax-exempt bonds, presently expected to aggregate \$3,985,000. Each series of Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND", including a year, and a series designation (which may include an indication of whether interest on the series is taxable or tax-exempt), shall be dated April 5, 2011, or such other date or dates as shall hereafter be determined by the City Comptroller pursuant to Section 3 hereof, shall be of the denomination of \$5,000 or any integral

**ORDINANCE**

An Ordinance Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the City of Watertown, Jefferson County, New York, to be Designated "Public Improvement Refunding (Serial) Bonds", and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby

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

YEA	NAY

Total .....

multiple thereof not exceeding the principal amount of each respective maturity, and shall mature annually on November 15 or May 15 (but not both in any single series) in each of the years 2011 through 2025, or such other dates as the City Comptroller shall hereafter determine pursuant to Section 3 hereof, and shall bear interest payable on May 15, 2010 and November 15, 2011 and semi annually thereafter May 15 and November 15 while outstanding, or such other dates as the City Comptroller shall hereafter determine pursuant to Section 3 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the City Comptroller.

The Refunding Bonds may, if so determined by the City Comptroller pursuant to Section 3 hereof, be subject to redemption prior to maturity upon such terms as the City Comptroller shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the City Comptroller. Notice of such call for redemption shall be given by mailing such notice to the registered owners not more than sixty (60) nor less than thirty (30) days prior to such dates. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the dates for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption dates, and interest shall cease to be paid thereon after such redemption dates.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. Principal of the Refunding Bonds shall be payable to the registered owners as shall hereafter be determined by the City Comptroller. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America. The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Comptroller, and a facsimile of its corporate seal shall be impressed, imprinted, affixed or otherwise reproduced thereon and may be attested by the manual or facsimile signature of the City Clerk. In the event of facsimile signatures by the City Comptroller and/or the City Clerk, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of a bank or trust company acting in the capacity of the fiscal agent for the Refunding Bonds, and the City Comptroller is hereby authorized to enter into an agreement or agreements containing such terms as he shall deem proper with a bank or trust company to perform the services described in Section 70.00 of the Local Finance Law.

# ORDINANCE

An Ordinance Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the City of Watertown, Jefferson County, New York, to be Designated "Public Improvement Refunding (Serial) Bonds", and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby

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

YEA	NAY

Total .....

The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected.

**Section 2.** It is hereby determined that:

- (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this ordinance does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;
- (b) the maximum periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for objects or purposes for which the Refunded Bonds were issued are as shown on Schedule B attached hereto;
- (c) the last installment of each series of the Public Improvement Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each object or purpose, or the weighted average of the periods of probable usefulness of objects or purposes, for which the Refunded Bonds of such series were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law; and
- (d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 3 hereof.

**Section 3.** The financial plan for the refunding authorized by this ordinance, showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Schedule A attached hereto and hereby made a part of this ordinance (the "Refunding Financial Plan"). The Refunding Financial Plan has been prepared based upon the assumption that the Public Improvement Refunding Bonds will be issued in the principal amount of \$8,950,000 and that the Refunding

**ORDINANCE**

An Ordinance Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the City of Watertown, Jefferson County, New York, to be Designated "Public Improvement Refunding (Serial) Bonds", and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby

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

YEA	NAY

Total .....

Bonds will mature, be of such terms, and bear interest as set forth in Schedule A. This Council recognizes that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will probably differ from such assumptions and that the Refunding Financial Plan will also probably differ from that attached hereto as Schedule A. The City Comptroller is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the portion of the Refunding Bonds to be sold as taxable bonds and the portion to be sold as tax-exempt bonds, the dates of such bonds and the dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Public Improvement Refunding Bonds will be insured by a policy or policies of municipal bond insurance, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds, and all powers in connection therewith are hereby delegated to the City Comptroller; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The City Comptroller shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 4. Pursuant to the provisions of paragraph a of Section 56.00 of the Local Finance Law, the power to determine whether to issue the Refunding Bonds having substantially level or declining annual debt service, as provided in paragraph d of Section 21.00 and in paragraph c of Section 90.10 of the Local Finance Law, is hereby delegated to the City Comptroller. All other delegable matters relating to such Refunding Bonds to be issued by said City are hereby delegated to the City Comptroller.

Section 5. The City Comptroller is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in the State of New York as he shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

# ORDINANCE

An Ordinance Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the City of Watertown, Jefferson County, New York, to be Designated "Public Improvement Refunding (Serial) Bonds", and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby

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

YEA	NAY

Total .....

Section 6. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Public Improvement Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Any accrued interest on the Refunding Bonds shall be paid to the City Comptroller to be expended to pay interest on the Refunding Bonds on their first interest payment dates as may be determined in accordance with Section 3 hereof. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this ordinance, so long as any of the Refunding Bonds shall be outstanding, the City shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause any Refunding Bond issued as a tax-exempt bond to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder as then in effect.

**ORDINANCE**

An Ordinance Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the City of Watertown, Jefferson County, New York, to be Designated "Public Improvement Refunding (Serial) Bonds", and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby

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

YEA	NAY

Total .....

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, the City hereby elects to call in and redeem i) on May 5, 2011, or such later date as shall be determined in accordance with the final Refunding Financial Plan, all 2000 Refunded Bonds, ii) on May 15, 2011, or such later date or dates as shall be determined in accordance with the final Refunding Financial Plan, all 1997 Taxable Refunded Bonds, 1997 Tax Exempt Refunded Bonds, 2002 Tax Exempt Refunded Bonds and all 2002 Taxable Refunded Bonds. The sum to be paid on such May 5, 2011 redemption date shall be the par value plus a premium of one half of one percent (0.5%) of par value, as provided in the 2000 Bond Certificate, and the accrued interest to such redemption date, provided, however, that if a later redemption date is established by the City Comptroller such premium shall be adjusted as appropriate in accordance with the terms of the 2000 Bond Certificate. The sum to be paid on such May 15, 2011 redemption date shall be the par value, without premium, as provided in the 1997 Taxable Bond Certificate, the 1997 Tax Exempt Bond Certificate, the 2002 Tax Exempt Bond Certificate and the 2002 Taxable Bond Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunded Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in or otherwise applicable to the Refunded Bonds. Such notices of redemption shall be in substantially the forms to be attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to a purchaser to be selected by the City Comptroller or, at the election of the City Comptroller, to the successful bidder at public sale (in either case, the "Purchaser") for a purchase price to be determined by the City Comptroller (or in the case of a public sale, by public bid), plus accrued interest from the date of the Refunding Bonds to the date of the delivery of and payment for the Refunding Bonds. Approval of the terms and conditions of such sale by the State Comptroller shall be obtained as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law. After the Refunding Bonds have been duly executed, they shall be delivered by the City Comptroller to the Purchaser in accordance with a purchase contract to be entered into with the Purchaser, or according to the terms of the notice of sale, as the case may be.

# ORDINANCE

An Ordinance Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the City of Watertown, Jefferson County, New York, to be Designated "Public Improvement Refunding (Serial) Bonds", and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby

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

YEA	NAY

Total .....

Section 11. The City Comptroller and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this ordinance or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and conditions of issuance of the Refunding Bonds shall be determined by the City Comptroller and all powers in connection thereof are hereby delegated to the City Comptroller.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
2. The provisions of law which should be complied with at the dates of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the dates of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The foregoing ordinance was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:



**ORDINANCE**

An Ordinance Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the City of Watertown, Jefferson County, New York, to be Designated "Public Improvement Refunding (Serial) Bonds", and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby

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

YEA	NAY

Total .....

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of posted notice      Dates of Posting

Regular meeting of the City Council held in accordance with Section 14-1 of the Municipal Code

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City on \_\_\_\_\_, 2011.

\_\_\_\_\_  
City Clerk

(CORPORATE SEAL)

SCHEDULE A  
PRELIMINARY REFUNDING FINANCIAL PLAN  
CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK

## SOURCES AND USES OF FUNDS

City of Watertown, New York  
 Sample Composite 2011 Refunding Bonds  
 Preliminary Analysis of Refunding Potential  
 Uninsured Scenario

Sources:	Tax Exempt	Taxable	Total
<b>Bond Proceeds:</b>			
Par Amount	3,985,000.00	4,965,000.00	8,950,000.00
Net Premium	17,178.20		17,178.20
	<u>4,002,178.20</u>	<u>4,965,000.00</u>	<u>8,967,178.20</u>
<b>Uses:</b>			
<b>Refunding Escrow Deposits:</b>			
Cash Deposit	1.03	0.82	1.85
SLG Purchases	<u>3,945,155.00</u>	<u>4,892,312.00</u>	<u>8,837,467.00</u>
	3,945,156.03	4,892,312.82	8,837,468.85
<b>Delivery Date Expenses:</b>			
Cost of Issuance	31,167.60	38,832.40	70,000.00
Underwriter's Discount	<u>20,961.10</u>	<u>26,115.90</u>	<u>47,077.00</u>
	52,128.70	64,948.30	117,077.00
<b>Other Uses of Funds:</b>			
Additional Proceeds	4,893.47	7,738.88	12,632.35
	<u>4,002,178.20</u>	<u>4,965,000.00</u>	<u>8,967,178.20</u>

## SUMMARY OF BONDS REFUNDED

City of Watertown, New York  
 Sample Composite 2011 Refunding Bonds  
 Preliminary Analysis of Refunding Potential  
 Uninsured Scenario

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
Public Improvement Bonds, 2000:					
SERIALS	06/15/2011	5.200%	250,000.00	05/05/2011	100.500
	06/15/2012	5.200%	250,000.00	05/05/2011	100.500
	06/15/2013	5.250%	225,000.00	05/05/2011	100.500
	06/15/2014	5.300%	125,000.00	05/05/2011	100.500
	06/15/2015	5.400%	75,000.00	05/05/2011	100.500
	06/15/2016	5.500%	50,000.00	05/05/2011	100.500
	06/15/2017	5.500%	40,000.00	05/05/2011	100.500
	06/15/2018	5.500%	25,000.00	05/05/2011	100.500
	06/15/2019	5.500%	25,000.00	05/05/2011	100.500
	06/15/2020	5.500%	10,000.00	05/05/2011	100.500
			1,075,000.00		
Public Improvement Bonds, 2002:					
SERIALS	05/15/2012	4.125%	100,000.00	05/15/2011	100.000
	05/15/2013	4.250%	100,000.00	05/15/2011	100.000
	05/15/2014	4.375%	100,000.00	05/15/2011	100.000
	05/15/2015	4.500%	100,000.00	05/15/2011	100.000
	05/15/2016	4.500%	100,000.00	05/15/2011	100.000
	05/15/2017	5.000%	50,000.00	05/15/2011	100.000
	05/15/2018	5.000%	35,000.00	05/15/2011	100.000
	05/15/2019	5.000%	25,000.00	05/15/2011	100.000
	05/15/2020	5.000%	25,000.00	05/15/2011	100.000
			635,000.00		
Hydroelectric Plan Bonds, 2002 (Taxable):					
SERIALS	05/15/2012	7.500%	10,000.00	05/15/2011	100.000
	05/15/2013	7.500%	10,000.00	05/15/2011	100.000
	05/15/2014	7.500%	10,000.00	05/15/2011	100.000
	05/15/2015	7.500%	10,000.00	05/15/2011	100.000
	05/15/2016	7.500%	10,000.00	05/15/2011	100.000
	05/15/2017	7.500%	10,000.00	05/15/2011	100.000
	05/15/2018	7.500%	10,000.00	05/15/2011	100.000
	05/15/2019	7.500%	10,000.00	05/15/2011	100.000
	05/15/2020	7.500%	10,000.00	05/15/2011	100.000
	05/15/2021	7.500%	10,000.00	05/15/2011	100.000
			100,000.00		
Public Improvement Bonds, 1997 Series A:					
SERIALS	11/15/2011	7.000%	180,000.00	05/15/2011	100.000
	11/15/2012	7.100%	195,000.00	05/15/2011	100.000
	11/15/2013	7.100%	210,000.00	05/15/2011	100.000
	11/15/2014	7.100%	225,000.00	05/15/2011	100.000
	11/15/2015	7.100%	240,000.00	05/15/2011	100.000
	11/15/2016	7.100%	255,000.00	05/15/2011	100.000
	11/15/2017	7.100%	275,000.00	05/15/2011	100.000
	11/15/2018	7.100%	295,000.00	05/15/2011	100.000
	11/15/2019	7.100%	315,000.00	05/15/2011	100.000
	11/15/2020	7.100%	340,000.00	05/15/2011	100.000
	11/15/2021	7.100%	365,000.00	05/15/2011	100.000
	11/15/2022	7.100%	390,000.00	05/15/2011	100.000
	11/15/2023	7.100%	420,000.00	05/15/2011	100.000
	11/15/2024	7.100%	450,000.00	05/15/2011	100.000

## SUMMARY OF BONDS REFUNDED

City of Watertown, New York  
Sample Composite 2011 Refunding Bonds  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
Public Improvement Bonds, 1997 Series A:					
SERIALS	11/15/2025	7.100%	470,000.00	05/15/2011	100.000
			4,625,000.00		
Public Improvement Bonds, 1997 Series B:					
SERIALS	11/15/2011	5.000%	100,000.00	05/15/2011	100.000
	11/15/2012	5.000%	105,000.00	05/15/2011	100.000
	11/15/2013	5.000%	110,000.00	05/15/2011	100.000
	11/15/2014	5.000%	115,000.00	05/15/2011	100.000
	11/15/2015	5.000%	120,000.00	05/15/2011	100.000
	11/15/2016	5.000%	125,000.00	05/15/2011	100.000
	11/15/2017	5.000%	130,000.00	05/15/2011	100.000
	11/15/2018	5.000%	140,000.00	05/15/2011	100.000
	11/15/2019	5.000%	145,000.00	05/15/2011	100.000
	11/15/2020	5.000%	155,000.00	05/15/2011	100.000
	11/15/2021	5.000%	160,000.00	05/15/2011	100.000
	11/15/2022	5.100%	170,000.00	05/15/2011	100.000
	11/15/2023	5.100%	180,000.00	05/15/2011	100.000
	11/15/2024	5.100%	190,000.00	05/15/2011	100.000
	11/15/2025	5.100%	195,000.00	05/15/2011	100.000
			2,140,000.00		
			8,575,000.00		

## SUMMARY OF FINANCING RESULTS

City of Watertown, New York  
 Sample Composite 2011 Refunding Bonds  
 Preliminary Analysis of Refunding Potential  
 Uninsured Scenario

Series	Bond Par	Bond Yield	Contingency	Escrow Yield	Negative Arbitrage	Net Savings
Sample Series 2011 Refunding - 1997B	2,220,000.00	4.171%	101.01	0.098%	9,093.30	84,053.14
Sample Series 2011 Refunding - 2000	1,110,000.00	2.673%	1,933.42	0.098%	3,428.97	32,539.56
Sample Series 2011 Refunding - 2002	655,000.00	3.060%	2,859.04	0.098%	2,691.06	23,109.82
Sample Series 2011 Refunding - Taxable 1997A	4,855,000.00	6.242%	2,916.47	0.098%		156,047.81
Sample Series 2011 Refunding - Taxable 2002A	110,000.00	5.416%	4,822.41	0.098%		7,372.75
	8,950,000.00		12,632.35		15,213.33	303,123.08

## Aggregate:

Arbitrage Yield	3.873946%
Escrow Yield	0.098381%

## SAVINGS

City of Watertown, New York  
 Sample Composite 2011 Refunding Bonds  
 Preliminary Analysis of Refunding Potential  
 Uninsured Scenario

Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value to 04/05/2011 @ 5.3733850%
06/30/2011	514,333.75	335,439.78	178,893.97	176,622.98
06/30/2012	1,146,867.50	1,134,850.00	12,017.50	9,758.23
06/30/2013	1,105,645.00	1,089,475.75	16,169.25	13,224.32
06/30/2014	989,080.00	978,350.75	10,729.25	8,269.67
06/30/2015	926,262.50	907,683.50	18,579.00	14,441.04
06/30/2016	889,580.00	877,189.75	12,390.25	9,058.38
06/30/2017	817,882.50	800,367.50	17,515.00	12,435.34
06/30/2018	782,242.50	768,724.00	13,518.50	9,112.19
06/30/2019	771,382.50	759,646.25	11,736.25	7,503.96
06/30/2020	749,227.50	732,848.50	16,379.00	10,062.59
06/30/2021	715,925.00	709,514.00	6,411.00	3,776.54
06/30/2022	702,272.50	694,584.25	7,688.25	4,335.44
06/30/2023	702,135.00	697,372.00	4,763.00	2,548.24
06/30/2024	704,455.00	701,667.50	2,787.50	1,414.68
06/30/2025	704,135.00	697,697.25	6,437.75	3,122.78
06/30/2026	686,657.50	676,231.75	10,425.75	4,804.38
	12,908,083.75	12,561,642.53	346,441.22	290,490.74

Savings Summary

PV of savings from cash flow	290,490.74
Plus: Refunding funds on hand	12,632.35
	303,123.09
Net PV Savings	303,123.09

## SUMMARY OF REFUNDING RESULTS

City of Watertown, New York  
Sample Composite 2011 Refunding Bonds  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Dated Date	04/05/2011
Delivery Date	04/05/2011
Arbitrage yield	3.873946%
Escrow yield	0.098381%
Bond Par Amount	8,950,000.00
True Interest Cost	5.465668%
Net Interest Cost	5.550542%
Average Coupon	5.504970%
Average Life	7.330
Par amount of refunded bonds	8,575,000.00
Average coupon of refunded bonds	6.364617%
Average life of refunded bonds	7.571
PV of prior debt to 04/05/2011 @ 5.373385%	9,257,669.08
Net PV Savings	303,123.08
Percentage savings of refunded bonds	3.534963%
Percentage savings of refunding bonds	3.386850%

## BOND PRICING

City of Watertown, New York  
 Sample Composite 2011 Refunding Bonds  
 Preliminary Analysis of Refunding Potential  
 Uninsured Scenario

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Serial Bonds:					
	05/15/2011	285,000	2.000%	1.250%	100.082
	11/15/2011	120,000	2.000%	1.250%	100.454
	05/15/2012	370,000	2.000%	1.750%	100.273
	11/15/2012	120,000	2.000%	1.850%	100.236
	05/15/2013	340,000	3.000%	2.050%	101.951
	11/15/2013	125,000	3.000%	2.190%	102.043
	05/15/2014	235,000	3.000%	2.400%	101.786
	11/15/2014	125,000	3.000%	2.570%	101.472
	05/15/2015	175,000	3.000%	2.890%	100.421
	11/15/2015	130,000	3.000%	2.890%	100.469
	05/15/2016	150,000	3.250%	3.170%	100.372
	11/15/2016	130,000	3.250%	3.170%	100.406
	05/15/2017	85,000	3.500%	3.470%	100.161
	11/15/2017	135,000	3.500%	3.470%	100.173
	05/15/2018	55,000	4.000%	3.720%	101.732
	11/15/2018	145,000	4.000%	3.720%	101.838
	05/15/2019	45,000	4.000%	3.930%	100.478
	11/15/2019	150,000	4.000%	3.930%	100.503
	05/15/2020	25,000	4.000%	4.140%	98.942
	11/15/2020	155,000	4.000%	4.140%	98.895
	11/15/2021	160,000	4.250%	4.300%	99.573
	11/15/2022	170,000	4.500%	4.500%	100.000
	11/15/2023	180,000	4.625%	4.680%	99.475
	11/15/2024	185,000	4.750%	4.850%	99.007
	11/15/2025	190,000	4.875%	4.980%	98.913
		3,985,000			
Taxable Serial Bonds:					
	05/15/2011	5,000	1.840%	1.840%	100.000
	11/15/2011	230,000	1.840%	1.840%	100.000
	05/15/2012	15,000	2.610%	2.610%	100.000
	11/15/2012	235,000	2.610%	2.610%	100.000
	05/15/2013	10,000	3.610%	3.610%	100.000
	11/15/2013	245,000	3.610%	3.610%	100.000
	05/15/2014	10,000	3.960%	3.960%	100.000
	11/15/2014	255,000	3.960%	3.960%	100.000
	05/15/2015	10,000	4.470%	4.470%	100.000
	11/15/2015	265,000	4.470%	4.470%	100.000
	05/15/2016	10,000	4.720%	4.720%	100.000
	11/15/2016	275,000	4.720%	4.720%	100.000
	05/15/2017	10,000	4.970%	4.970%	100.000
	11/15/2017	290,000	4.970%	4.970%	100.000
	05/15/2018	10,000	5.790%	5.790%	100.000
	11/15/2018	305,000	5.790%	5.790%	100.000
	05/15/2019	10,000	6.040%	6.040%	100.000
	11/15/2019	320,000	6.040%	6.040%	100.000
	05/15/2020	10,000	6.340%	6.340%	100.000
	11/15/2020	345,000	6.340%	6.340%	100.000
	05/15/2021	10,000	6.490%	6.490%	100.000
	11/15/2021	365,000	6.490%	6.490%	100.000

