

**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, May 4, 2015, 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 - Establishing Standard Work Day and Reporting For Appointed Officials, City Clerk and Deputy Clerks
- Resolution No. 2 - Approving Agreement For Professional Land Surveying Services, Storino Geomatics
- Resolution No. 3 - Authorizing Supplemental Agreement No. 3 to Federal Aid Highway and Marchiselli Aid Project Agreement, Factory Street Reconstruction, PIN 775315.121, .221, .321 and .322; D032467
- Resolution No. 4 - Approving Contract Renewal for Unarmed Security Services for the Flower Memorial Library, ICU Security and PI
- Resolution No. 5 - Approving Data Processing Service Agreement, Watertown City School District
- Resolution No. 6 - Accepting Bid for Truck Rental Services, T.J. Clement Construction Company, Inc.
- Resolution No. 7 - Adopting the City of Watertown's Community Development Block Grant (CDBG) Annual Action Plan for Program Year 2015

Resolution No. 8 - Finding That Changing the Approved Zoning Classification of 535 Olive Street from Residence B to Commercial Will Not Have a Significant Impact on the Environment

ORDINANCES

LOCAL LAW

PUBLIC HEARING

- 7:30 p.m. Ordinance Changing the Approved Zoning Classification of 535 Olive Street, Parcel 6-04-103, from Residence B to Commercial
- 7:30 p.m. 2015-2016 Operating Budgets
- 7:30 p.m. 2015-16 through 2019-20 Capital Budget

OLD BUSINESS

STAFF REPORTS

1. Local Government Sales Taxes in New York State: 2015 Update
2. Household Hazardous Waste Collection Flyer

NEW BUSINESS

EXECUTIVE SESSION

WORK SESSION

Next Work Session is scheduled for Monday, May 11, 2015, at 7:00 p.m.

ADJOURNMENT

NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS MONDAY, MAY 18, 2015.

Res No. 1

April 27, 2015

To: The Honorable Mayor and City Council

From: Ann M. Saunders, City Clerk

Subject: Establishing Standard Work Day and Reporting for Appointed Officials,
City Clerk and Deputy Clerks

On April 20, 2015, City Council approved the Employment Agreement for the City Clerk. We must now approve establishing the standard work days for the City Clerk and Deputy Clerks for the current term.

The attached Resolution has been prepared for City Council consideration.

RESOLUTION

Page 1 of 1

Establishing Standard Work Day and Reporting
For Appointed Officials, City Clerk and Deputy Clerks

Introduced by

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

YEA	NAY

BE IT RESOLVED, that the City of Watertown (Location Code 20056) hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Appointed Officials

Title	Name	Standard Work Day (Hrs/day)	Current Term Begin & End Dates	Participates in Employer's Time Keeping System	Record of Activities Result
City Clerk	Ann Saunders	7	05/01/15 – 04/30/17 *	Yes	N/A
Deputy City Clerk	Amanda Lewis	7	05/01/15 – 04/30/17 *	Yes	N/A
Deputy City Clerk	Margaret Puccia	7	05/01/15 – 04/30/17 *	Yes	N/A

* Current Term Begin and End Dates defined only for the purpose of this resolution

I, Ann M. Saunders, Clerk of the governing board of the City of Watertown, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 4th day of May, 2015 on file as part of the minutes of such meeting, and the same is a true copy thereof and whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Watertown on this 4th day of May, 2015.

(Signature of Clerk)

Date enacted _____

Seconded by

Res No. 2

April 21, 2015

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

Subject: Approving Agreement for Professional
Land Surveying Services, Storino Geomatics

The City of Watertown in the course of business routinely has a need for land surveying services. On December 7, 2009, the City Council approved a non-exclusive Agreement with Storino Geomatics to provide surveying services for the City. Our current Agreement with Mr. Storino expires on June 30, 2015. As detailed in the attached report of City Engineer Justin L. Wood, this is the final of the three two-year renewal periods.