BOND PRICING

City of Watertown, New York  
 Sample Composite 2011 Refunding Bonds  
 Preliminary Analysis of Refunding Potential  
 Uninsured Scenario

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Taxable Serial Bonds:					
	11/15/2022	390,000	6.740%	6.740%	100.000
	11/15/2023	420,000	6.940%	6.940%	100.000
	11/15/2024	450,000	7.040%	7.040%	100.000
	11/15/2025	<u>465,000</u>	7.140%	7.140%	100.000
		4,965,000			
		8,950,000			

Dated Date	04/05/2011	
Delivery Date	04/05/2011	
First Coupon	05/15/2011	
Par Amount	8,950,000.00	
Premium	<u>17,178.20</u>	
Production	8,967,178.20	100.191935%
Underwriter's Discount	<u>-47,077.00</u>	-0.526000%
Purchase Price	8,920,101.20	99.665935%
Accrued Interest		
Net Proceeds	8,920,101.20	

## BOND DEBT SERVICE

City of Watertown, New York  
Sample Composite 2011 Refunding Bonds  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
06/30/2011	290,000	**	45,439.78	335,439.78	335,439.78
12/30/2011	350,000	**	201,583.00	551,583.00	
06/30/2012	385,000	**	198,267.00	583,267.00	1,134,850.00
12/30/2012	355,000	**	194,371.25	549,371.25	
06/30/2013	350,000	**	190,104.50	540,104.50	1,089,475.75
12/30/2013	370,000	**	184,824.00	554,824.00	
06/30/2014	245,000	**	178,526.75	423,526.75	978,350.75
12/30/2014	380,000	**	174,803.75	554,803.75	
06/30/2015	185,000	**	167,879.75	352,879.75	907,683.50
12/30/2015	395,000	**	165,031.25	560,031.25	
06/30/2016	160,000	**	157,158.50	317,158.50	877,189.75
12/30/2016	405,000	**	154,485.00	559,485.00	
06/30/2017	95,000	**	145,882.50	240,882.50	800,367.50
12/30/2017	425,000	**	144,146.50	569,146.50	
06/30/2018	65,000	**	134,577.50	199,577.50	768,724.00
12/30/2018	450,000	**	133,188.00	583,188.00	
06/30/2019	55,000	**	121,458.25	176,458.25	759,646.25
12/30/2019	470,000	**	120,256.25	590,256.25	
06/30/2020	35,000	**	107,592.25	142,592.25	732,848.50
12/30/2020	500,000	**	106,775.25	606,775.25	
06/30/2021	10,000	6.490%	92,738.75	102,738.75	709,514.00
12/30/2021	525,000	**	92,414.25	617,414.25	
06/30/2022			77,170.00	77,170.00	694,584.25
12/30/2022	560,000	**	77,170.00	637,170.00	
06/30/2023			60,202.00	60,202.00	697,372.00
12/30/2023	600,000	**	60,202.00	660,202.00	
06/30/2024			41,465.50	41,465.50	701,667.50
12/30/2024	635,000	**	41,465.50	676,465.50	
06/30/2025			21,231.75	21,231.75	697,697.25
12/30/2025	655,000	**	21,231.75	676,231.75	676,231.75
	8,950,000		3,611,642.53	12,561,642.53	12,561,642.53

## BOND SUMMARY STATISTICS

City of Watertown, New York  
Sample Composite 2011 Refunding Bonds  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Dated Date	04/05/2011
Delivery Date	04/05/2011
Last Maturity	11/15/2025
Arbitrage Yield	3.873946%
True Interest Cost (TIC)	5.465668%
Net Interest Cost (NIC)	5.550542%
All-In TIC	5.604342%
Average Coupon	5.504970%
Average Life (years)	7.330
Duration of Issue (years)	5.850
Par Amount	8,950,000.00
Bond Proceeds	8,967,178.20
Total Interest	3,611,642.53
Net Interest	3,641,541.33
Total Debt Service	12,561,642.53
Maximum Annual Debt Service	1,134,850.00
Average Annual Debt Service	859,732.19

Bond Component	Par Value	Price	Average Coupon	Average Life
Serial Bonds	3,985,000.00	100.431	4.015%	5.839
Taxable Serial Bonds	4,965,000.00	100.000	6.324%	8.528
	8,950,000.00			7.330

	TIC	All-In TIC	Arbitrage Yield
Par Value	8,950,000.00	8,950,000.00	3,985,000.00
+ Accrued Interest			
+ Premium (Discount)	17,178.20	17,178.20	17,178.20
- Underwriter's Discount	-47,077.00	-47,077.00	
- Cost of Issuance Expense		-70,000.00	
- Other Amounts			
Target Value	8,920,101.20	8,850,101.20	4,002,178.20
Target Date	04/05/2011	04/05/2011	04/05/2011
Yield	5.465668%	5.604342%	3.873946%

## PRIOR BOND DEBT SERVICE

City of Watertown, New York  
 Sample Composite 2011 Refunding Bonds  
 Preliminary Analysis of Refunding Potential  
 Uninsured Scenario

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
04/05/2011					
05/15/2011			235,965.00	235,965.00	
06/15/2011	250,000	5.200%	28,368.75	278,368.75	514,333.75
11/15/2011	280,000	**	235,965.00	515,965.00	
12/15/2011			21,868.75	21,868.75	
05/15/2012	110,000	**	227,165.00	337,165.00	
06/15/2012	250,000	5.200%	21,868.75	271,868.75	1,146,867.50
11/15/2012	300,000	**	224,727.50	524,727.50	
12/15/2012			15,368.75	15,368.75	
05/15/2013	110,000	**	215,180.00	325,180.00	
06/15/2013	225,000	5.250%	15,368.75	240,368.75	1,105,645.00
11/15/2013	320,000	**	212,680.00	532,680.00	
12/15/2013			9,462.50	9,462.50	
05/15/2014	110,000	**	202,475.00	312,475.00	
06/15/2014	125,000	5.300%	9,462.50	134,462.50	989,080.00
11/15/2014	340,000	**	199,912.50	539,912.50	
12/15/2014			6,150.00	6,150.00	
05/15/2015	110,000	**	189,050.00	299,050.00	
06/15/2015	75,000	5.400%	6,150.00	81,150.00	926,262.50
11/15/2015	360,000	**	186,425.00	546,425.00	
12/15/2015			4,125.00	4,125.00	
05/15/2016	110,000	**	174,905.00	284,905.00	
06/15/2016	50,000	5.500%	4,125.00	54,125.00	889,580.00
11/15/2016	380,000	**	172,280.00	552,280.00	
12/15/2016			2,750.00	2,750.00	
05/15/2017	60,000	**	160,102.50	220,102.50	
06/15/2017	40,000	5.500%	2,750.00	42,750.00	817,882.50
11/15/2017	405,000	**	158,477.50	563,477.50	
12/15/2017			1,650.00	1,650.00	
05/15/2018	45,000	**	145,465.00	190,465.00	
06/15/2018	25,000	5.500%	1,650.00	26,650.00	782,242.50
11/15/2018	435,000	**	144,215.00	579,215.00	
12/15/2018			962.50	962.50	
05/15/2019	35,000	**	130,242.50	165,242.50	
06/15/2019	25,000	5.500%	962.50	25,962.50	771,382.50
11/15/2019	460,000	**	129,242.50	589,242.50	
12/15/2019			275.00	275.00	
05/15/2020	35,000	**	114,435.00	149,435.00	
06/15/2020	10,000	5.500%	275.00	10,275.00	749,227.50
11/15/2020	495,000	**	113,435.00	608,435.00	
05/15/2021	10,000	7.500%	97,490.00	107,490.00	715,925.00
11/15/2021	525,000	**	97,115.00	622,115.00	
05/15/2022			80,157.50	80,157.50	702,272.50
11/15/2022	560,000	**	80,157.50	640,157.50	
05/15/2023			61,977.50	61,977.50	702,135.00
11/15/2023	600,000	**	61,977.50	661,977.50	
05/15/2024			42,477.50	42,477.50	704,455.00
11/15/2024	640,000	**	42,477.50	682,477.50	
05/15/2025			21,657.50	21,657.50	704,135.00
11/15/2025	665,000	**	21,657.50	686,657.50	686,657.50
	8,575,000		4,333,083.75	12,908,083.75	12,908,083.75

## SOURCES AND USES OF FUNDS

City of Watertown, New York  
Tax Exempt  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

## Sources:

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Bond Proceeds:	
Par Amount	3,985,000.00
Net Premium	17,178.20
	<hr/>
	4,002,178.20

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## Uses:

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Refunding Escrow Deposits:	
Cash Deposit	1.03
SLG Purchases	<hr/>
	3,945,155.00
	3,945,156.03
Delivery Date Expenses:	
Cost of Issuance	31,167.60
Underwriter's Discount	<hr/>
	20,961.10
	52,128.70
Other Uses of Funds:	
Additional Proceeds	4,893.47
	<hr/>
	4,002,178.20

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## SUMMARY OF BONDS REFUNDED

City of Watertown, New York  
Tax Exempt  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
Public Improvement Bonds, 2000:					
SERIALS	06/15/2011	5.200%	250,000.00	05/05/2011	100.500
	06/15/2012	5.200%	250,000.00	05/05/2011	100.500
	06/15/2013	5.250%	225,000.00	05/05/2011	100.500
	06/15/2014	5.300%	125,000.00	05/05/2011	100.500
	06/15/2015	5.400%	75,000.00	05/05/2011	100.500
	06/15/2016	5.500%	50,000.00	05/05/2011	100.500
	06/15/2017	5.500%	40,000.00	05/05/2011	100.500
	06/15/2018	5.500%	25,000.00	05/05/2011	100.500
	06/15/2019	5.500%	25,000.00	05/05/2011	100.500
	06/15/2020	5.500%	10,000.00	05/05/2011	100.500
			1,075,000.00		
Public Improvement Bonds, 2002:					
SERIALS	05/15/2012	4.125%	100,000.00	05/15/2011	100.000
	05/15/2013	4.250%	100,000.00	05/15/2011	100.000
	05/15/2014	4.375%	100,000.00	05/15/2011	100.000
	05/15/2015	4.500%	100,000.00	05/15/2011	100.000
	05/15/2016	4.500%	100,000.00	05/15/2011	100.000
	05/15/2017	5.000%	50,000.00	05/15/2011	100.000
	05/15/2018	5.000%	35,000.00	05/15/2011	100.000
	05/15/2019	5.000%	25,000.00	05/15/2011	100.000
	05/15/2020	5.000%	25,000.00	05/15/2011	100.000
			635,000.00		
Public Improvement Bonds, 1997 Series B:					
SERIALS	11/15/2011	5.000%	100,000.00	05/15/2011	100.000
	11/15/2012	5.000%	105,000.00	05/15/2011	100.000
	11/15/2013	5.000%	110,000.00	05/15/2011	100.000
	11/15/2014	5.000%	115,000.00	05/15/2011	100.000
	11/15/2015	5.000%	120,000.00	05/15/2011	100.000
	11/15/2016	5.000%	125,000.00	05/15/2011	100.000
	11/15/2017	5.000%	130,000.00	05/15/2011	100.000
	11/15/2018	5.000%	140,000.00	05/15/2011	100.000
	11/15/2019	5.000%	145,000.00	05/15/2011	100.000
	11/15/2020	5.000%	155,000.00	05/15/2011	100.000
	11/15/2021	5.000%	160,000.00	05/15/2011	100.000
	11/15/2022	5.100%	170,000.00	05/15/2011	100.000
	11/15/2023	5.100%	180,000.00	05/15/2011	100.000
	11/15/2024	5.100%	190,000.00	05/15/2011	100.000
	11/15/2025	5.100%	195,000.00	05/15/2011	100.000
			2,140,000.00		
			3,850,000.00		

## SAVINGS

City of Watertown, New York  
Tax Exempt  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value to 04/05/2011 @ 5.3733850%
06/30/2011	346,486.25	299,713.89	46,772.36	45,277.49
06/30/2012	627,472.50	615,525.00	11,947.50	10,208.28
06/30/2013	585,222.50	575,725.00	9,497.50	7,613.12
06/30/2014	468,785.00	462,450.00	6,335.00	4,857.75
06/30/2015	407,160.00	391,650.00	15,510.00	12,232.33
06/30/2016	372,735.00	362,575.00	10,160.00	7,564.24
06/30/2017	304,360.00	288,637.50	15,722.50	11,290.96
06/30/2018	268,285.00	256,187.50	12,097.50	8,239.12
06/30/2019	258,410.00	248,725.00	9,685.00	6,224.82
06/30/2020	238,660.00	226,025.00	12,635.00	7,750.89
06/30/2021	204,360.00	198,925.00	5,435.00	3,228.29
06/30/2022	201,485.00	197,425.00	4,060.00	2,287.18
06/30/2023	203,150.00	200,200.00	2,950.00	1,576.57
06/30/2024	204,225.00	202,212.50	2,012.50	1,020.53
06/30/2025	204,790.00	198,656.25	6,133.75	2,976.13
06/30/2026	199,972.50	194,631.25	5,341.25	2,461.35
	5,095,558.75	4,919,263.89	176,294.86	134,809.06

Savings Summary

PV of savings from cash flow	134,809.06
Plus: Refunding funds on hand	4,893.47
	139,702.53
Net PV Savings	139,702.53

## SUMMARY OF REFUNDING RESULTS

City of Watertown, New York  
Tax Exempt  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Dated Date	04/05/2011
Delivery Date	04/05/2011
Arbitrage yield	3.873946%
Escrow yield	0.098381%
Bond Par Amount	3,985,000.00
True Interest Cost	3.980368%
Net Interest Cost	4.031527%
Average Coupon	4.015269%
Average Life	5.839
Par amount of refunded bonds	3,850,000.00
Average coupon of refunded bonds	5.042364%
Average life of refunded bonds	6.054
PV of prior debt to 04/05/2011 @ 5.373385%	3,858,672.56
Net PV Savings	139,702.52
Percentage savings of refunded bonds	3.628637%
Percentage savings of refunding bonds	3.505709%

## BOND PRICING

City of Watertown, New York  
Tax Exempt  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Serial Bonds:					
	05/15/2011	285,000	2.000%	1.250%	100.082
	11/15/2011	120,000	2.000%	1.250%	100.454
	05/15/2012	370,000	2.000%	1.750%	100.273
	11/15/2012	120,000	2.000%	1.850%	100.236
	05/15/2013	340,000	3.000%	2.050%	101.951
	11/15/2013	125,000	3.000%	2.190%	102.043
	05/15/2014	235,000	3.000%	2.400%	101.786
	11/15/2014	125,000	3.000%	2.570%	101.472
	05/15/2015	175,000	3.000%	2.890%	100.421
	11/15/2015	130,000	3.000%	2.890%	100.469
	05/15/2016	150,000	3.250%	3.170%	100.372
	11/15/2016	130,000	3.250%	3.170%	100.406
	05/15/2017	85,000	3.500%	3.470%	100.161
	11/15/2017	135,000	3.500%	3.470%	100.173
	05/15/2018	55,000	4.000%	3.720%	101.732
	11/15/2018	145,000	4.000%	3.720%	101.838
	05/15/2019	45,000	4.000%	3.930%	100.478
	11/15/2019	150,000	4.000%	3.930%	100.503
	05/15/2020	25,000	4.000%	4.140%	98.942
	11/15/2020	155,000	4.000%	4.140%	98.895
	11/15/2021	160,000	4.250%	4.300%	99.573
	11/15/2022	170,000	4.500%	4.500%	100.000
	11/15/2023	180,000	4.625%	4.680%	99.475
	11/15/2024	185,000	4.750%	4.850%	99.007
	11/15/2025	190,000	4.875%	4.980%	98.913
		3,985,000			

Dated Date	04/05/2011	
Delivery Date	04/05/2011	
First Coupon	05/15/2011	
Par Amount	3,985,000.00	
Premium	17,178.20	
Production	4,002,178.20	100.431072%
Underwriter's Discount	-20,961.10	-0.526000%
Purchase Price	3,981,217.10	99.905072%
Accrued Interest		
Net Proceeds	3,981,217.10	

## BOND DEBT SERVICE

City of Watertown, New York  
Tax Exempt  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
06/30/2011	285,000	2.000%	14,713.89	299,713.89	299,713.89
12/30/2011	120,000	2.000%	63,362.50	183,362.50	
06/30/2012	370,000	2.000%	62,162.50	432,162.50	615,525.00
12/30/2012	120,000	2.000%	58,462.50	178,462.50	
06/30/2013	340,000	3.000%	57,262.50	397,262.50	575,725.00
12/30/2013	125,000	3.000%	52,162.50	177,162.50	
06/30/2014	235,000	3.000%	50,287.50	285,287.50	462,450.00
12/30/2014	125,000	3.000%	46,762.50	171,762.50	
06/30/2015	175,000	3.000%	44,887.50	219,887.50	391,650.00
12/30/2015	130,000	3.000%	42,262.50	172,262.50	
06/30/2016	150,000	3.250%	40,312.50	190,312.50	362,575.00
12/30/2016	130,000	3.250%	37,875.00	167,875.00	
06/30/2017	85,000	3.500%	35,762.50	120,762.50	288,637.50
12/30/2017	135,000	3.500%	34,275.00	169,275.00	
06/30/2018	55,000	4.000%	31,912.50	86,912.50	256,187.50
12/30/2018	145,000	4.000%	30,812.50	175,812.50	
06/30/2019	45,000	4.000%	27,912.50	72,912.50	248,725.00
12/30/2019	150,000	4.000%	27,012.50	177,012.50	
06/30/2020	25,000	4.000%	24,012.50	49,012.50	226,025.00
12/30/2020	155,000	4.000%	23,512.50	178,512.50	
06/30/2021			20,412.50	20,412.50	198,925.00
12/30/2021	160,000	4.250%	20,412.50	180,412.50	
06/30/2022			17,012.50	17,012.50	197,425.00
12/30/2022	170,000	4.500%	17,012.50	187,012.50	
06/30/2023			13,187.50	13,187.50	200,200.00
12/30/2023	180,000	4.625%	13,187.50	193,187.50	
06/30/2024			9,025.00	9,025.00	202,212.50
12/30/2024	185,000	4.750%	9,025.00	194,025.00	
06/30/2025			4,631.25	4,631.25	198,656.25
12/30/2025	190,000	4.875%	4,631.25	194,631.25	194,631.25
	3,985,000		934,263.89	4,919,263.89	4,919,263.89

BOND SUMMARY STATISTICS

City of Watertown, New York  
 Tax Exempt  
 Preliminary Analysis of Refunding Potential  
 Uninsured Scenario

Dated Date	04/05/2011
Delivery Date	04/05/2011
Last Maturity	11/15/2025
Arbitrage Yield	3.873946%
True Interest Cost (TIC)	3.980368%
Net Interest Cost (NIC)	4.031527%
All-In TIC	4.140454%
Average Coupon	4.015269%
Average Life (years)	5.839
Duration of Issue (years)	5.022
Par Amount	3,985,000.00
Bond Proceeds	4,002,178.20
Total Interest	934,263.89
Net Interest	938,046.79
Total Debt Service	4,919,263.89
Maximum Annual Debt Service	615,525.00
Average Annual Debt Service	336,679.66

Bond Component	Par Value	Price	Average Coupon	Average Life
Serial Bonds	3,985,000.00	100.431	4.015%	5.839
	3,985,000.00			5.839

	TIC	All-In TIC	Arbitrage Yield
Par Value	3,985,000.00	3,985,000.00	3,985,000.00
+ Accrued Interest			
+ Premium (Discount)	17,178.20	17,178.20	17,178.20
- Underwriter's Discount	-20,961.10	-20,961.10	
- Cost of Issuance Expense		-31,167.60	
- Other Amounts			
Target Value	3,981,217.10	3,950,049.50	4,002,178.20
Target Date	04/05/2011	04/05/2011	04/05/2011
Yield	3.980368%	4.140454%	3.873946%

## PRIOR BOND DEBT SERVICE

City of Watertown, New York  
Tax Exempt  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
04/05/2011					
05/15/2011			68,117.50	68,117.50	
06/15/2011	250,000	5.200%	28,368.75	278,368.75	346,486.25
11/15/2011	100,000	5.000%	68,117.50	168,117.50	
12/15/2011			21,868.75	21,868.75	
05/15/2012	100,000	4.125%	65,617.50	165,617.50	
06/15/2012	250,000	5.200%	21,868.75	271,868.75	627,472.50
11/15/2012	105,000	5.000%	63,555.00	168,555.00	
12/15/2012			15,368.75	15,368.75	
05/15/2013	100,000	4.250%	60,930.00	160,930.00	
06/15/2013	225,000	5.250%	15,368.75	240,368.75	585,222.50
11/15/2013	110,000	5.000%	58,805.00	168,805.00	
12/15/2013			9,462.50	9,462.50	
05/15/2014	100,000	4.375%	56,055.00	156,055.00	
06/15/2014	125,000	5.300%	9,462.50	134,462.50	468,785.00
11/15/2014	115,000	5.000%	53,867.50	168,867.50	
12/15/2014			6,150.00	6,150.00	
05/15/2015	100,000	4.500%	50,992.50	150,992.50	
06/15/2015	75,000	5.400%	6,150.00	81,150.00	407,160.00
11/15/2015	120,000	5.000%	48,742.50	168,742.50	
12/15/2015			4,125.00	4,125.00	
05/15/2016	100,000	4.500%	45,742.50	145,742.50	
06/15/2016	50,000	5.500%	4,125.00	54,125.00	372,735.00
11/15/2016	125,000	5.000%	43,492.50	168,492.50	
12/15/2016			2,750.00	2,750.00	
05/15/2017	50,000	5.000%	40,367.50	90,367.50	
06/15/2017	40,000	5.500%	2,750.00	42,750.00	304,360.00
11/15/2017	130,000	5.000%	39,117.50	169,117.50	
12/15/2017			1,650.00	1,650.00	
05/15/2018	35,000	5.000%	35,867.50	70,867.50	
06/15/2018	25,000	5.500%	1,650.00	26,650.00	268,285.00
11/15/2018	140,000	5.000%	34,992.50	174,992.50	
12/15/2018			962.50	962.50	
05/15/2019	25,000	5.000%	31,492.50	56,492.50	
06/15/2019	25,000	5.500%	962.50	25,962.50	258,410.00
11/15/2019	145,000	5.000%	30,867.50	175,867.50	
12/15/2019			275.00	275.00	
05/15/2020	25,000	5.000%	27,242.50	52,242.50	
06/15/2020	10,000	5.500%	275.00	10,275.00	238,660.00
11/15/2020	155,000	5.000%	26,617.50	181,617.50	
05/15/2021			22,742.50	22,742.50	204,360.00
11/15/2021	160,000	5.000%	22,742.50	182,742.50	
05/15/2022			18,742.50	18,742.50	201,485.00
11/15/2022	170,000	5.100%	18,742.50	188,742.50	
05/15/2023			14,407.50	14,407.50	203,150.00
11/15/2023	180,000	5.100%	14,407.50	194,407.50	
05/15/2024			9,817.50	9,817.50	204,225.00
11/15/2024	190,000	5.100%	9,817.50	199,817.50	
05/15/2025			4,972.50	4,972.50	204,790.00
11/15/2025	195,000	5.100%	4,972.50	199,972.50	199,972.50
	3,850,000		1,245,558.75	5,095,558.75	5,095,558.75

## ESCROW REQUIREMENTS

City of Watertown, New York  
Tax Exempt  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Period Ending	Interest	Principal Redeemed	Redemption Premium	Total
05/05/2011	22,064.58	1,075,000.00	5,375.00	1,102,439.58
05/15/2011	68,117.50	2,775,000.00		2,843,117.50
	90,182.08	3,850,000.00	5,375.00	3,945,557.08

## ESCROW COST

City of Watertown, New York  
Tax Exempt  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Type of Security	Maturity Date	Par Amount	Rate	Total Cost
SLG	05/05/2011	1,102,349	0.100%	1,102,349.00
SLG	05/15/2011	2,842,806	0.100%	2,842,806.00
3,945,155				3,945,155.00

Purchase Date	Cost of Securities	Cash Deposit	Total Escrow Cost
04/05/2011	3,945,155	1.03	3,945,156.03
3,945,155		1.03	3,945,156.03

## ESCROW CASH FLOW

City of Watertown, New York  
Tax Exempt  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Date	Principal	Interest	Net Escrow Receipts
05/05/2011	1,102,349.00	90.36	1,102,439.36
05/15/2011	2,842,806.00	310.69	2,843,116.69
	3,945,155.00	401.05	3,945,556.05

Escrow Cost Summary

Purchase date	04/05/2011
Purchase cost of securities	3,945,155.00

## ESCROW SUFFICIENCY

City of Watertown, New York  
Tax Exempt  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Date	Escrow Requirement	Net Escrow Receipts	Excess Receipts	Excess Balance
04/05/2011		1.03	1.03	1.03
05/05/2011	1,102,439.58	1,102,439.36	-0.22	0.81
05/15/2011	2,843,117.50	2,843,116.69	-0.81	
	3,945,557.08	3,945,557.08	0.00	

## SOURCES AND USES OF FUNDS

City of Watertown, New York  
Taxable  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

## Sources:

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Bond Proceeds:	
Par Amount	4,965,000.00
	<hr/>
	4,965,000.00

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## Uses:

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Refunding Escrow Deposits:	
Cash Deposit	0.82
SLG Purchases	<hr/>
	4,892,312.00
	4,892,312.82
Delivery Date Expenses:	
Cost of Issuance	38,832.40
Underwriter's Discount	<hr/>
	26,115.90
	64,948.30
Other Uses of Funds:	
Additional Proceeds	7,738.88
	<hr/>
	4,965,000.00

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## SUMMARY OF BONDS REFUNDED

City of Watertown, New York  
Taxable  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
Hydroelectric Plan Bonds, 2002 (Taxable):					
SERIALS	05/15/2012	7.500%	10,000.00	05/15/2011	100.000
	05/15/2013	7.500%	10,000.00	05/15/2011	100.000
	05/15/2014	7.500%	10,000.00	05/15/2011	100.000
	05/15/2015	7.500%	10,000.00	05/15/2011	100.000
	05/15/2016	7.500%	10,000.00	05/15/2011	100.000
	05/15/2017	7.500%	10,000.00	05/15/2011	100.000
	05/15/2018	7.500%	10,000.00	05/15/2011	100.000
	05/15/2019	7.500%	10,000.00	05/15/2011	100.000
	05/15/2020	7.500%	10,000.00	05/15/2011	100.000
	05/15/2021	7.500%	10,000.00	05/15/2011	100.000
			100,000.00		
Public Improvement Bonds, 1997 Series A:					
SERIALS	11/15/2011	7.000%	180,000.00	05/15/2011	100.000
	11/15/2012	7.100%	195,000.00	05/15/2011	100.000
	11/15/2013	7.100%	210,000.00	05/15/2011	100.000
	11/15/2014	7.100%	225,000.00	05/15/2011	100.000
	11/15/2015	7.100%	240,000.00	05/15/2011	100.000
	11/15/2016	7.100%	255,000.00	05/15/2011	100.000
	11/15/2017	7.100%	275,000.00	05/15/2011	100.000
	11/15/2018	7.100%	295,000.00	05/15/2011	100.000
	11/15/2019	7.100%	315,000.00	05/15/2011	100.000
	11/15/2020	7.100%	340,000.00	05/15/2011	100.000
	11/15/2021	7.100%	365,000.00	05/15/2011	100.000
	11/15/2022	7.100%	390,000.00	05/15/2011	100.000
	11/15/2023	7.100%	420,000.00	05/15/2011	100.000
	11/15/2024	7.100%	450,000.00	05/15/2011	100.000
	11/15/2025	7.100%	470,000.00	05/15/2011	100.000
			4,625,000.00		
			4,725,000.00		

## SAVINGS

City of Watertown, New York  
Taxable  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value to 04/05/2011 @ 5.3733850%
06/30/2011	167,847.50	35,725.89	132,121.61	131,345.49
06/30/2012	519,395.00	519,325.00	70.00	-450.05
06/30/2013	520,422.50	513,750.75	6,671.75	5,611.20
06/30/2014	520,295.00	515,900.75	4,394.25	3,411.91
06/30/2015	519,102.50	516,033.50	3,069.00	2,208.71
06/30/2016	516,845.00	514,614.75	2,230.25	1,494.14
06/30/2017	513,522.50	511,730.00	1,792.50	1,144.38
06/30/2018	513,957.50	512,536.50	1,421.00	873.06
06/30/2019	512,972.50	510,921.25	2,051.25	1,279.14
06/30/2020	510,567.50	506,823.50	3,744.00	2,311.70
06/30/2021	511,565.00	510,589.00	976.00	548.25
06/30/2022	500,787.50	497,159.25	3,628.25	2,048.26
06/30/2023	498,985.00	497,172.00	1,813.00	971.67
06/30/2024	500,230.00	499,455.00	775.00	394.15
06/30/2025	499,345.00	499,041.00	304.00	146.64
06/30/2026	486,685.00	481,600.50	5,084.50	2,343.03
	7,812,525.00	7,642,378.64	170,146.36	155,681.68

Savings Summary

PV of savings from cash flow	155,681.68
Plus: Refunding funds on hand	7,738.88
	163,420.56
Net PV Savings	163,420.56

## SUMMARY OF REFUNDING RESULTS

City of Watertown, New York  
Taxable  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Dated Date	04/05/2011
Delivery Date	04/05/2011
Arbitrage yield	6.242221%
Escrow yield	0.098381%
Bond Par Amount	4,965,000.00
True Interest Cost	6.314072%
Net Interest Cost	6.385328%
Average Coupon	6.323645%
Average Life	8.528
Par amount of refunded bonds	4,725,000.00
Average coupon of refunded bonds	7.105129%
Average life of refunded bonds	8.808
PV of prior debt to 04/05/2011 @ 5.373385%	5,398,996.52
Net PV Savings	163,420.56
Percentage savings of refunded bonds	3.458636%
Percentage savings of refunding bonds	3.291451%

## BOND PRICING

City of Watertown, New York  
Taxable  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Taxable Serial Bonds:					
	05/15/2011	5,000	1.840%	1.840%	100.000
	11/15/2011	230,000	1.840%	1.840%	100.000
	05/15/2012	15,000	2.610%	2.610%	100.000
	11/15/2012	235,000	2.610%	2.610%	100.000
	05/15/2013	10,000	3.610%	3.610%	100.000
	11/15/2013	245,000	3.610%	3.610%	100.000
	05/15/2014	10,000	3.960%	3.960%	100.000
	11/15/2014	255,000	3.960%	3.960%	100.000
	05/15/2015	10,000	4.470%	4.470%	100.000
	11/15/2015	265,000	4.470%	4.470%	100.000
	05/15/2016	10,000	4.720%	4.720%	100.000
	11/15/2016	275,000	4.720%	4.720%	100.000
	05/15/2017	10,000	4.970%	4.970%	100.000
	11/15/2017	290,000	4.970%	4.970%	100.000
	05/15/2018	10,000	5.790%	5.790%	100.000
	11/15/2018	305,000	5.790%	5.790%	100.000
	05/15/2019	10,000	6.040%	6.040%	100.000
	11/15/2019	320,000	6.040%	6.040%	100.000
	05/15/2020	10,000	6.340%	6.340%	100.000
	11/15/2020	345,000	6.340%	6.340%	100.000
	05/15/2021	10,000	6.490%	6.490%	100.000
	11/15/2021	365,000	6.490%	6.490%	100.000
	11/15/2022	390,000	6.740%	6.740%	100.000
	11/15/2023	420,000	6.940%	6.940%	100.000
	11/15/2024	450,000	7.040%	7.040%	100.000
	11/15/2025	465,000	7.140%	7.140%	100.000
		4,965,000			

Dated Date	04/05/2011	
Delivery Date	04/05/2011	
First Coupon	05/15/2011	
Par Amount	4,965,000.00	
Original Issue Discount		
Production	4,965,000.00	100.000000%
Underwriter's Discount	-26,115.90	-0.526000%
Purchase Price	4,938,884.10	99.474000%
Accrued Interest		
Net Proceeds	4,938,884.10	

## BOND DEBT SERVICE

City of Watertown, New York  
Taxable  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
06/30/2011	5,000	1.840%	30,725.89	35,725.89	35,725.89
12/30/2011	230,000	1.840%	138,220.50	368,220.50	
06/30/2012	15,000	2.610%	136,104.50	151,104.50	519,325.00
12/30/2012	235,000	2.610%	135,908.75	370,908.75	
06/30/2013	10,000	3.610%	132,842.00	142,842.00	513,750.75
12/30/2013	245,000	3.610%	132,661.50	377,661.50	
06/30/2014	10,000	3.960%	128,239.25	138,239.25	515,900.75
12/30/2014	255,000	3.960%	128,041.25	383,041.25	
06/30/2015	10,000	4.470%	122,992.25	132,992.25	516,033.50
12/30/2015	265,000	4.470%	122,768.75	387,768.75	
06/30/2016	10,000	4.720%	116,846.00	126,846.00	514,614.75
12/30/2016	275,000	4.720%	116,610.00	391,610.00	
06/30/2017	10,000	4.970%	110,120.00	120,120.00	511,730.00
12/30/2017	290,000	4.970%	109,871.50	399,871.50	
06/30/2018	10,000	5.790%	102,665.00	112,665.00	512,536.50
12/30/2018	305,000	5.790%	102,375.50	407,375.50	
06/30/2019	10,000	6.040%	93,545.75	103,545.75	510,921.25
12/30/2019	320,000	6.040%	93,243.75	413,243.75	
06/30/2020	10,000	6.340%	83,579.75	93,579.75	506,823.50
12/30/2020	345,000	6.340%	83,262.75	428,262.75	
06/30/2021	10,000	6.490%	72,326.25	82,326.25	510,589.00
12/30/2021	365,000	6.490%	72,001.75	437,001.75	
06/30/2022			60,157.50	60,157.50	497,159.25
12/30/2022	390,000	6.740%	60,157.50	450,157.50	
06/30/2023			47,014.50	47,014.50	497,172.00
12/30/2023	420,000	6.940%	47,014.50	467,014.50	
06/30/2024			32,440.50	32,440.50	499,455.00
12/30/2024	450,000	7.040%	32,440.50	482,440.50	
06/30/2025			16,600.50	16,600.50	499,041.00
12/30/2025	465,000	7.140%	16,600.50	481,600.50	481,600.50
	4,965,000		2,677,378.64	7,642,378.64	7,642,378.64

## BOND SUMMARY STATISTICS

City of Watertown, New York  
Taxable  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Dated Date	04/05/2011
Delivery Date	04/05/2011
Last Maturity	11/15/2025
Arbitrage Yield	6.242221%
True Interest Cost (TIC)	6.314072%
Net Interest Cost (NIC)	6.385328%
All-In TIC	6.440301%
Average Coupon	6.323645%
Average Life (years)	8.528
Duration of Issue (years)	6.464
Par Amount	4,965,000.00
Bond Proceeds	4,965,000.00
Total Interest	2,677,378.64
Net Interest	2,703,494.54
Total Debt Service	7,642,378.64
Maximum Annual Debt Service	519,325.00
Average Annual Debt Service	523,052.53

Bond Component	Par Value	Price	Average Coupon	Average Life
Taxable Serial Bonds	4,965,000.00	100.000	6.324%	8.528
	4,965,000.00			8.528

	TIC	All-In TIC	Arbitrage Yield
Par Value	4,965,000.00	4,965,000.00	4,965,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount	-26,115.90	-26,115.90	
- Cost of Issuance Expense		-38,832.40	
- Other Amounts			
Target Value	4,938,884.10	4,900,051.70	4,965,000.00
Target Date	04/05/2011	04/05/2011	04/05/2011
Yield	6.314072%	6.440301%	6.242221%

## PRIOR BOND DEBT SERVICE

City of Watertown, New York  
Taxable  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
04/05/2011					
05/15/2011			167,847.50	167,847.50	167,847.50
11/15/2011	180,000	7.000%	167,847.50	347,847.50	
05/15/2012	10,000	7.500%	161,547.50	171,547.50	519,395.00
11/15/2012	195,000	7.100%	161,172.50	356,172.50	
05/15/2013	10,000	7.500%	154,250.00	164,250.00	520,422.50
11/15/2013	210,000	7.100%	153,875.00	363,875.00	
05/15/2014	10,000	7.500%	146,420.00	156,420.00	520,295.00
11/15/2014	225,000	7.100%	146,045.00	371,045.00	
05/15/2015	10,000	7.500%	138,057.50	148,057.50	519,102.50
11/15/2015	240,000	7.100%	137,682.50	377,682.50	
05/15/2016	10,000	7.500%	129,162.50	139,162.50	516,845.00
11/15/2016	255,000	7.100%	128,787.50	383,787.50	
05/15/2017	10,000	7.500%	119,735.00	129,735.00	513,522.50
11/15/2017	275,000	7.100%	119,360.00	394,360.00	
05/15/2018	10,000	7.500%	109,597.50	119,597.50	513,957.50
11/15/2018	295,000	7.100%	109,222.50	404,222.50	
05/15/2019	10,000	7.500%	98,750.00	108,750.00	512,972.50
11/15/2019	315,000	7.100%	98,375.00	413,375.00	
05/15/2020	10,000	7.500%	87,192.50	97,192.50	510,567.50
11/15/2020	340,000	7.100%	86,817.50	426,817.50	
05/15/2021	10,000	7.500%	74,747.50	84,747.50	511,565.00
11/15/2021	365,000	7.100%	74,372.50	439,372.50	
05/15/2022			61,415.00	61,415.00	500,787.50
11/15/2022	390,000	7.100%	61,415.00	451,415.00	
05/15/2023			47,570.00	47,570.00	498,985.00
11/15/2023	420,000	7.100%	47,570.00	467,570.00	
05/15/2024			32,660.00	32,660.00	500,230.00
11/15/2024	450,000	7.100%	32,660.00	482,660.00	
05/15/2025			16,685.00	16,685.00	499,345.00
11/15/2025	470,000	7.100%	16,685.00	486,685.00	486,685.00
	4,725,000		3,087,525.00	7,812,525.00	7,812,525.00

## ESCROW REQUIREMENTS

City of Watertown, New York  
Taxable  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Period Ending	Interest	Principal Redeemed	Total
05/15/2011	167,847.50	4,725,000.00	4,892,847.50
	167,847.50	4,725,000.00	4,892,847.50

## ESCROW COST

City of Watertown, New York  
Taxable  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Type of Security	Maturity Date	Par Amount	Rate	Total Cost
SLG	05/15/2011	4,892,312	0.100%	4,892,312.00
			4,892,312	4,892,312.00

Purchase Date	Cost of Securities	Cash Deposit	Total Escrow Cost
04/05/2011	4,892,312	0.82	4,892,312.82
		4,892,312	4,892,312.82

## ESCROW CASH FLOW

City of Watertown, New York  
Taxable  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Date	Principal	Interest	Net Escrow Receipts
05/15/2011	4,892,312.00	534.68	4,892,846.68
	4,892,312.00	534.68	4,892,846.68

Escrow Cost Summary

Purchase date	04/05/2011
Purchase cost of securities	4,892,312.00

## ESCROW SUFFICIENCY

City of Watertown, New York  
Taxable  
Preliminary Analysis of Refunding Potential  
Uninsured Scenario

Date	Escrow Requirement	Net Escrow Receipts	Excess Receipts	Excess Balance
04/05/2011		0.82	0.82	0.82
05/15/2011	4,892,847.50	4,892,846.68	-0.82	
	4,892,847.50	4,892,847.50	0.00	

**SCHEDULE B**  
**PERIODS OF PROBABLE USEFULNESS**  
**CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK**

BOND CERTIFICATE DATED NOVEMBER 25, 1997

A CERTIFICATE OF THE CITY COMPTROLLER OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, AUTHORIZING THE CONSOLIDATION OF CERTAIN BOND ISSUES OF SAID CITY HERETOFORE AUTHORIZED AND PROVIDING FOR THE DETAILS AND SALE OF \$6,115,000 PUBLIC IMPROVEMENT (SERIAL) BONDS - 1997 Taxable Series A, OF SAID CITY.

I, the undersigned City Comptroller of the City of Watertown, Jefferson County, New York, DO HEREBY CERTIFY:

A. Pursuant to various bond ordinances of the Council of the City of Watertown, Jefferson County, New York, authorizing the issuance of serial bonds for the purposes and in the amounts hereinafter set forth, and delegating to the City Comptroller of said City the power to prescribe the terms, form and contents of and to sell such serial bonds, which delegation of power is in full force and effect and has not been modified, amended or revoked, and delegating to the City Comptroller of said City the power and authority to determine whether said bonds of said City shall be payable in a substantially level or declining annual debt service manner, I HEREBY DIRECT AND DETERMINE AS FOLLOWS:

- 1) Of the \$154,000 serial bonds authorized by bond ordinance dated June 3, 1996, as amended on January 21, 1997, for paying the cost of consultant services relating to City-owned Hydro-Electric Facilities and compliance with the terms of the new forty year license granted by the Federal Energy Regulatory Commission for the City's Hydro-Electric Generating Plant, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$99,382 serial bonds which

shall mature in the amounts and in the years as set forth in that column marked '1' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 5 of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued therefor.

- 2) Of the \$823,000 serial bonds authorized by bond ordinance dated September 16, 1996, as amended on January 21, 1997, for paying the cost of consultant services relating to the design phase of the reconstruction of the City-owned Hydro-Electric Facilities, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$530,927 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '2' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 5 of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued therefor.

- 3) Of the \$8,523,000 serial bonds authorized by bond ordinance dated January 21, 1997, for paying additional costs of the reconstruction of the municipal hydroelectric facility on the Black River in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$5,484,691 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '3' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 5 of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued for such purpose pursuant to bond ordinances dated June 3, 1996 and September 16, 1996.
- 4) The serial bonds described in the foregoing paragraphs of this certificate, aggregating \$6,115,000, shall be consolidated into one bond issue for purposes of sale, which bonds shall each be designated substantially PUBLIC IMPROVEMENT (SERIAL) BOND - 1997 Taxable Series A, and shall be dated November 15, 1997. Such bonds shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds in such amounts as hereinafter set forth. When issued, such bonds shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities

## BOND CERTIFICATE DATED NOVEMBER 25, 1997

A CERTIFICATE OF THE CITY COMPTROLLER OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, AUTHORIZING THE CONSOLIDATION OF CERTAIN BOND ISSUES OF SAID CITY HERETOFORE AUTHORIZED AND PROVIDING FOR THE DETAILS AND SALE OF \$4,895,000 PUBLIC IMPROVEMENT (SERIAL) BONDS - 1997 Tax Exempt Series B, OF SAID CITY.

I, the undersigned City Comptroller of the City of Watertown, Jefferson County, New York, DO HEREBY CERTIFY:

A. Pursuant to various bond ordinances of the Council of the City of Watertown, Jefferson County, New York, authorizing the issuance of serial bonds for the purposes and in the amounts hereinafter set forth, and delegating to the City Comptroller of said City the power to prescribe the terms, form and contents of and to sell such serial bonds, which delegation of power is in full force and effect and has not been modified, amended or revoked, and delegating to the City Comptroller of said City the power and authority to determine whether said bonds of said City shall be payable in a substantially level or declining annual debt service manner, I HEREBY DIRECT AND DETERMINE AS FOLLOWS:

- 1) Of the \$154,000 serial bonds authorized by bond ordinance dated June 3, 1996, as amended on January 21, 1997, for paying the cost of consultant services relating to City-owned Hydro-Electric Facilities and compliance with the terms of the new forty year license granted by the Federal Energy Regulatory Commission for the City's Hydro-Electric Generating Plant, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$49,618 serial bonds which

shall mature in the amounts and in the years as set forth in that column marked '1' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 5 of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$5,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 2) Of the \$823,000 serial bonds authorized by bond ordinance dated September 16, 1996, as amended on January 21, 1997, for paying the cost of consultant services relating to the design phase of the reconstruction of the City-owned Hydro-Electric Facilities, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$265,073 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '2' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the

period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 5 of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$27,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 3) Of the \$8,523,000 serial bonds authorized by bond ordinance dated January 21, 1997, for paying additional costs of the reconstruction of the municipal hydroelectric facility on the Black River in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$2,738,309 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '3' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 5 of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond

anticipation notes issued for such purpose pursuant to bond ordinances dated June 3, 1996 and September 16, 1996.

- 4) Of the \$127,000 serial bonds authorized by bond ordinance dated June 3, 1996, for the improvement or embellishment of the Fairgrounds Arena in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$109,999 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '4' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 19 of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$17,001, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.
- 5) Of the \$241,000 serial bonds authorized by bond ordinance dated March 18, 1996, for the purchase of a new 1,500 gallon per minute fire pumper for use in and for the City of Watertown, Jefferson County, New York, there shall be issued

and sold \$219,999 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '5' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$21,001, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 6) Of the \$196,000 serial bonds authorized by bond ordinance dated October 7, 1996, for the reconstruction of portions of City Hall, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$169,000 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '6' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object

or purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$17,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$10,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting a voluntary reduction of the principal amount of such indebtedness.

- 7) Of the \$431,500 serial bonds authorized by bond ordinance dated November 15, 1996, as amended on January 6, 1997, for the reconstruction of portions of streets, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold as a first series of bonds \$319,997 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '7' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the

period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$21,503, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$5,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting a voluntary reduction of the principal amount of such indebtedness.

- 8) Of the \$431,500 serial bonds authorized by bond ordinance dated November 15, 1996, as amended on January 6, 1997, for the reconstruction of portions of streets, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold as a second series of bonds \$69,001 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '8' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as

hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued for such purpose. The date of the first bond anticipation note issued in anticipation of this series of bonds was July 10, 1997. It is hereby further determined that the sum of \$6,999, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 9) Of the \$131,900 serial bonds authorized by bond ordinance dated November 15, 1996, as amended on January 6, 1997, for the reconstruction of the storm sewer mains, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$120,000 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '9' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of

the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$11,900, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 10) Of the \$236,400 serial bonds authorized by bond ordinance dated November 15, 1996, as amended on January 6, 1997, for the reconstruction of sanitary sewer mains, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold as a first series of bonds \$175,001 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '10' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$22,499, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond

anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$5,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting a voluntary reduction of the principal amount of such indebtedness.

- 11) Of the \$236,400 serial bonds authorized by bond ordinance dated November 15, 1996, as amended on January 6, 1997, for the reconstruction of sanitary sewer mains, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold as a second series of bonds \$29,001 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '11' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued therefor. The date of the first bond anticipation note issued in anticipation of this series of bonds was July 10, 1997. It is hereby further determined that

the sum of \$4,899, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 12) Of the <sup>143,200</sup> \$236,400 serial bonds authorized by bond ordinance dated November 15, 1996, as amended on January 6, 1997, for the reconstruction of water mains, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$120,001 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '12' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$17,199, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further

determined that the sum of \$6,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting a voluntary reduction of the principal amount of such indebtedness.

- 13) Of the \$39,900 serial bonds authorized by bond ordinance dated June 3, 1996, as amended on September 6, 1996, for excavating and replacing sanitary sewer laterals located in the 1300 Block of Sherman Street in the City of Watertown, Jefferson County, New York, there shall be issued and sold \$34,000 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '13' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of 5,900, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond anticipation notes of said City for such purpose, such amount

constituting the first installment of the principal amount of such indebtedness.

- 14) Of the \$50,000 serial bonds authorized by bond ordinance dated October 21, 1996, for the purchase of motor vehicles (the cost of each of such vehicles being \$15,000 or less) for construction and maintenance purposes, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$40,000 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '14' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, computed from July 10, 1997, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$10,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.
- 15) Of the \$211,000 serial bonds authorized by bond ordinance dated October 21, 1996, for the purchase of motor vehicles (the cost of each of such vehicles being more than \$15,000 but

less than \$30,000) for construction and maintenance purposes, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$164,000 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '14' as set forth in Exhibit 'A' attached hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, computed from July 10, 1997, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$47,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 16) Of the \$294,000 serial bonds authorized by bond ordinance dated October 21, 1996, for the purchase of motor vehicles (the cost of each of such vehicles being \$30,000 or more) for construction and maintenance purposes, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$216,001 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '13' as set forth in Exhibit 'A' attached hereto and made a

part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, computed from July 10, 1997, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$37,999, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$10,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting a voluntary reduction of the principal amount of such indebtedness.

- 17) Of the \$64,500 serial bonds authorized by bond ordinance dated January 6, 1997, for the reconstruction of the Western Outfall Sanitary Sewer located in the City Center Industrial Park, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$56,000 serial bonds which shall mature in the amounts and in the years as set forth in that column marked '16' as set forth in Exhibit 'A' attached

hereto and made a part hereof, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from July 10, 1997, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$8,500, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before December 18, 1997, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 18) The serial bonds described in the foregoing paragraphs of this certificate, aggregating \$4,895,000, shall be consolidated into one bond issue for purposes of sale, which bonds shall each be designated substantially PUBLIC IMPROVEMENT (SERIAL) BOND - 1997 Tax Exempt Series B, and shall be dated November 15, 1997. Such bonds shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds in such amounts as hereinafter set forth. When issued, such bonds shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the City

BOND CERTIFICATE DATED April 20, 2000.

A CERTIFICATE OF THE CITY COMPTROLLER OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, PROVIDING FOR THE CONSOLIDATION, DETAILS, FORM, AND RELATED MATTERS OF \$6,105,000 PUBLIC IMPROVEMENT (SERIAL) BONDS, 2000, OF SAID CITY.

I, the undersigned City Comptroller of the City of Watertown, Jefferson County, New York, DO HEREBY CERTIFY:

A. Pursuant to authority vested in me by various bond ordinances duly adopted by the Council of the City of Watertown, Jefferson County, New York, on the dates and for the various purposes and in the amounts as set forth below, I HEREBY DIRECT AND DETERMINE AS FOLLOWS:

- 1) Of the \$8,523,000,000 serial bonds authorized by bond ordinance dated January 21, 1997, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying part of the cost of the reconstruction of the municipal hydroelectric facility on the Black River of and for the City of Watertown, Jefferson County, New York, there shall be issued and sold as a third series of bonds \$90,000 serial bonds which shall mature \$6,000 in each of the years 2001 to 2015, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 5 of paragraph a of Section 11.00 of the Local Finance Law, computed from November 15, 1997, the

date of the first obligations issued for such purpose. It is hereby further determined that the sum of \$9,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sums of \$2,738,309 and \$5,484,691, being parts of \$4,895,000 Public Improvement (Serial) Bonds, 1997 Tax Exempt Series B and \$6,115,000 Public Improvement (Serial) Bonds, 1997 Taxable Series A, respectively, have been previously sold as the first two series of bonds for such purpose.

- 2) Of the \$1,462,200 serial bonds authorized by bond ordinance dated November 2, 1998 (superseding bond ordinance dated April 6, 1998), duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the City's share of the cost of the reconstruction of approximately 1.40 miles of Coffeen Street in the City of Watertown from a point 200 meters east of the Coffeen Street/Gaffney Drive Intersection, easterly to a point 60 meters west of the Coffeen Street/Massey Street Intersection, including incidental expenses in connection therewith, including portions of the street, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold as a first series of bonds \$637,000 serial bonds which shall

mature \$49,000 in each of the years 2001 to 2013, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued for such purpose. It is hereby further determined that the sum of \$80,300, from a source other than the proceeds of bonds or bond anticipation notes, was used on June 22, 1999, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$434,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the second installment of the principal amount of such indebtedness.

- 3) Of the \$1,462,200 serial bonds authorized by bond ordinance dated November 2, 1998 (superseding bond ordinance dated April 6, 1998), duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the City's share of the cost of the reconstruction of approximately 1.40 miles of Coffeen Street in the City of Watertown from a point

200 meters east of the Coffeen Street/Gaffney Drive Intersection, easterly to a point 60 meters west of the Coffeen Street/Massey Street Intersection, including incidental expenses in connection therewith, including portions of the street, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold as a second series of bonds \$99,000 serial bonds which shall mature \$7,620 in the year 2001, and \$7,615 in each of the years 2002 to 2013, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued for such purpose. It is hereby further determined that the sum of \$71,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 4) Of the \$430,400 serial bonds authorized by bond ordinance dated November 2, 1998 (superseding bond ordinance dated April 6, 1998), duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of

the City's share of the cost of the reconstruction of approximately 1.40 miles of Coffeen Street in the City of Watertown from a point 200 meters east of the Coffeen Street/Gaffney Drive Intersection, easterly to a point 60 meters west of the Coffeen Street/Massey Street Intersection, including incidental expenses in connection therewith, including the water mains thereat, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold as a first series of bonds \$194,000 serial bonds which shall mature \$9,700 in each of the years 2001 to 2018, both inclusive, \$9,400 in the year 2019, and \$10,000 in the year 2020, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued for such purpose. It is hereby further determined that the sum of \$15,900, from a source other than the proceeds of bonds or bond anticipation notes, was used on June 22, 1999, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$129,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before

June 21, 2000, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the second installment of the principal amount of such indebtedness.

- 5) Of the \$430,400 serial bonds authorized by bond ordinance dated November 2, 1998 (superseding bond ordinance dated April 6, 1998), duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the City's share of the cost of the reconstruction of approximately 1.40 miles of Coffeen Street in the City of Watertown from a point 200 meters east of the Coffeen Street/Gaffney Drive Intersection, easterly to a point 60 meters west of the Coffeen Street/Massey Street Intersection, including incidental expenses in connection therewith, including water mains thereat, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold as a second series of bonds \$28,000 serial bonds which shall mature \$2,800 in each of the years 2001 to 2010, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued for such purpose. It is hereby further determined that the sum of \$22,000, from a source

other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 6) Of the \$247,000 serial bonds authorized by bond ordinance dated November 2, 1998 (superseding bond ordinance dated April 6, 1998), duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the City's share of the cost of the reconstruction of approximately 1.40 miles of Coffeen Street in the City of Watertown from a point 200 meters east of the Coffeen Street/Gaffney Drive Intersection, easterly to a point 60 meters west of the Coffeen Street/Massey Street Intersection, including incidental expenses in connection therewith, including the sanitary sewer mains thereat, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold as a first series of bonds \$110,000 serial bonds which shall mature \$6,875 in each of the years 2001 to 2016, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued for such purpose. It is

hereby further determined that the sum of \$9,800, from a source other than the proceeds of bonds or bond anticipation notes, was used on June 22, 1999, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$75,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the second installment of the principal amount of such indebtedness.

- 7) Of the \$247,400 serial bonds authorized by bond ordinance dated November 2, 1998 (superseding bond ordinance dated April 6, 1998), duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the City's share of the cost of the reconstruction of approximately 1.40 miles of Coffeen Street in the City of Watertown from a point 200 meters east of the Coffeen Street/Gaffney Drive Intersection, easterly to a point 60 meters west of the Coffeen Street/Massey Street Intersection, including incidental expenses in connection therewith, including sanitary sewer mains thereat, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold as a second series of bonds \$16,000 serial bonds which shall mature \$2,000 in each of the years 2001 to 2008,

both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued for such purpose. It is hereby further determined that the sum of \$14,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 8) Of the \$27,500 serial bonds authorized by bond ordinance dated April 6, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the acquisition of a parcel of land located at 337 located at 337 Engine Street, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$24,000 serial bonds which shall mature \$1,600 in each of the years 2001 to 2015, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years for the acquisition of land, pursuant to subdivision 21(a) of paragraph a of Section 11.00 of the Local Finance Law,

computed from July 29, 1998, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$1,750, from a source other than the proceeds of bonds or bond anticipation notes, was used on June 22, 1999, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$1,750, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the second installment of the principal amount of such indebtedness.

- 9) Of the \$31,500 serial bonds authorized by bond ordinance dated April 6, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the acquisition of a building located at 337 Engine Street, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$28,000 serial bonds which shall mature \$1,866 in each of the years 2001 to 2003, both inclusive, \$1,867 in each of the years 2004 to 2013, both inclusive, and \$1,866 in each of the years 2014 and 2015, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 11(a) of

paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$1,750, from a source other than the proceeds of bonds or bond anticipation notes, was used on June 22, 1999, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$1,750, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the second installment of the principal amount of such indebtedness.

- 10) Of the \$5,000 serial bonds authorized by bond ordinance dated April 6, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase of a parcel of land located at 522 Newell Street, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$4,200 serial bonds which shall mature \$280 in each of the years 2001 to 2015, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years pursuant to subdivision 21(a) of paragraph a of Section 11.00 of the Local Finance Law,

computed from July 29, 1998, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$400, from a source other than the proceeds of bonds or bond anticipation notes, was used on June 22, 1999, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$400, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the second installment of the principal amount of such indebtedness.

11) Of the \$63,000 serial bonds authorized by bond ordinance dated April 6, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the reconstruction and improvement of the building on Engine Street for use by the Department of Public Works, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$55,800 serial bonds which shall mature \$3,720 in each of the years 2001 to 2015, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years pursuant to subdivision 12(a) of paragraph a of Section 11.00 of the Local Finance Law,

computed from July 29, 1998, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$3,100, from a source other than the proceeds of bonds or bond anticipation notes, was used on June 22, 1999, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$4,100, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the second installment of the principal amount of such indebtedness.

- 12) Of the \$53,000 serial bonds authorized by bond ordinance dated November 2, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying additional costs of the reconstruction and improvement of the building at 337 Engine Street for use by the Department of Public Works, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$49,000 serial bonds which shall mature \$4,900 in each of the years 2001 to 2010, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years pursuant to subdivision 12(a) of paragraph a of Section 11.00 of the

Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$4,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 13) Of the \$225,000 serial bonds authorized by bond ordinance dated April 6, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the replacement of an existing underground fuel tank at the Watertown International Airport, in Dexter, New York, in the City of Watertown, Jefferson County, New York, there shall be issued and sold as a first series of bonds \$160,000 serial bonds which shall mature \$12,304 in the year 2001, and \$12,308 in each of the years 2002 to 2013, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years pursuant to subdivision 88(a) of paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$20,000, from a source other than the proceeds of bonds or bond anticipation notes, was used on

June 21, 1999, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$20,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the second installment of the principal amount of such indebtedness.

- 14) Of the \$225,000 serial bonds authorized by bond ordinance dated April 6, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the replacement of an existing underground fuel tank at the Watertown International Airport, in Dexter, New York, in the City of Watertown, Jefferson County, New York, there shall be issued and sold as a second series of bonds \$23,000 serial bonds which shall mature \$1,924 in the year 2001, and \$1,916 in each of the years 2002 to 2012, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years pursuant to subdivision 88(a) of paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued for such purpose. The date of the

first bond anticipation note issued in anticipation of this series of bonds was June 21, 1999. It is hereby further determined that the sum of \$2,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 15) The additional \$65,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the replacement of an existing underground fuel tank at the Watertown International Airport, in Dexter, New York, in the City of, Jefferson County, New York, shall mature \$5,000 in each of the years 2001 to 2013, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years pursuant to subdivision 88(a) of paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued for such purpose.
- 16) Of the \$45,700 serial bonds authorized by bond ordinance dated April 6, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the refurbishment of the 1980 American Lafrance 100' aerial fire truck, in and

for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$30,000 serial bonds which shall mature \$10,000 in each of the years 2001 to 2003, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued for such purpose. It is hereby further determined that the sum of \$6,700, from a source other than the proceeds of bonds or bond anticipation notes, was used on June 21, 1999, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$9,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the second installment of the principal amount of such indebtedness.

- 17) Of the \$107,000 serial bonds authorized by bond ordinance dated April 6, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase of motor vehicles for construction and maintenance purposes, the

cost of each of such vehicles being more than \$15,000, but less than \$30,000, of and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$59,000 serial bonds which shall mature \$29,500 in each of the years 2001 and 2002, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued for such purpose. It is hereby further determined that the sum of \$23,500, from a source other than the proceeds of bonds or bond anticipation notes, was used on June 21, 1999, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$24,500, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the second installment of the principal amount of such indebtedness.

- 18) Of the \$336,000 serial bonds authorized by bond ordinance dated April 6, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase of

motor vehicles for construction and maintenance purposes, the cost of each of such vehicles being \$30,000 or more, of and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$245,000 serial bonds which shall mature \$49,000 in each of the years 2001 to 2005, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued for such purpose. It is hereby further determined that the sum of \$41,000, from a source other than the proceeds of bonds or bond anticipation notes, was used on June 21, 1999, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$50,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the second installment of the principal amount of such indebtedness.

- 19) Of the \$35,000 serial bonds authorized by bond ordinance dated April 6, 1998, duly adopted by the Council of the City of

Watertown, Jefferson County, New York, for the reconstruction of the Stone Street Parking Lot in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$25,000 serial bonds which shall mature \$5,000 in each of the years 2001 to 2005, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years pursuant to subdivision 20(f) of paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$5,000, from a source other than the proceeds of bonds or bond anticipation notes, was used on June 21, 1999, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness. It is hereby further determined that the sum of \$5,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to further reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the second installment of the principal amount of such indebtedness.

- 20) Of the additional \$70,000 serial bonds authorized by bond ordinance dated May 17, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the

reconstruction of the Stone Street Parking Lot in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$60,000 serial bonds which shall mature \$10,000 in each of the years 2001 to 2006, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years pursuant to subdivision 20(f) of paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued for such purpose. It is hereby further determined that the sum of \$10,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 21) The additional \$147,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the reconstruction of the Stone Street Parking Lot in and for the City of Watertown, Jefferson County, New York, shall mature \$18,375 in each of the years 2001 to 2008, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object

or purpose is ten years pursuant to subdivision 20(f) of paragraph a of Section 11.00 of the Local Finance Law, computed from July 29, 1998, the date of the first bond anticipation note issued for such purpose.

- 22) Of the \$400,000 serial bonds authorized by bond ordinance dated November 2, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase and installation of computer hardware for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$350,000 serial bonds which shall mature \$50,000 in each of the years 2001 to 2007, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years pursuant to subdivision 81(b) of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$50,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.
- 23) Of the \$170,000 serial bonds authorized by bond ordinance dated November 2, 1998, duly adopted by the Council of the

City of Watertown, Jefferson County, New York, for the purchase and installation of computer software for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$136,000 serial bonds which shall mature \$34,000 in each of the years 2001 to 2004, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years pursuant to subdivision 81(b) of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$34,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 24) The additional \$100,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase and installation of computer software for the City of Watertown, Jefferson County, New York, shall mature \$25,000 in each of the years 2001 to 2004, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the

period of probable usefulness of the aforesaid class of objects or purposes is five years pursuant to subdivision 81(b) of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued for such purpose.

25) The additional \$300,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the reconstruction of the municipally-owned Thompson Park zoo, in and for the City of Watertown, Jefferson County, New York, shall mature \$19,938 in the year 2001, \$19,939 in the year 2002, \$24,439 in the year 2003, \$22,106 in the year 2004, \$22,292 in the year 2005, \$19,856 in the year 2006, \$21,429 in each of the years 2007 to 2012, both inclusive, and \$21,428 in each of the years 2013 and 2014, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued for such purpose.

26) Of the \$300,000 serial bonds authorized by bond ordinance dated November 16, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the reconstruction of the municipally-owned Thompson Park zoo, in

and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$280,000 serial bonds which shall mature \$20,000 in each of the years 2001 to 2014, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$20,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 27) Of the \$30,000 serial bonds authorized by bond ordinance dated December 21, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase of motor vehicles, machinery and apparatus for construction and maintenance purposes, the cost of each of such items being \$15,000 or less, for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$23,000 serial bonds which shall mature \$7,666 in the year 2001, and \$7,667 in each of the years 2002 and 2003, and shall be consolidated with other issues of bonds of said City as hereinafter authorized.

It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$7,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 28) Of the \$141,000 serial bonds authorized by bond ordinance dated December 21, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase of motor vehicles, machinery and apparatus for construction and maintenance purposes, the cost of each of such items being \$15,000 or less, but less than \$30,000, for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$95,000 serial bonds which shall mature \$23,750 in each of the years 2001 to 2004, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond

anticipation note issued therefor. It is hereby further determined that the sum of \$46,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 29) Of the \$382,000 serial bonds authorized by bond ordinance dated December 21, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase of motor vehicles, machinery and apparatus for construction and maintenance purposes, the cost of each of such items being \$30,000 or more, for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$245,000 serial bonds which shall mature \$35,000 in each of the years 2001 to 2007, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$137,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond

anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 30) Of the \$100,000 serial bonds authorized by bond ordinance dated December 7, 1998, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the improvement and embellishment of Thompson Park, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$68,000 serial bonds which shall mature \$4,856 in the year 2001, \$4,857 in each of the years 2002 and 2003, \$4,858 in each of the years 2004 to 2006, both inclusive, and \$4,857 in each of the years 2007 to 2014, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$5,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

31) Of the \$308,700 serial bonds authorized by bond ordinance dated October 21, 1996, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the reconstruction of the Flower Memorial Library, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$157,000 serial bonds which shall mature \$13,079 in the year 2001, \$13,084 in each of the years 2002 and 2003, \$13,083 in each of the years 2004 to 2006, both inclusive, and \$13,084 in each of the years 2007 to 2012, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law, computed from July 10, 1997, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sums of \$17,700, \$15,500 and \$15,500, from a source other than the proceeds of bonds or bond anticipation notes, were used on December 18, 1997, December 16, 1998 and December 15, 1999, respectively, to reduce outstanding bond anticipation notes of said City for such purpose, such amounts constituting the first three installments of the principal amount of such indebtedness. It is hereby further determined that the sum of \$103,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce

outstanding bond anticipation notes of said City for such purpose, such amount constituting the fourth installment of the principal amount of such indebtedness.

32) Of the additional \$19,000 serial bonds authorized by bond ordinance dated May 17, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the reconstruction of the Flower Memorial Library, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$15,000 serial bonds which shall mature \$5,000 in each of the years 2001 to 2003, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law, computed from July 10, 1997, the date of the first bond anticipation note issued for such purpose. It is hereby further determined that the sum of \$4,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

33) Of the \$100,000 serial bonds authorized by bond ordinance dated May 17, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the reconstruction

of sanitary sewer mains on Arsenal Street, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$90,000 serial bonds which shall mature \$10,000 in each of the years 2001 to 2009, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$10,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 34) Of the additional \$22,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the reconstruction of sewer lines on Riggs Avenue, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$21,000 serial bonds which shall mature \$5,250 in each of the years 2001 to 2004, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the

period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued for such purpose.

- 35) Of the \$28,000 serial bonds authorized by bond ordinance dated May 17, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the reconstruction of sewer lines on Riggs Avenue, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$20,000 serial bonds which shall mature \$5,000 in each of the years 2001 to 2004, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$8,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 36) Of the \$245,000 serial bonds authorized by bond ordinance dated May 17, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the construction of a storm sewer outlet at Bellew Avenue and the Alex T. Duffy Fairgrounds, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$235,000 serial bonds which shall mature \$13,827 in the year 2001, \$13,823 in each of the years 2002 to 2009, both inclusive, \$14,645 in the year 2010, \$14,824 in each of the years 2011 and 2012, \$16,289 in the year 2013, \$11,000 in the year 2014, \$11,359 in the year 2015, and \$13,824 in each of the years 2016 and 2017, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$10,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.
- 37) The \$94,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of

Watertown, Jefferson County, New York, for the construction of a storm sewer outlet at Bellew Avenue and the Alex T. Duffy Fairgrounds, in and for the City of Watertown, Jefferson County, New York, shall mature \$4,948 in the year 2001, \$4,947 in each of the years 2002 and 2003, \$4,948 in each of the years 2004 to 2006, both inclusive, \$4,947 in each of the years 2007 to 2012, both inclusive, \$4,948 in each of the years 2013 and 2014, \$4,947 in each of the years 2015 and 2016, \$4,995 in the year 2017, \$4,900 in the year 2018, and \$4,947 in the year 2019, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued for such purpose.

- 38) The \$79,000 serial bonds authorized by bond ordinance dated February 7, 2000, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the construction of a storm sewer outlet at Bellew Avenue and the Alex T. Duffy Fairgrounds, in and for the City of Watertown, Jefferson County, New York, shall mature \$4,939 in the year 2001, \$4,938 in each of the years 2002 and 2003, \$4,937 in each of the years 2004 to 2006, both inclusive, \$4,938 in each of the years 2007 to 2009, both inclusive, \$4,937 in each of the years 2010 to 2014, both inclusive, \$4,938 in the year 2015,

and \$4,937 in the year 2016, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued for such purpose.

- 39) Of the \$135,000 serial bonds authorized by bond ordinance dated May 17, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the construction of improvements to and the reconstruction of portions of the Alex T. Duffy Fairgrounds, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$126,000 serial bonds which shall mature \$9,689 in the year 2001, \$9,692 in each of the years 2002 and 2003, \$9,693 in each of the years 2004 to 2006, both inclusive, \$9,692 in each of the years 2007 to 2009, both inclusive, and \$9,693 in each of the years 2010 to 2013, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued for such purpose. It is hereby further determined that the sum of \$9,000, from a source other

than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 40) Of the \$75,000 serial bonds authorized by bond ordinance dated May 17, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the construction of improvements to and the reconstruction of the Alex T. Duffy Fairgrounds, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$70,000 serial bonds which shall mature \$5,000 in each of the years 2001 to 2014, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued for such purpose. It is hereby further determined that the sum of \$5,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 41) Of the additional \$32,500 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the construction of improvements to and the reconstruction of the Alex T. Duffy Fairgrounds Arena, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$32,000 serial bonds which shall mature \$2,463 in the year 2001, \$2,462 in each of the years 2002 and 2003, \$2,461 in each of the years 2004 to 2006, both inclusive, \$2,462 in each of the years 2007 to 2009, both inclusive, and \$2,461 in each of the years 2010 to 2013, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued for such purpose.
- 42) Of the \$211,000 serial bonds authorized by bond ordinance dated May 17, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of preliminary expenses in connection with the upgrading of the Department of Public Works Facility on Newell Street, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$200,000 serial bonds which shall mature \$10,525 in the year 2001, \$10,526 in each of the years

2002 to 2009, both inclusive, \$10,527 in each of the years 2010 to 2014, both inclusive, \$10,381 in the year 2015, \$9,717 in the year 2016, \$11,481 in the year 2017, \$10,400 in the year 2018, and \$10,653 in the year 2019, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law, computed from June 21, 1999, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$11,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before June 21, 2000, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 43) The \$25,000 serial bonds authorized by bond ordinance dated May 17, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of the purchase of movable skateboard playground equipment of and for the City of Watertown, Jefferson County, New York, shall mature \$2,500 in each of the years 2001 to 2010, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the

aforesaid specific object or purpose is fifteen years pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

44) The \$112,000 serial bonds authorized by bond ordinance dated May 17, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of the purchase of recycling vehicles, in and for the City of Watertown, Jefferson County, New York, shall mature \$9,332 in the year 2001, \$9,334 in each of the years 2002 to 2006, both inclusive, and \$9,333 in each of the years 2007 to 2012, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

45) The \$25,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of the upgrading of the Fairgrounds Arena Ice Plant, in and for the City of Watertown, Jefferson County, New York, shall mature \$2,500 in each of the years 2001 to 2010, both

inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

46) The \$20,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of the reconstruction of roads and related site improvements at the Alex T. Duffy Fairgrounds, in and for the City of Watertown, Jefferson County, New York, shall mature \$2,000 in each of the years 2001 to 2010, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

47) The \$15,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the City's share of the cost of the purchase of paratransit buses of and

for the City of Watertown, Jefferson County, New York, shall mature \$3,000 in each of the years 2001 to 2005, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years pursuant to subdivision 27-a of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

- 48) Of the \$201,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of the demolition of a City-owned building located at 401 Mill Street, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$200,000 serial bonds which shall mature \$20,000 in each of the years 2001 to 2007, both inclusive, and \$30,000 in each of the years 2008 and 2009, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years pursuant to subdivision 12-a of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

- 49) The \$50,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of improvements and embellishments to the bathhouse at the Thompson Park Pool, in and for the City of Watertown, Jefferson County, New York, shall mature \$3,845 in the year 2001, \$3,846 in each of the years 2002 to 2006, both inclusive, \$3,847 in each of the years 2007 to 2009, both inclusive, and \$3,846 in each of the years 2010 to 2013, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.
- 50) The \$50,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of the reconstruction of roads at Thompson Park, in and for the City of Watertown, Jefferson County, New York, shall mature \$3,847 in the year 2001, \$3,846 in each of the years 2002 to 2004, both inclusive, \$4,206 in the year 2005, \$3,846 in each of the years 2006 and 2007, \$4,774 in the year 2008, \$3,148 in the year 2009, \$3,257 in the year 2010, and \$3,846 in each of

the years 2011 to 2013, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

51) The \$133,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of the purchase of motor vehicles for construction and maintenance purposes, each of which costs more than \$15,000 but less than \$30,000, in and for the City of Watertown, Jefferson County, New York, shall mature \$33,250 in each of the years 2001 to 2004, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

52) The \$390,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of

the purchase of motor vehicles for construction and maintenance purposes, each of which costs \$30,000 or more, in and for the City of Watertown, Jefferson County, New York, shall mature \$54,000 in each of the years 2001 to 2004, both inclusive, \$44,573 in the year 2005, \$44,500 in the year 2006, \$42,927 in the year 2007, and \$14,000 in each of the years 2008 to 2010, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

53) The \$200,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of the purchase of a new fire pumper truck for the City of Watertown, Jefferson County, New York, shall mature \$13,336 in the year 2001, \$13,333 in each of the years 2002 to 2004, both inclusive, \$13,464 in the year 2005, \$13,333 in each of the years 2006 and 2007, \$11,332 in the year 2008, \$13,333 in the year 2009, \$12,403 in the year 2010, \$15,335 in each of the years 2011 and 2012, \$13,203 in the year 2013, \$12,261 in the year 2014, and \$13,333 in the year 2015, and shall be consolidated with other issues of bonds of said City as

hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

- 54) The serial bonds described in the foregoing paragraphs of this certificate, aggregating \$6,105,000, shall be consolidated for purposes of sale into one bond issue, which bonds shall each be designated substantially PUBLIC IMPROVEMENT (SERIAL) BOND, 2000, and shall be dated April 15, 2000. Such bonds shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds in such amounts as hereinafter set forth. When issued, such bonds shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the City shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be in certificated form of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity. Such certificated bonds, if any, may be exchanged at any time prior to maturity at the Office of the City Comptroller, in Watertown, New York (the "Fiscal Agent"), or any successor Fiscal Agent, for bonds of the same

BOND CERTIFICATE DATED May 20, 2002.

A CERTIFICATE OF THE CITY COMPTROLLER OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, PROVIDING FOR THE CONSOLIDATION, DETAILS, FORM, AND RELATED MATTERS OF \$2,310,000 PUBLIC IMPROVEMENT (SERIAL) BONDS, 2002, OF SAID CITY.

I, the undersigned City Comptroller of the City of Watertown, Jefferson County, New York,  
DO HEREBY CERTIFY:

A. Pursuant to authority vested in me by various bond ordinances duly adopted by the Council of the City of Watertown, Jefferson County, New York, authorizing the issuance of serial bonds for the purposes and in the amounts as set forth below, I HEREBY DIRECT AND DETERMINE AS FOLLOWS:

- 1) Of the \$50,600 serial bonds authorized by bond ordinance dated June 5, 2000, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the reconstruction of the Flower Memorial Library, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there shall be issued and sold \$25,000 serial bonds which shall mature \$5,000 in each of the years 2003 to 2007, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law, computed from July 10, 1997, the date of the first bond anticipation note issued for such purpose. It is hereby further determined that the sum of \$25,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before May 31, 2002, to reduce outstanding bond

anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 2) Of the \$150,000 serial bonds authorized by bond ordinance dated April 6, 2000, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the reconstruction of the roof at the Fairgrounds Ice Arena, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$116,000 serial bonds which shall mature \$6,750 in each of the years 2003 to 2009, both inclusive, \$7,750 in the year 2010, \$7,000 in each of the years 2011 and 2012, \$10,000 in the year 2013, \$9,500 in each of the years 2014 and 2015, \$10,000 in the year 2016, and \$8,000 in the year 2017, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law, computed from May 31, 2001, the date of the first bond anticipation note issued therefor.
- 3) Of the \$50,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the removal of a fuel storage tank, including incidental expenses in connection therewith, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$45,000 serial bonds which shall mature \$4,000 in each of the years 2003 and 2004, \$5,000 in each of the years 2005 to 2007, both inclusive, \$5,500 in each of the years 2008 and 2009, \$6,000 in the year 2010, and \$5,000 in the year 2011, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to

subdivision 88(b) of paragraph a of Section 11.00 of the Local Finance Law, computed from May 31, 2001, the date of the first bond anticipation note issued therefor.

- 4) Of the aggregate \$94,000 serial bonds authorized by bond ordinances dated November 15, 1999 (\$50,000 serial bonds), June 5, 2000 (\$30,000 serial bonds), and January 16, 2001 (\$14,000 serial bonds), duly adopted by the Council of the City of Watertown, Jefferson County, New York, the replacement of a hangar roof at the Watertown International Airport, including incidental expenses in connection therewith, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$90,000 serial bonds which shall mature \$5,500 in each of the years 2003 to 2005, both inclusive, \$5,250 in the year 2006, \$5,000 in each of the years 2007 to 2011, both inclusive, \$4,000 in the year 2012, \$5,500 in each of the years 2013 to 2016, both inclusive, \$4,000 in the year 2017, \$5,000 in the year 2018, \$3,750 in the year 2019, and \$4,500 in the year 2020, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law, computed from May 31, 2001, the date of the first bond anticipation note issued therefor.
- 5) The \$14,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for engineering services, for the City of Watertown, Jefferson County, New York, shall mature \$3,500 in each of the years 2003 to 2006, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years,

pursuant to subdivision 62(2<sup>nd</sup>) of paragraph a of Section 11.00 of the Local Finance Law, computed from May 31, 2001, the date of the first bond anticipation note issued therefor.

- 6) Of the \$80,000 serial bonds authorized by bond ordinance dated November 15, 1999 (as amended by bond ordinance dated May 7, 2001), duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of preliminary design work for the reconstruction of the Pearl Street Bridge, including incidental expenses in connection therewith, for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$76,000 serial bonds which shall mature \$5,000 in each of the years 2003 to 2007, both inclusive, \$5,500 in each of the years 2008 and 2009, \$5,000 in each of the years 2010 and 2011, \$4,000 in the year 2012, \$5,500 in each of the years 2013 to 2016, both inclusive, and \$4,000 in the year 2017, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 10 of paragraph a of Section 11.00 of the Local Finance Law, computed from May 31, 2001, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$4,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before May 31, 2002, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.
- 7) Of the \$114,000 serial bonds authorized by bond ordinance dated November 15, 1999, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of improvements and embellishment to the wastewater treatment plant, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$80,000

serial bonds which shall mature \$5,000 in each of the years 2003 to 2011, both inclusive, \$4,000 in the year 2012, \$5,500 in each of the years 2013 to 2016, both inclusive, \$4,000 in the year 2017, and \$5,000 in the year 2018, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from May 31, 2001, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$4,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before May 31, 2002, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 8) Of the \$241,250 serial bonds authorized by bond ordinance dated June 5, 2000, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of street reconstruction of the 300 block of S. Rutland Street, located in the Third Ward, in the City of Watertown, Jefferson County, New York, there shall be issued and sold \$190,000 serial bonds which shall mature \$12,000 in each of the years 2003 to 2012, both inclusive, \$16,000 in the year 2013, and \$18,000 in each of the years 2014 to 2016, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law, computed from May 31, 2001, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$14,000, from a source other than the proceeds of bonds or bond anticipation notes, will be

used on or before May 31, 2002, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 9) Of the \$87,575 serial bonds authorized by bond ordinance dated June 5, 2000, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of storm sewer reconstruction of the 300 block of S. Rutland Street, located in the Third Ward, in the City of Watertown, Jefferson County, New York, there shall be issued and sold \$70,000 serial bonds which shall mature \$4,500 in the year 2003, \$5,000 in each of the years 2004 to 2007, both inclusive, \$5,500 in each of the years 2008 to 2010, both inclusive, \$5,000 in the year 2011, \$4,000 in the year 2012, and \$5,000 in each of the years 2013 to 2016, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from May 31, 2001, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$4,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before May 31, 2002, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.
- 10) Of the \$113,650 serial bonds authorized by bond ordinance dated June 5, 2000, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of sanitary sewer main reconstruction of the 300 block of S. Rutland Street, located in the Third Ward, in the City of Watertown, Jefferson County, New York, there shall be

issued and sold \$85,000 serial bonds which shall mature \$5,000 in each of the years 2003 and 2004, \$5,500 in each of the years 2005 to 2010, both inclusive, \$5,000 in the year, 2011, \$4,000 in the year 2012, \$5,000 in each of the years 2013 to 2016, both inclusive, \$4,000 in the year 2017, \$5,000 in the year 2018, and \$4,000 in each of the years 2019, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from May 31, 2001, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$4,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before May 31, 2002, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 11) Of the \$106,525 serial bonds authorized by bond ordinance dated June 5, 2000, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of water main reconstruction of the 300 block of S. Rutland Street, located in the Third Ward, in the City of Watertown, Jefferson County, New York, there shall be issued and sold \$90,000 serial bonds which shall mature \$5,500 in each of the years 2003 to 2010, both inclusive, \$5,250 in the year, 2011, \$4,000 in the year 2012, \$5,500 in the year 2013, \$5,000 in each of the years 2014 to 2016, both inclusive, \$4,000 in each of the years 2017 and 2018, \$3,750 in the year 2019, and \$4,500 in the year 2020, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law,

computed from May 31, 2001, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$7,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before May 31, 2002, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 12) Of the \$150,000 serial bonds authorized by bond ordinance dated October 2, 2000, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase of a fire rescue vehicle for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$140,000 serial bonds which shall mature \$8,500 in each of the years 2003 to 2006, both inclusive, \$9,000 in the year, 2007, \$10,000 in each of the years 2008 and 2009, \$11,000 in the year 2010, \$10,000 in the year 2011, \$8,000 in the year 2012, and \$12,000 in each of the years 2013 to 2016, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law, computed from May 31, 2001, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$10,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before May 31, 2002, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.
- 13) Of the \$80,000 serial bonds authorized by bond ordinance dated October 2, 2000, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase of computer hardware for the City of Watertown, Jefferson County, New York,

there shall be issued and sold \$60,000 serial bonds which shall mature \$12,500 in each of the years 2003 to 2006, both inclusive, and \$10,000 in the year 2007, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 81(a) of paragraph a of Section 11.00 of the Local Finance Law, computed from May 31, 2001, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$20,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before May 31, 2002, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 14) The \$40,000 serial bonds authorized by bond ordinance dated October 2, 2000, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase of computer software for the City of Watertown, Jefferson County, New York, shall mature \$10,000 in each of the years 2003 to 2006, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 81(b) of paragraph a of Section 11.00 of the Local Finance Law, computed from May 31, 2001, the date of the first bond anticipation note issued therefor.
- 15) Of the \$215,000 serial bonds authorized by bond ordinance dated October 2, 2000, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase of motor vehicles to be used in connection with the construction, repair and maintenance of City physical betterments or improvements, for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$63,000 serial bonds which shall

mature \$7,000 in the year 2003, and \$8,000 in each of the years 2004 to 2010, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, computed from May 31, 2001, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$7,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before May 31, 2002, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 16) Of the \$51,500 serial bonds authorized by bond ordinance dated October 2, 2000, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase of motor vehicles for use of various departments of the City of Watertown, Jefferson County, New York, there shall be issued and sold \$40,000 serial bonds which shall mature \$10,000 in each of the years 2003 to 2006, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, computed from May 31, 2001, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$11,500, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before May 31, 2002, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.

- 17) Of the \$20,000 serial bonds authorized by bond ordinance dated January 16, 2001, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the removal and replacement of an underground fuel storage tank at the Watertown International Airport in Dexter, New York, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$18,000 serial bonds which shall mature \$2,000 in each of the years 2003 to 2011, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 88 of paragraph a of Section 11.00 of the Local Finance Law, computed from May 31, 2001, the date of the first bond anticipation note issued therefor. It is hereby further determined that the sum of \$2,000, from a source other than the proceeds of bonds or bond anticipation notes, will be used on or before May 31, 2002, to reduce outstanding bond anticipation notes of said City for such purpose, such amount constituting the first installment of the principal amount of such indebtedness.
- 18) Of the \$201,000 serial bonds authorized by bond ordinance dated August 6, 2001, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the replacement of a water main in the 100-200 Blocks of North Orchard Street, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$178,000 serial bonds which shall mature \$11,000 in each of the years 2003 to 2006, both inclusive, \$10,000 in each of the years 2007 to 2010, both inclusive, \$10,500 in the year 2011, \$8,000 in the year 2012, \$11,000 in each of the years 2013 to 2016, both inclusive, \$8,000 in each of the years 2017 and 2018, \$7,500 in the year 2019, and \$8,000 in the year 2020, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is

hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

- 19) Of the \$65,000 serial bonds authorized by bond ordinance dated August 6, 2001, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the replacement of the furnace and ventilation system at the Massey Street Fire Station, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$59,000 serial bonds which shall mature \$6,000 in each of the years 2003 to 2008, both inclusive, \$6,500 in the year 2009, \$6,000 in each of the years 2010 and 2011, and \$4,500 in the year 2012, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.
- 20) Of the \$200,000 serial bonds authorized by bond ordinance dated August 6, 2001, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the removal and disposal of the petroleum contaminated soils excavated during the in-ground fuel storage tank removal program at the Watertown International Airport in Dexter, New York, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$100,000 serial bonds which shall mature \$10,000 in each of the years 2003 to 2010, both inclusive, \$12,000 in the year 2011, and \$8,000 in the year 2012, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby

determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 88(b) of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

- 21) The \$50,000 serial bonds authorized by bond ordinance dated August 6, 2001, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the reconstruction of roads at Thompson Park, in and for the City of Watertown, Jefferson County, New York, shall mature \$4,000 in the year 2003, \$3,000 in each of the years 2004 to 2012, both inclusive, \$4,000 in each of the years 2013 to 2016, both inclusive, and \$3,000 in the year 2017, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.
- 22) Of the \$45,000 serial bonds authorized by bond ordinance dated August 6, 2001, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase of motor vehicles for construction and maintenance purposes of and for the City of Watertown, Jefferson County, New York, each item of which costs less than \$15,000, there shall be issued and sold \$35,000 serial bonds which shall mature \$7,000 in each of the years 2003 to 2007, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 28 of

paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

- 23) Of the \$129,500 serial bonds authorized by bond ordinance dated August 6, 2001, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase of motor vehicles for construction and maintenance purposes of and for the City of Watertown, Jefferson County, New York, each item of which costs in excess of \$15,000 but less than \$30,000, there shall be issued and sold \$83,000 serial bonds which shall mature \$9,250 in the year 2003, \$10,750 in the year 2004, \$10,000 in each of the years 2005 to 2007, both inclusive, and \$11,000 in each of the years 2008 to 2010, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.
- 24) Of the \$510,000 serial bonds authorized by bond ordinance dated August 6, 2001, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for the purchase of motor vehicles for construction and maintenance purposes of and for the City of Watertown, Jefferson County, New York, each item of which costs in excess of \$30,000, there shall be issued and sold \$37,000 serial bonds which shall mature \$4,000 in each of the years 2003 to 2005, both inclusive, and \$5,000 in each of the years 2006 to 2010, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of

Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

- 25) Of the \$157,000 serial bonds authorized by bond ordinance dated August 6, 2001, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of the reconstruction of sanitary sewer mains in Arsenal Street, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$152,000 serial bonds which shall mature \$9,000 in each of the years 2003 to 2014, both inclusive, \$8,000 in each of the years 2015 and 2016, \$6,000 in the year 2017, \$8,000 in the year 2018, \$6,000 in the year 2019, and \$8,000 in the year 2020, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.
- 26) Of the \$1,430,000 serial bonds authorized by bond ordinance dated September 17, 2001, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of the purchase of transit buses of and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$110,000 serial bonds which shall mature \$25,000 in the year 2003, \$22,000 in each of the years 2004 and 2005, \$21,000 in the year 2006, and \$20,000 in the year 2007, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 29 of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

- 27) The \$30,000 serial bonds authorized by bond ordinance dated September 17, 2001, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of the replacement of certain equipment at Primary Settling Tank No. 1 of the City's Wastewater Treatment Plant, in and for the City of Watertown, Jefferson County, New York, shall mature \$3,000 in each of the years 2003 to 2012, both inclusive, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.
- 28) Of the \$167,000 serial bonds authorized by bond ordinance dated November 5, 2001, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of the demolition of City owned buildings located at 117 Arsenal Street, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$86,000 serial bonds which shall mature \$8,000 in each of the years 2003 to 2006, both inclusive, \$8,300 in the year 2007, \$9,350 in the year 2008, \$9,550 in the year 2009, \$8,800 in the year 2010, \$9,500 in the year 2011, and \$8,500 in the year 2012, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes ten years, pursuant to subdivision 12-a of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

- 29) Of the \$100,000 serial bonds authorized by bond ordinance dated April 1, 2001, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of the removal and replacement of the roof at the City-owned property at 337 Engine Street, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$88,000 serial bonds which shall mature \$5,750 in the year 2003, \$6,000 in the year 2004, \$6,250 in the year 2005, \$5,750 in the year 2006, \$5,950 in the year 2007, \$7,400 in the year 2008, \$6,700 in the year 2009, \$5,950 in the year 2010, \$5,750 in the year 2011, \$5,000 in the year 2012, \$6,000 in the year 2013, \$5,000 in the year 2014, \$6,000 in the year 2015, \$5,500 in the year 2016, and \$5,000 in the year 2017, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 12 of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.
- 30) Of the \$232,500 serial bonds authorized by bond ordinance dated November 19, 2001, duly adopted by the Council of the City of Watertown, Jefferson County, New York, for paying the cost of the purchase of mobile data computers for police vehicles, in and for the City of Watertown, Jefferson County, New York, there shall be issued and sold \$60,000 serial bonds which shall mature \$11,250 in the year 2003, \$12,000 in the year 2004, \$11,000 in the year 2005, \$11,750 in the year 2006, and \$14,000 in the year 2007, and shall be consolidated with other issues of bonds of said City as hereinafter authorized. It is hereby determined that the period of probable usefulness of the aforesaid class of objects o purposes is ten years, pursuant to subdivision 25 of paragraph a of Section 11.00 of the Local Finance

Law, computed from the date of the bonds, there having been no bond anticipation notes heretofore issued therefor.

- 31) The serial bonds described in the foregoing paragraphs of this certificate, aggregating \$2,310,000, shall be consolidated for purposes of sale into one bond issue, which bonds shall each be designated substantially Public Improvement (Serial) Bond, 2002, and shall be dated May 15, 2002. Such bonds shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds in such amounts as hereinafter set forth. When issued, such bonds shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the City shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be in certificated form of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity. Such certificated bonds, if any, may be exchanged at any time prior to maturity at the Office of the City Comptroller, in Watertown, New York (the "Fiscal Agent"), or any successor Fiscal Agent, for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. The bonds shall mature in the amount of \$225,000 on May 15 in each of the years 2003 to 2006, both inclusive, \$200,000 on May 15, 2007, \$150,000 on May 15 in each of the years 2008 to 2010, both inclusive, \$125,000 on May 15, 2011, \$100,000 on May 15 in each of the years 2012 to 2016, both inclusive, \$50,000 on May 15, 2017, \$35,000 on May 15, 2018, and \$25,000 on May 15 in each of the years 2019 and 2020, and shall bear interest payable on

November 15, 2002 and semi-annually thereafter on May 15 and November 15. Bonds maturing on or before May 15, 2011 are not subject to redemption prior to maturity. Bonds maturing on or after May 15, 2012 will be subject to redemption prior to maturity, at the option of the City, on May 15, 2011 and thereafter on any date, as a whole or in part, and if in part in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at the price equal to the par amount, plus accrued interest to the date of redemption. If less than all of the bonds of any maturity are to be redeemed, the particular bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the City Comptroller. Notice of such call for redemption shall be given by mailing such notice to the registered holder not more than sixty (60) days nor less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date. Such bonds shall bear interest at such rate or rates as may be necessary to sell the same, which rate or rates shall be determined in the manner provided in Section 59.00 of the Local Finance Law; provided, however, that (i) only one rate of interest may be bid for bonds of the same maturity, (ii) the maximum difference between the highest and lowest interest rate bid may not exceed one and one-half per centum per annum, (iii) variations in rates of interest so bid shall be in ascending progression in order of maturity so that the rate of interest on any single maturity of said bonds shall not be less than the rate of interest applicable to any prior maturity and (iv) all rates of interest bid must be stated in a multiple of one-eighth or one-hundredth of one per centum per annum. Such bonds shall be in

registered form and shall not be registrable to bearer or convertible into bearer coupon form. Principal of and interest on the bonds will be payable by check or draft mailed by the Fiscal Agent to Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System and, at any other time, to the registered owners of the bonds, as shown on the registration books of the City maintained by the Fiscal Agent, as of the close of business on the last business day of the calendar month preceding each interest payment date. Principal of and interest on the bonds will be payable in lawful money of the United States of America. Non-certificated bonds shall be executed in the name of said City by the manual or facsimile signature of its City Comptroller, and its corporate seal shall be imprinted or impressed thereon and attested by the manual or facsimile signature of its City Clerk. Certificated bonds shall be executed in the name of said City by the manual or facsimile signatures of its City Comptroller and its corporate seal shall be imprinted or impressed thereon and attested by the manual or facsimile signature of its City Clerk, and if executed by facsimile signatures and seal, the bonds shall be authenticated by the manual countersignature of an authorized officer or employee of the Fiscal Agent. The aforesaid maturities constitute the aggregate of the individual maturities of each separate issue, which individual maturities are prescribed in the preceding sections hereof. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

32) The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

B. The form and contents of the bonds shall be substantially in accordance with the following form:

92576--

BOND CERTIFICATE DATED May 20, 2002.

A CERTIFICATE OF THE CITY COMPTROLLER OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, PROVIDING FOR THE DETAILS, FORM AND RELATED MATTERS OF \$190,000 HYDROELECTRIC PLANT (SERIAL) BONDS, 2002 (FEDERALLY TAXABLE SERIES), OF SAID CITY.

I, the undersigned City Comptroller of the City of Watertown, Jefferson County, New York,  
DO HEREBY CERTIFY:

A. Pursuant to a bond ordinance of the Council of the City of Watertown, Jefferson County, New York, dated January 21, 1997 authorizing the issuance of \$8,523,000 serial bonds of said City to pay part of the cost of the reconstruction of the municipal hydroelectric facility on the Black River, in and for the City of Watertown Jefferson County, New York, and delegating to the City Comptroller of said City the power to prescribe the terms, form and contents of and to sell such serial bonds, which delegation of power is in full force and effect and has not been modified, amended or revoked, I HEREBY DIRECT AND DETERMINE AS FOLLOWS:

- 1) Of the \$8,523,000 serial bonds described in the foregoing paragraph of this certificate, there shall be issued and sold \$190,000 serial bonds which shall each be designated substantially HYDROELECTRIC PLANT (SERIAL) BONDS, 2002 (FEDERALLY TAXABLE SERIES), and shall be dated May 15, 2002. Such bonds shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds in such amounts as hereinafter set forth. When issued, such bonds shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the

Book-Entry-Only system or the City shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be in certificated form of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity. Such certificated bonds, if any, may be exchanged at any time prior to maturity at the Office of the City Comptroller, in Watertown, New York (the "Fiscal Agent"), or any successor Fiscal Agent, for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. The bonds shall mature in the amount of \$10,000 on May 15 in each of the years 2003 to 2021, both inclusive, and shall bear interest payable on November 15, 2002 and semi-annually thereafter on May 15 and November 15. Bonds maturing on or before May 15, 2011 are not subject to redemption prior to maturity. Bonds maturing on or after May 15, 2012 will be subject to redemption prior to maturity, at the option of the City, on May 15, 2011 and thereafter on any date, as a whole or in part, and if in part in any order of their maturity and in any amount within a maturity (selected by lot within a maturity, at the price equal to the par amount, plus accrued interest to the date of redemption). If less than all of the bonds of any maturity are to be redeemed, the particular bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the City Comptroller. Notice of such call for redemption shall be given by mailing such notice to the registered holder not more than sixty (60) days nor less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date. Such bonds shall bear interest at such rate or

rates as may be necessary to sell the same, which rate or rates shall be determined in the manner provided in Section 59.00 of the Local Finance Law; provided, however, that (i) only one rate of interest may be bid for bonds of the same maturity, (ii) the maximum difference between the highest and lowest interest rate bid may not exceed one and one-half per centum per annum, (iii) variations in rates of interest so bid shall be in ascending progression in order of maturity so that the rate of interest on any single maturity of said bonds shall not be less than the rate of interest applicable to any prior maturity; and (iv) all rates of interest bid must be stated in a multiple of one-eighth or one-hundredth of one per centum per annum. Such bonds shall be in registered form and shall not be registrable to bearer or convertible into bearer coupon form. Principal of and interest on the bonds will be payable by check or draft mailed by the Fiscal Agent to Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System and, at any other time, to the registered owners of the bonds, as shown on the registration books of the City maintained by the Fiscal Agent, as of the close of business on the last business day of the calendar month preceding each interest payment date. Principal of and interest on the bonds will be payable in lawful money of the United States of America. Non-certificated bonds shall be executed in the name of said City by the manual or facsimile signature of the City Comptroller, and its corporate seal shall be imprinted or impressed thereon and attested by the manual or facsimile signature of its City Clerk. Certificated bonds shall be executed in the name of said City by the manual or facsimile signature of the City Comptroller, and its corporate seal shall be imprinted or impressed thereon and attested by the manual or facsimile signature of its City Clerk, and, if executed by facsimile signature and seal, the

bonds shall be authenticated by the manual countersignature of an authorized officer or employee of the Fiscal Agent. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

- 2) In the event certificated bonds are issued, the City Comptroller, as chief fiscal officer of the City, is hereby authorized and directed to enter into an agreement with a bank or trust company located or authorized to do business in the State of New York for the purpose of having such bank or trust company act, in connection with the obligations herein described, as the Fiscal Agent for said City to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement on behalf of the Council of said City.
- 3) It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 5 of paragraph a of Section 11.00 of the Local Finance Law, computed from December 18, 1996, the date of the first bond anticipation note issued for such purpose.
- 4) The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

B. The form and contents of the bonds shall be substantially in accordance with the following form:

Tabled

March 15, 2011

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Local Law Amending City Code of the City  
Of Watertown, §205, Noise

The attached Local Law has been prepared for City Council consideration at the request of Council Member Joseph M. Butler, and presented to the City Council for consideration on February 7, 2011, at which time it was introduced and seconded. A Public Hearing was held on March 7, 2011 at 7:30 p.m., following the hearing the City Council discussed the legislation and then tabled action on the Local Law.

As presented in my report dated February 3, 2011, this Local Law incorporates new language into the City Code §205, Noise, to control the noise for emergency warning devices, exhausts, sound reproduction, and squealing tires. A number of definitions have also been added to clarify terms used in the new language.

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

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

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

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

Page 1 of 4

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

YEA	NAY

**Introduced by**

Total .....

Council Member Joseph M. Butler, Jr.

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

§205-8           Emergency Warning Devices

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

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

§205-9           Exhausts

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

§205-10.         Sound Reproduction

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

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

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

YEA	NAY

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

§205-11. Squealing Tires

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

, and

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

§ 205-6 Penalties for Offenses

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

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

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, and

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

Total .....

YEA	NAY

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

§205-1 General Prohibition and Definitions

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

B. Definitions

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

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

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

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

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

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

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

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

Total .....

YEA	NAY

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

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

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

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

, and

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

*Seconded by* Council Member Teresa R. Macaluso

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



COPY

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

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

December 1, 2010

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

**Re: Noise Control Legislation**

Dear Council Members:

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

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

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

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

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

Id. The statute continues:

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

Id. (emphasis added).

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

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

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

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

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

Id. at 379.

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

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

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

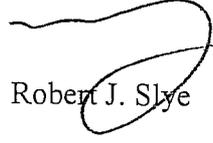
The City may, of course, adopt a noise ordinance, rather than a local law, dealing with noise generated by anything other than a State-regulated source. That legislation can either restrict noise measured by decibel levels from a certain distance, or can be based upon a legislative determination of "reasonableness."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

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

Very truly yours,

SLYE & BURROWS

By:

  
Robert J. Slye

RJS/ktl

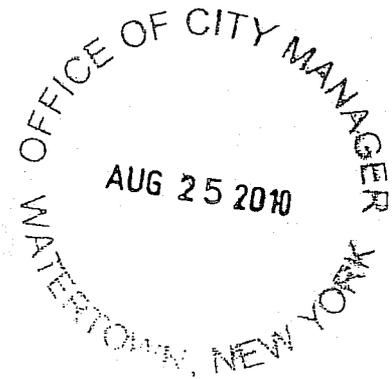
Enclosure

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

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

August 24, 2010

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



Re: Noise Control Legislation

Dear Council Members:

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

### The Existing Noise Control Ordinance

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

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

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

### Existing State Law

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

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

### Are Noise Control Ordinances Constitutional?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Conclusion

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

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

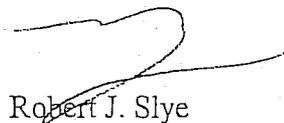
One final note - - - this letter offers no opinion as to whether any legislation regulating "unreasonable noise" may be utilized to override and/or circumvent the State's statutory noise regulations contained at Section 375(31), Section 375(47), and Section 386 of the Vehicle and Traffic Law. In other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

We look forward to assisting the Council in its deliberations.

Very truly yours,

SLYE & BURROWS

By:



Robert J. Slye

RJS/ktl

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



## SoundPatrol DP Series SOUND LEVEL METERS

### For Noise Ordinance Enforcement

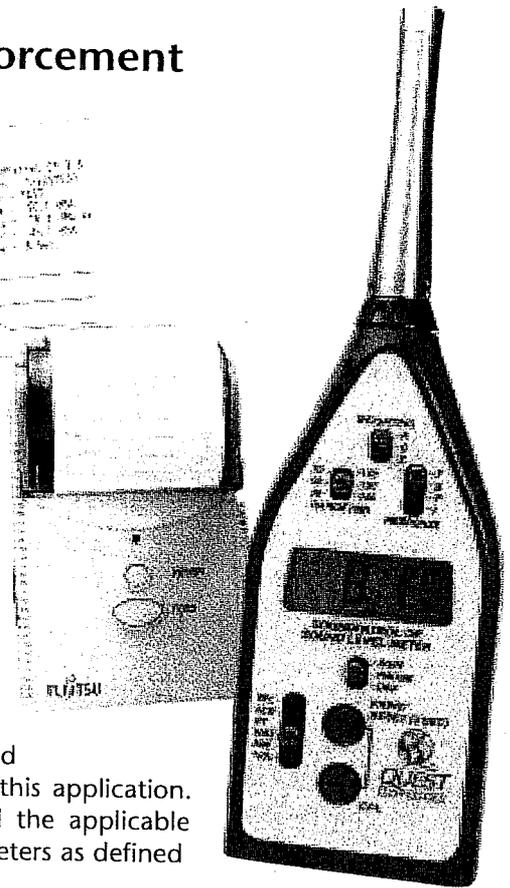
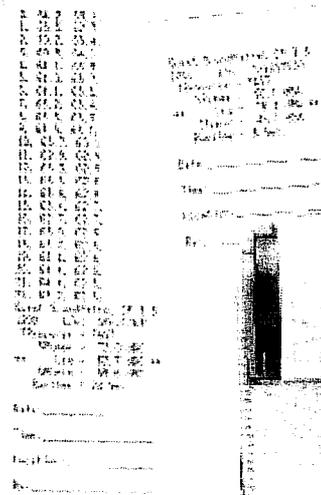
#### The Issue

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

#### The Solution

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

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



#### Ordering Information

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

# Eirtech Instruments Price Quotation

4 Burton Street  
 Cazenovia, NY 13035  
 315-655-8124/// Fax 315-655-3612

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

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

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

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

**Shipping, insurance and applicable taxes are additional.**

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

**Terms are subject to credit approval.**

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

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

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

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

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

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

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

1/21/2011

Laid Over Under the Rules

March 15, 2011

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Amending City Municipal Code, §293, Vehicles  
And Traffic, Sterling Street

The attached Ordinance was presented to the City Council for consideration at the February 22, 2011 and March 7, 2011 City Council meetings, and laid over under the rules. As my cover report for the February 22, 2011 meeting indicated, at the request of Mayor Jeffrey Graham Staff reviewed the parking restrictions on Sterling Street. On February 14, 2011 at the City Council Work Session we presented the recommended changes for parking in the 100 and 200 blocks of Sterling Street. The changes discussed include a loading zone for deliveries, codifying a police load zone and removing an area signed for official vehicles parking, as well as prohibiting standing along the entire length.

Staff feels that the proposed changes will increase driver visibility and safety when exiting the City Hall parking lot on Sterling Street and Goodale Street.

Council Member Joseph M. Butler asked that the attached Ordinance be prepared for City Council consideration.

# ORDINANCE

Amending City Municipal Code §293,  
Vehicles and Traffic, Sterling Street

Page 1 of 4

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

Total .....

YEA	NAY

### *Introduced by*

Council Member Teresa R. Macaluso

BE IT ORDAINED that the City Council of the City of Watertown hereby amends the City Municipal Code § 293, Vehicles and Traffic to delete the following:

§ 293-61. Schedule XIII. Parking Prohibited at All Times

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Sterling Street	North	From Washington Street to Goodale Street

and,

BE IT FURTHER ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to add the following:

§ 293-61. Schedule XIII. Parking Prohibited at All Times

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Sterling Street	North	From Washington Street to a point 239 feet east thereof
Sterling Street	North	From a point 304 feet east of Washington Street to a point 120 feet east of Goodale Street

and,

ORDINANCE

Amending City Municipal Code §293, Vehicles and Traffic, Sterling Street

Page 2 of 4

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

YEA	NAY

BE IT FURTHER ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to add the following:

§ 293-63. Schedule XV. No Standing

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Sterling Street	North	From Washington Street to a point 239 feet east thereof
Sterling Street	North	From a point 304 feet east of Washington Street to Goodale Street

and,

BE IT FURTHER ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to delete the following:

§ 293-67. Schedule XIX. Restricted Time Limit Parking

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
Sterling Street	North	1 hr.; 9:00 a.m. to 8:00 p.m.	From Goodale Street to Franklin Street

and,

ORDINANCE

Amending City Municipal Code §293, Vehicles and Traffic, Sterling Street

Page 3 of 4

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

YEA	NAY

BE IT FURTHER ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to add the following:

§ 293-67. Schedule XIX. Restricted Time Limit Parking

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
Sterling Street	North	1 hr.; 9:00 a.m. to 8:00 p.m.	From a point 120 feet east of Goodale Street to Franklin Street

and,

BE IT FURTHER ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to add the following:

§ 293-71. Schedule XXIII. Loading Zones

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
Sterling Street	North	All times and all days	Police Vehicle loading zone only; From a point 263 feet east of Washington Street to a point 41 feet east thereof
Sterling Street	North	7:00 a.m. to 6:00 p.m./Mon. through Friday	Municipal Building delivery/service loading zone only; From a point 239 feet east of Washington Street to a point 23 feet east thereof

Ordinance No.

February 22, 2011

# ORDINANCE

Amending City Municipal Code §293,  
Vehicles and Traffic, Sterling Street

Page 4 of 4

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

YEA	NAY

and,

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

**Seconded by Council Member Joseph M. Butler Jr.**

March 17, 2011

To: The Honorable Mayor and City Council  
From: Mary M. Corriveau, City Manager  
Subject: Tree City U.S.A. Designation

With the arrival of spring, comes the budding of trees and the greening of our community. It is fitting that we recently received notification that, for the 11<sup>th</sup> year in a row, the City of Watertown has been recognized as a Tree City. U.S.A. community. This designation is in large measure due to the efforts of Tree Watertown, a volunteer group of community citizens that serves as the Street Tree Advisory Board to the City of Watertown and their work with our Planning Department, more specifically. Michael Lumbis.

Tree Watertown advises the City on policy issues, makes recommendations regarding grant applications and works with the City Planning Office in the development of the City's annual tree planting program. In addition, Tree Watertown serves the community through the development and presentation of educational initiatives and tree planting projects throughout the year.

To qualify as a Tree City USA community, a town or city must meet four standards established by the Arbor Day Foundation and the National Association of State Foresters. The standards established ensure that every qualifying community has a viable tree management plan and program. The four standards that need to be met are:

- A Tree Board or Department
- A Tree Care Ordinance
- A Community Forestry Program with an annual budget of at least \$2 per capita
- An Arbor Day Observance and Proclamation

Members of Tree Watertown and residents of Watertown should be proud of the great work that has been accomplished over the past eleven (11 years) years. A special thanks goes to Mr. Lumbis and the Tree Watertown Committee, the Department of Public Works, and all the other community volunteers, organizations and corporations that support this continuing effort to improve our community forest.

**New York State Department of Environmental Conservation**

**Division of Lands and Forests**

Bureau of Private Land Services

625 Broadway, Albany, New York 12233-4253

Phone: (518) 402-9425 • Fax: (518) 402-9028

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Acting Commissioner

March 2, 2011

The Honorable Jeffrey E. Graham  
Mayor  
City of Watertown  
245 Washington Street, Rm. 302  
Watertown, NY 13601



Dear Mayor Graham:

Congratulations on being recognized as a Tree City U.S.A. Community/Utility or College Campus for 2010! Your award materials await you!

You are cordially invited to participate in the Fifth Annual Recognition Ceremony and workshop to be held on Friday, April 1, 2011, at the Holiday Inn Express in Albany, from 10:00 a.m. to approximately 2:00 p.m. Each of New York's 110 recognized communities, utilities and campuses is invited to be represented by two designated persons. The training offered at this event will be useful to them. You may want to consider extending this invitation to Michael A. Lumbis. Lunch will be provided by the New York State Urban and Community Forestry Council and our Tree Line U.S.A. utility sponsors!

The program will include opening remarks from invited dignitaries such as, State Forester Robert Davies and Commissioner Joseph Martens. Presentations will be made by Consolidated Edison, DEC Research Scientist Jerry Carlson and Stephanie Radin of Dutchess County Cooperative Extension regarding tree inventories. We have also invited the statewide winner of the Arbor Day Poster Contest.

I hope you will be able to attend. Please respond to this invitation by March 28th, 518-402-9425 and ask for Mary, Judy or Carol.

Sincerely,

Mary Kramarchyk  
Community Partnership Coordinator

cc: Michael A. Lumbis



INTERNATIONAL YEAR  
OF FORESTS • 2011

March 17, 2011

To: The Honorable Mayor and City Council  
From: Mary M. Corriveau, City Manager  
Subject: Ogilvie Site Brownfields Cleanup Grant

In October of 2009, the City Council authorized staff to complete an application to the United States Environmental Protection Agency (EPA) for a Brownfields Cleanup Grant for the Ogilvie Site, located between North Pleasant Street and California Avenue. The grant was sought to assist the City in cleaning up petroleum contamination at the site and to complete the process of converting the property from its industrial past to one that could accommodate infill housing.

Last year, the City was notified that it was awarded the grant for \$200,000 and Staff from the Planning Office worked with EPA officials to complete the formal grant agreement documents. The documents were submitted to the EPA in November and were approved and returned to the City last week for our execution.

Once the grant agreement is returned to EPA and is in place, Staff will coordinate again with EPA regarding the next steps needed to get the project underway. We will continue to inform the City Council as new updates become available.

March 15, 2011

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

The City has received the monthly sales tax revenue numbers from Jefferson County. In comparison to February 2010, the February 2011 sales tax numbers are up \$162,817 or 6.82%, actual to actual. In comparison to our budget projection for the month of February, the sales tax numbers are up \$58,163 or 6.28%. This month's payment is an estimated payment calculated by the State of New York.

The year to date actual to actual receipts are up \$810,778 or 8.32%, year to date budget to actual receipts are up \$761,570 or 7.78%. Year to date revenues for Fiscal Years 2007-2008, 2008-2009 and 2009-2010 were \$9,798,162, \$9,614,475 and \$9,740,610 respectively. Year to date revenues for the current Fiscal Year are \$10,551,388.

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

## Sales Tax Collections

through February 2011

	<u>Actual 2007-08</u>	<u>Actual 2008-09</u>	<u>Actual 2009-10</u>	<u>Actual 2010-11</u>	<u>Variance</u>	<u>% Inc/(Dec)to Prior Year</u>
July	\$ 1,202,556	\$ 1,276,583	\$ 1,054,235	\$ 1,294,030	\$ 239,795	22.75%
August	\$ 1,150,965	\$ 1,268,437	\$ 1,111,868	\$ 1,250,127	\$ 138,260	12.43%
September	\$ 1,777,545	\$ 1,529,231	\$ 1,805,736	\$ 1,777,374	\$ (28,362)	-1.57%
October	\$ 1,041,228	\$ 1,103,267	\$ 1,081,394	\$ 1,147,531	\$ 66,137	6.12%
November	\$ 1,089,851	\$ 1,106,240	\$ 1,056,203	\$ 1,203,035	\$ 146,832	13.90%
December	\$ 1,554,307	\$ 1,413,485	\$ 1,606,018	\$ 1,681,408	\$ 75,390	4.69%
January	\$ 1,055,815	\$ 1,073,261	\$ 1,103,884	\$ 1,213,794	\$ 109,910	9.96%
February	\$ 925,894	\$ 843,971	\$ 921,272	\$ 984,089	\$ 62,817	6.82%
March	\$ 1,591,250	\$ 1,458,063	\$ 1,572,098	\$ -	\$ -	0.00%
April	\$ 1,044,484	\$ 954,271	\$ 1,121,188	\$ -	\$ -	0.00%
May	\$ 1,070,945	\$ 960,159	\$ 1,079,512	\$ -	\$ -	0.00%
June	\$ 1,689,660	\$ 1,479,763	\$ 1,709,687	\$ -	\$ -	0.00%
YTD	<u>\$ 15,194,501</u>	<u>\$ 14,466,732</u>	<u>\$ 15,223,095</u>	<u>\$ 10,551,388</u>	<u>\$ 810,778</u>	<u>8.32%</u>

	<u>Original Budget</u>		<u>Variance</u>	<u>%</u>
	<u>2010-11</u>	<u>Actual 2010-11</u>		
July	\$ 1,059,561	\$ 1,294,030	\$ 234,469	22.13%
August	\$ 1,117,485	\$ 1,250,127	\$ 132,643	11.87%
September	\$ 1,814,859	\$ 1,777,374	\$ (37,485)	-2.07%
October	\$ 1,086,857	\$ 1,147,531	\$ 60,674	5.58%
November	\$ 1,061,538	\$ 1,203,035	\$ 141,496	13.33%
December	\$ 1,614,131	\$ 1,681,408	\$ 67,277	4.17%
January	\$ 1,109,461	\$ 1,213,794	\$ 104,333	9.40%
February	\$ 925,926	\$ 984,089	\$ 58,163	6.28%
March	\$ 1,580,040	\$ -	\$ -	0.00%
April	\$ 1,126,852	\$ -	\$ -	0.00%
May	\$ 1,084,966	\$ -	\$ -	0.00%
June	\$ 1,718,325	\$ -	\$ -	0.00%
YTD	<u>\$ 15,300,000</u>	<u>\$ 10,551,388</u>	<u>\$ 761,570</u>	<u>7.78%</u>

March 15, 2011

To: The Honorable Mayor and City Council

From: Mary M. Corriveau, City Manager

Subject: Offer to Purchase Land, Samaritan Medical Center,  
Senior Living Village, Tax Parcel 13-23-102.1

On March 1, 2011, the City received an offer from Samaritan Medical Center (SMC) to purchase land the City owns on outer Washington Street, known as Tax Parcel 13-23-102.1. This offer is related to the construction of a facility to house 168 skilled nursing beds and 120 assisted living program beds. As we discussed on March 7, 2011 SMC's offer to the City mirrors the per acre appraisal price (\$9,500) for the property owned by the Watertown City School District.

Since the City Council meeting on March 7<sup>th</sup>, I have had the opportunity to look at the map provided by SMC's surveyors and discuss the offer with city Staff members. As the Council will recall, the initial offer from SMC was to split the parcel owned by the City with SMC purchasing Parcel A and the City continuing to own Parcel B. I have discussed this with Staff and we see no reason to continue to own Parcel B. If the City Council considers selling any of this property, I recommend that you sell the whole parcel to SMC.

To support plans for the development of a trail system connecting Starwood Apartments and the south side of the City to the School District's established trail system which leads to the Thompson Park area, Staff is also recommending that the City Council consider reserving an easement across the property.

If the City Council wishes to accept this offer, a resolution can be drafted for consideration at the April 4, 2011 meeting.



# Samaritan

*Medical Center*

February 28, 2011

Mary Corriveau  
City Manager  
City Hall  
245 Washington St., Rm. 302  
Watertown, New York 13601



**Re: Samaritan Medical Center –  
Senior Living Village  
Offer to Purchase Land  
Project No. 2010-114**

Dear Ms. Corriveau:

Samaritan has received a HEAL 20 Grant to construct an additional 168 skilled nursing beds along with 120 Assisted Living Program (ALP) beds in our community. Plans are underway for the design and construction of the New Senior Living Village, on outer Washington Street. Samaritan is the lead organization in a multi-party community coalition consisting of Jefferson County, the Watertown Housing Authority, Carthage Area Hospital and others. This new Senior Living Campus will be a separate corporation owned by Samaritan.

As you may be aware, we have recently received an appraisal of the land owned by the Watertown City School District, adjacent to the City of Watertown land. The City School District has arranged for a public referendum, to obtain voter approval to sell a portion of their property to Samaritan Medical Center, for our project.

As expressed in our December 2010 correspondence, Samaritan Medical Center wishes to pursue the purchase of the City Land, specifically 4.15 of parcel Tax ID #: 13-23-102, in conjunction with the construction of the Senior Living Village. Based upon this appraisal we are prepared to offer \$9,500 / acre or \$39,425. This estimated acreage does not include the utility corridor that connects this City parcel to Washington Street. We understand that the City has some interest in a future trail system extending from the housing complex across the street. Likewise, this property is not essential to our project.

We understand that this correspondence will constitute our formal offer, which can now be considered by you and the City Council. We have commissioned a Phase I Environmental Site Assessment (ESA), which should be available within the next week. Obviously, we would want to condition our offer, based upon the findings of this report.

Mary Corriveau, City Manager  
Samaritan Medical Center – Senior Living Village  
Offer to Purchase Land  
February 28, 2011  
Project No. 2010-114  
Page | 2

Should you require additional information to move this transaction forward, please feel free to contract me directly, or our Program Manager, Pamela Beyor, at Bernier Carr & Associates, P.C.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. Carman', with a stylized flourish at the end.

Thomas H. Carman  
President/CEO

cc: Pamela Beyor – Bernier, Carr & Associates

**PARCEL 1**

**DEED REFERENCE:**

(Portion of Conveyance)  
Nathalie S. Fairfax and  
Margaret S. Whiteford  
to  
The City School District  
City of Watertown, N  
Liber 878, Page 441  
Recorded December  
Area = 13.618 acres±  
Tax Parcel 13-23-10

and Testament of James W. Leitch  
to  
Samaritan Medical Center  
Liber 1543, Page 110  
Recorded December 04, 1996  
Area = 1.704 acres± (Ground Acres)  
Tax Parcel 13-23-104

**DEED REFERENCE:**  
KIMCO Watertown Associates  
to  
Samaritan Medical Center  
Liber 1528, Page 177  
Recorded September 11, 1996  
Area = 13.287 acres±  
(Ground Acres)  
Tax Parcel 13-23-104.001

Jefferson County Industrial  
Development Agency  
to  
First Columbia Samaritan, LLC  
File Number 2009-4036  
Recorded March 23, 2009  
Tax Parcel 13-23-104.101

**SAMARITAN  
MEDICAL  
PLAZA**

**PARCEL A**

**DEED REFERENCE:**  
(Portion of Conveyance)  
J.P. Burns, et al.  
to  
City of Watertown  
Liber 441, Page 22  
Recorded July 07, 1942  
Area = 5.700 acres±  
(Ground Acres)  
Tax Parcel 13-23-102.1

**POINT OF BEGINNING  
PARCEL B (See Inset 1)**

James F. Pemberton  
and Gail P. Pemberton  
to  
C.A.N.I. Building, LLC  
File Number 2004-5302  
Recorded April 19, 2004  
Tax Parcel 13-23-103

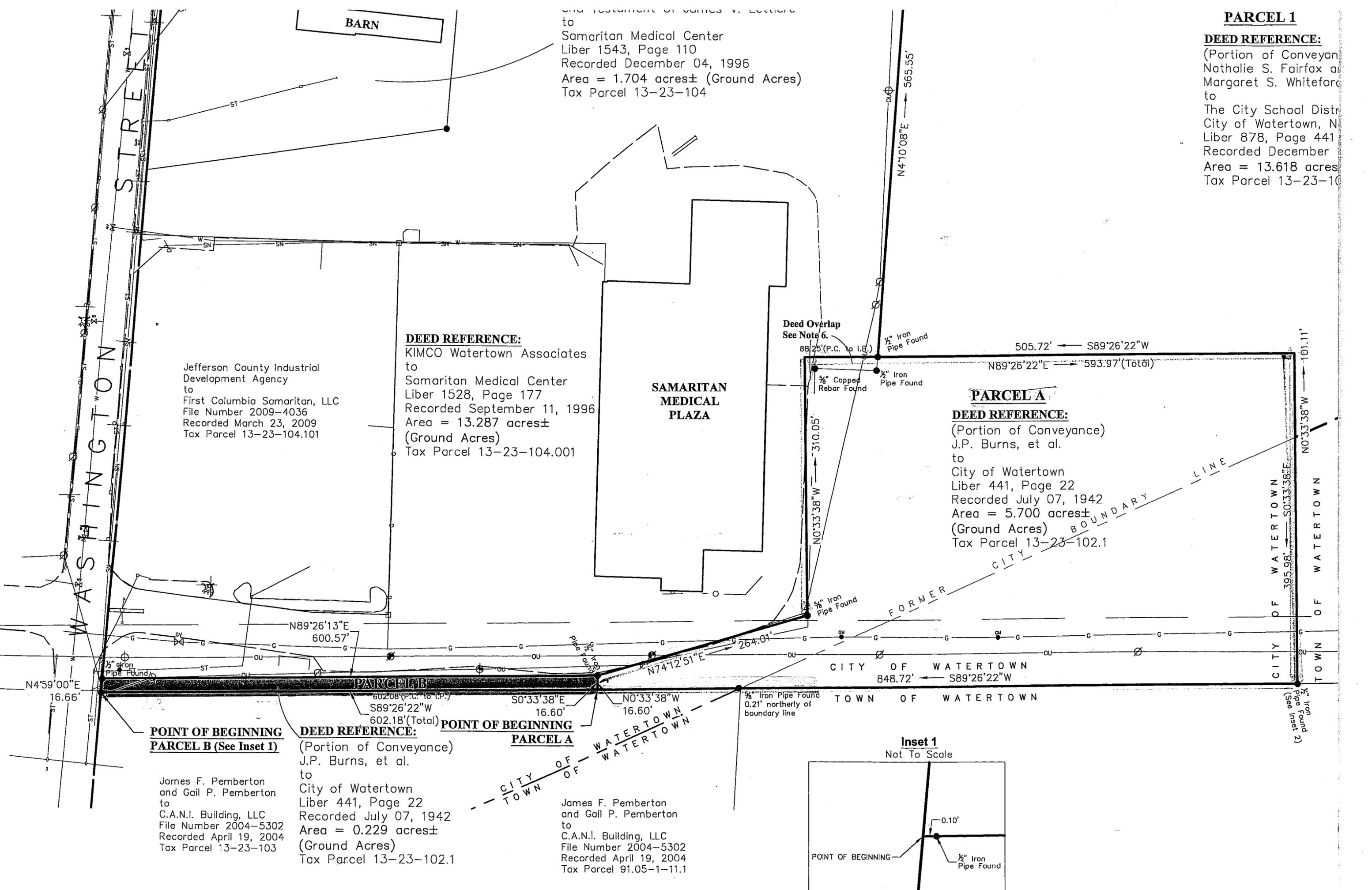
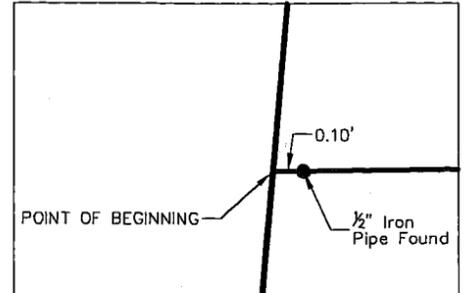
**DEED REFERENCE:**

(Portion of Conveyance)  
J.P. Burns, et al.  
to  
City of Watertown  
Liber 441, Page 22  
Recorded July 07, 1942  
Area = 0.229 acres±  
(Ground Acres)  
Tax Parcel 13-23-102.1

**POINT OF BEGINNING  
PARCEL A**

James F. Pemberton  
and Gail P. Pemberton  
to  
C.A.N.I. Building, LLC  
File Number 2004-5302  
Recorded April 19, 2004  
Tax Parcel 91.05-1-11.1

**Inset 1  
Not To Scale**



March 17, 2011

To: The Honorable Mayor and City Council  
From: Mary M. Corriveau, City Manager  
Subject: Arsenal Street and Gaffney Drive Sewer Update Report

I have asked City Engineer Kurt Hauk to provide the City Council with an update on the status of the sewer improvements that have taken place on Gaffney Drive and an analysis of the changing demands associated with the current, proposed and future development along this western corridor. As the Council recalls, during negotiations with the Town of Watertown on their sewer service agreement, we required follows from Arsenal Street to shifted Coffeen Street to address capacity issues in the Arsenal Street corridor. This has dramatically changed the dynamics in the area.

We are at a point in time where we need to discuss next steps related to expansion of sewer service in this area, including the replacement of the lift station on Gaffney Drive. Mr. Hauk lays out in the attached memorandum on the subject, the background, the current situation and the proposed next steps in the decision making process. We would like to discuss this matter with the City Council and see if we can reach consensus on the way ahead.



CITY OF WATERTOWN  
ENGINEERING DEPARTMENT  
MEMORANDUM

March 10, 2011

TO: Mary Corriveau, City Manager

FROM: Kurt W. Hauk, City Engineer

SUBJECT: Gaffney Drive Phase III and Arsenal Street Flows

This purpose of this memorandum is to provide an update to the situation and options for the Gaffney Drive pump station and Arsenal Street.

The completion of the shift of sanitary sewer flows by the Town of Watertown for Sewer District #2 from the Arsenal Street area to the Coffeen Street area has changed the dynamic for the City. The shift enables the City to evaluate different options for handling the issues of development at Gaffney Drive and Arsenal Street. Because these areas are so intertwined, both areas will be reviewed. Options and recommendations for both will be presented.

**Arsenal Street:**

**Background:**

This section of sewer was recommended for upgrade as far back as the 1986 Sewer Study conducted by Stearns and Wheler. It correctly predicted that this section of sanitary sewer would become overloaded by development. This portion of the 10" sewer main is flat, .18%, and does not meet today's current standard for grade. As development occurred along Arsenal Street within the City and also the Town of Watertown, a Memorandum Of Understanding (MOU) was reached between the City and Town regarding flows from Sewer District #2 on April 28<sup>th</sup>, 2005. This MOU established the Status Quo regarding flows until recently when at the urging of the City, the Town shifted flows to the point of connection of Sewer District #3.

**Situation:**

This section of sewer on Arsenal Street has been considered to be "at capacity" for a number of years, however there was no field data to confirm this. The City conducted flow metering in this area from 27 April 2009 until 21 May 2009 to quantify the actual flows exhibited on this sewer main. What was found was that under average and peak conditions, the main has adequate capacity.

However, during this flow metering period, there was a very intense storm event on 9 May 2009. This storm had an intensity greater than is normally observed and in fact caused the failure of a brick storm sewer on Mill Street. It was during this storm that surcharging of the main was recorded and this surcharging continued for 4 days before conditions returned to normal. The

information from the meters indicates either a large source or many smaller sources of inflow that become active during extreme rain events. There was no external evidence, i.e. sewer backups, at the time to indicate capacity issues. We only saw it because the meters were recording at the time of the event.

Because of this information, the Engineering Department intensified its review of sources of flow along the Arsenal Street main to prevent failure of the system under high flows. It also contacted the Town of Watertown to notify it that the City would be seeking the shift of flows from Sewer District #2 off of the Arsenal Street sewer main.

The Town has now completed the shift of flows. The importance of this cannot be understated. The Town is now freed of the flow restrictions of the MOU and sewer capacity will not be an issue in regards to the City for future development there. The City is now freed from the burden of intricately managing the development outside the City boundary in regard to sewer flows. Also, the sewer constriction is now isolated unto itself and can be evaluated for a resolution. The shift also enabled a correspondingly lesser flow from the Millennium Development to be directed to Arsenal Street thus relieving demand on the system at the Gaffney Drive Pump Station.

#### Problem and Resolution:

The real issue with the Arsenal Street Sewer Main is that it experiences large inflows during high intensity storm events in the magnitude of .28 MGD causing surcharging. This inflow represents approximately 33% of the peak flows. The recommended course of action is:

1. Place flow meters along Arsenal Street to pinpoint and quantify the sources of inflow along the main. This would be similar to the process used to find the inflow along the WOTS near Coffeen Street.
2. No additional flows will added to the Arsenal Street Main after the Millennium Development approval unless:
  - a. It can be clearly demonstrated not to have an adverse impact to the service of the main.
  - b. The sources of inflow have been identified and removed.

A spread sheet showing the various flows and conditions is included on the first tab of the enclosed excel document.

#### **Gaffney Drive Ph III:**

##### Background:

The pump station project known as Gaffney Drive Phase III is the final stage of upgrades in the Gaffney Drive area to facilitate development. The first stage was the acquisition of the Gaffney Drive parcel and the reconstruction of the street. The second stage known as Gaffney Drive Phase I was the replacement of a flat section of sanitary main that was identified for upgrade as early as the 1986 Sewer Study. This stage was completed by DPW crews. The third stage known as Gaffney Drive Phase II is the acquisition of a private sewer main and easement from the Stateway Plaza that would service portions of the City currently without sewer service. This stage is still being progressed by the City.

The pump station was acquired by the City as part of the purchase of the Gaffney Drive parcel. At that time, work to the pumps and controls were performed by the staff of the WWTP to upgrade the system as much as practical. In the intervening time there has been approved for construction two hotels and a restaurant on property formerly owned by the JRC. Also, there is follow-on development planned for the Millennium site that will have to flow to the pump station unless the issues on Arsenal Street have been solved by then. This would flow through the Phase II sewer main. The original recommendation to upgrade the pump station was made with the assumption that all of the original Millennium flows would be required to flow to Gaffney Drive, since at that time there was no capacity available on Arsenal Street. It was also based on the assumption that all of the proposed development would come to pass. To date only one of the hotels on the JRC property is under construction, and the hotel for the Millennium property will flow to Arsenal Street. Finally, that upgrade was recommended to be triggered by the approvals of proposed site plans that would render the current configuration obsolete. The currently approved development yet to be built is one hotel and one restaurant.

#### Situation:

The pump station is adequate for the current flows. The question becomes at what point is an upgrade to the system required as development comes on-line. A spreadsheet of the measured flows at the station and calculated capacities is included. The flows at the pump station were evaluated on two separate dates, one in September 2009 and one in July 2010. The flows recorded were vastly different. This could be because of inflow into the system in September versus July. The other reason may be because the upgrades to the storm water collection system by the development on the former JRC property may have mitigated the amount of storm and ground water flowing to the pump station location. This portion of sewer was originally constructed privately. Given the level of construction that has been observed in this system to date, I would not be surprised to see large sources of inflow into the system.

The flow calculations were performed using the worst case flow, Sep 09. With the construction of the Fairfield Inn, that site still has an emergency response time of 55 minutes. If the actual inflows are more like that seen in Jul 2010, then the pump station has an even higher response time. That has been calculated to be in the 75 minute range. The calculated response time for full build out of JRC is 39 and 49 minutes respectively for both conditions. Currently, the only other development that has been contemplated is a "big box" facility as a follow-on phase for Millennium Development that is proposed only, and is not contemplated for a site plan submittal in the near future. It is also important to remember that the response times are calculated based

on a peak flows derived using estimated peak flows for new development. The actual observed and peak flows may be lower as has been the case in other developments. The reason for this is that it is rare that all of the proposed peaks “stack up” simultaneously combined with the fact that the design flows are inherently higher than the actual.

The real unknown is any future development of the Stateway Plaza property. Depending on the development proposed on this property, it has the potential to require a second upgrade from what would be currently planned. We are now in the position of trying to predict what development may occur. It is this situation that I am most concerned about and would like to avoid.

The consequences of proceeding before knowing the full scope of what the development may be are:

1. Improper capacity. It is possible that assumptions about the development and the corresponding flows are too conservative or not conservative enough and it will provide either too little or too much capacity. Neither condition is acceptable
2. Improper location. Depending on what development is considered, it may be that the current site is no longer the optimal location for the pumps. Relocation may provide better collection of the proposed flows by gravity, or it may eliminate multiple pumping locations.
3. Need superseded by a solution on Arsenal Street. If the investigations on the inflow on Arsenal Street bear fruit, the requirement for an upgrade may be overcome by events. The ability to direct flows to Arsenal Street may render the requirement for upgrades to become moot.

#### Problem and Resolution:

The question to be answered is the difference in the observed inlet flow numbers and to confirm if it is caused by inflow, or if the construction has alleviated the condition. The recommended course of action is:

1. Recheck the pump cycles at the station during the spring runoff and compare the calculated inlet flow numbers.
2. If the inlet flow numbers are elevated due to observed inflow, then flow metering and sewer videos should be undertaken to identify and eliminate the sources of inflow. Re-evaluate the system at completion of the work and calculate the revised response times.
3. If the inlet flow numbers do not indicate inflow, continue to monitor the station and flows.

4. Continue to monitor flow rates to the station as development comes on-line. Design flows can be overly conservative versus actual flows. This should be tracked so that the actual observed flows can be included in further evaluations of pump capacity.

A spread sheet showing the various flows and conditions is included on the second tab of the enclosed excel document

cc: Jim Mills, City Comptroller  
File

Arsenal Street  
Flows and Capacities  
1 Feb 11

**1. SD#2 Pre-Shift Measured and Calculated Flows**

	GPD	CFS	GPM	MGD
Tof Watertown SD#2 Ave Daily (2009)	86,747	0.13	60.2	0.087
Arsenal Street Ave Daily w/o storm(May 2009)	162,200	0.25	112.6	0.162
Arsenal Street Ave Daily w/ storm (May 2009)	237,448	0.37	164.9	0.237
Arsenal Street Extreme Cond. (May 2009) (heavy storm peak)	830,000	1.28	576.4	0.830

Existing Calculated Pipe Capacities:

	CFS	GPM	MGD	Dia (in)	slope (%)	n	Area (SF)	Hyd Rad (ft)
Upstream of Friendly's	1.42	638	0.919	8	1.38	0.013	0.35	0.17
At Friendly's	0.93	418	0.602	10	0.18	0.013	0.55	0.21
At Drive One/Tilted Kilt	2.15	963	1.387	15	0.11	0.013	1.23	0.31

Note: Constriction at Friendly's is only location that does not meet measured and calculated flows.  
The Extreme condition or heavy storm peak is only case where capacity is inadequate

**2. SD#2 Post-Shift Measured and Calculated Flows**

	GPD	CFS	GPM	MGD
Arsenal Street Ave Daily w/o storm(2009 net)	75,453	0.12	52.4	0.075
Arsenal Street Ave Daily w/ storm (2009 net)	150,701	0.23	104.7	0.151

**Recheck Flows at the Extreme Condition  
(Heavy Storm Peak)**

Measured Peak	Observed PF	Calculated SD#2 Peak	Net Peak (MGD)	
830,000	3.39	294,072	0.536	OK

Arsenal Street  
Flows and Capacities  
1 Feb 11

**3. Check Flows with Millenium Flows Added**

Millenium Ave Daily: 50,444 GPD

	GPD	CFS	GPM	MGD
Rev. Arsenal St Ave Daily w/o storm(2009 net)	125,897	0.19	87.4	0.126
Rev. Arsenal St Ave Daily w/ storm (2009 net)	201,145	0.31	139.7	0.201

**Recheck Flows at the Extreme Condition  
(Heavy Storm Peak)**

Millenium Calculated Peak: 140.12 GPM (using PF of 4)  
or  
0.2017728 MGD

Revised Net Peak: 0.738  
Percent Surcharge: 122.6%  
vs.  
Existing Extreme Peak: 0.830  
Percent Surcharge: 137.9%

**Compare Pump Flow Rates**

Town SD#2:	300	GPM	(Max Rate per MOU)
Vision Development:	76	GPM	
	<u>376</u>	GPM	
vs.			
Town SD#2:	0	GPM	(Shifted to SD#3)
Combined Millenium and Vision:	<u>162</u>	GPM	
Total:	162	GPM	

# Gaffney Drive Lift Station

**1. Quantify Existing Flows:**

pump rate: 450 gpm

Wet Well Data: Pumps on: 414.04 Standby Depth: 5.33 ft  
 Pumps off: 412.62  
 Wet Well Area: 81 SF  
 Fill volume: 860.46 Gal

**Calculate existing flow:**

	Sep-09		Cycle Time		Check
	Pump Time (min)	Fill Time (min)	(min)	Inlet Flow	Pump Rate
9:00 AM (est.)	Cycle #1: 1:67	27.1	28.77	31.75	547.00
9:27 AM	Cycle #2: 1:9	21	22.9	40.97	493.85
9:48 AM	Cycle #3: 1:67				

	Jul-10		Cycle Time		Check	
	Cycle #:	Pump Time (min)	Fill Time (min)	(min)	Inlet Flow	Pump Rate
7:10 AM	1	2:43	45:76	48.19	18.80	372.90
7:58 AM	2	1:35	43:03	44.38	20.00	657.38
8:43 AM	3	3:45	36:16	39.61	23.80	273.21
9:22 AM	4	1:3	35	36.3	24.58	686.48
9:59 AM	5	3:45	37:66	41.11	22.85	272.26
10:40 AM	6	2:32	34:73	37.05	24.78	395.67
11:17 AM	7	3:38	37	40.38	23.26	277.83
11:57 AM	8	2:23	33:47	35.7	25.71	411.57
12:33 PM	9	2:3	39:61	41.91	21.72	395.84
1:15 PM	10	2:45				

## Gaffney Drive Lift Station

### 2. Add Gaffney Development: (using Sep 09 inflow)

Highest Observed Inflow: 40.97 GPM

PF: 2.0

	Est Flow	GPM	MGD	Rolling Increase (GPM)	Total P/S Inflow	Existing Response Time (min)
Fairfield Inn:	12360 gpd	8.58	0.012	8.58	58.14	55.55
Towne Place Suites:	14160 gpd	9.83	0.014	18.42	77.80	41.51
Restaurant:	6000 gpd	4.17	0.006	22.58	86.14	37.50

### 3. Recalc for 10 min Cycle:

Required Cycle Volume: 696.49 Gal  
 Required Cycle Volume: 93.10 CF  
 Required CycleDepth: 1.15 ft  
 New P/O Elev: 413.77  
 Response Time: 39.40 min

### 4. Add Gaffney Development: (using Jul 10 inflow)

Highest Observed Inflow: 25.71 GPM

PF: 2.0

	Est Flow	GPM	MGD	Rolling Increase (GPM)	Total P/S Inflow	Existing Response Time (min)
Fairfield Inn:	12360 gpd	8.58	0.012	8.58	42.88	75.33
Towne Place Suites:	14160 gpd	9.83	0.014	18.42	62.54	51.64
Restaurant:	6000 gpd	4.17	0.006	22.58	70.88	45.57

### 5. Recalc for 10 min Cycle:

Required Cycle Volume: 597.13 Gal  
 Required Cycle Volume: 79.82 CF  
 Required CycleDepth: 0.99 ft  
 New P/O Elev: 413.61  
 Response Time: 49.28 min