A resolution approving the Agreement for Professional Land Surveying Services between the City of Watertown and Storino Geomatics, 179 Conger Avenue, Watertown, New York, has been prepared for City Council consideration. This agreement renewal will be in effect until June 30, 2017.

RESOLUTION

Page 1 of 1

Approving Agreement For Professional
Land Surveying Services, Storino Geomatics

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

Total

YEA	NAY

Introduced by

WHEREAS in the course of business the City of Watertown routinely has a need for land surveying services, and

WHEREAS the City does not have a licensed land surveyor on its staff to perform routine survey work as the need arises, and

WHEREAS surveying services are professional services within the meaning of the New York General Municipal Law, and

WHEREAS Storino Geomatics has offered to perform routine surveying services for the City in connection with assigned projects at specified rate for identified services on a non-exclusive basis,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Professional Land Surveying Services, between the City of Watertown and Storino Geomatics, 179 Conger Avenue, Watertown NY, a copy of which is attached and made a part of said resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute said agreement on behalf of the City of Watertown.

Seconded by

**AGREEMENT FOR PROFESSIONAL
LAND SURVEYING SERVICES**

This Agreement dated this ____ day of May, 2015 by and between Thomas M. Storino, P.L.S., individually and doing business as Storino Geomatics, 179 Conger Avenue, Watertown, New York 13601 (“Storino”) and the City of Watertown, New York, a municipal corporation with principal offices located at 245 Washington Street, Watertown, New York 13601 (the “City”).

WITNESSETH

WHEREAS, the City routinely has a need for land surveying services in connection with street, sewer, water reconstruction and other projects; and

WHEREAS, the City does not have a licensed land surveyor on its staff to perform routine survey work as the need arises; and

WHEREAS, surveying services are professional services within the meaning of the New York General Municipal Law; and

WHEREAS, Storino has offered to perform routine surveying services for the City in connection with assigned projects at specified rates for identified services on a non-exclusive basis,

Now therefore the parties agree as follows:

AGREEMENT

1. Scope of Services.

The scope of surveying services to be performed by Storino for the City on an as-needed, non-exclusive basis is attached and made a part of this Agreement as Exhibit “A.” Identified routine services are to be performed at the fixed rates described at items .100

through .112 on Exhibit "A." Non-identified, non-routine services are to be performed at the applicable hourly rates described at items .113 through .119 on Exhibit "A."

2. Surveyors.

Storino will provide qualified surveyors to perform the assigned work. At all times relevant to this Agreement, Storino's surveyors shall be Storino employees, and not City employees. Accordingly, Storino shall be responsible for the payment of all wages, withholdings, insurances (including Workers' Compensation and disability insurance) and safety issues, if any, pertaining to his employees.

Storino shall maintain full, open, and cordial communications with any applicable City contractor's representatives, and shall answer the contractor's inquiries when those answers are solely referable to work or documents provided by Storino. Any request by a contractor for additional surveying work must be referred to the City representative.

3. City Representative.

The City Engineer of the City of Watertown shall designate a representative of the Watertown Engineering Department from whom all assignments shall be made and to whom all reports concerning surveying services shall be provided. The City Engineer's designation of its representative shall be in writing.

4. Reimbursable Expenses.

The City will reimburse Storino for expenses directly attributable to performing land surveying services required by this Agreement. It is anticipated that the extent of reimbursable expenses will be detailed in the agreed-to scope for each project.

5. City to Provide File Documents.

Prior to the commencement of any surveying services set forth herein, the City shall provide Storino with complete access to the City's file documents concerning the property in question. It is anticipated that copies of relevant documents will be provided by City staff for each project. When originals are provided, Storino shall return any original documents provided, upon completion of the task for which they were made available.

6. Billing.

Storino shall submit his invoices for surveying services no more than two times per month. Reimbursable expenses should be billed with the invoice for each project in the applicable billing period.

7. City Property.

All documents and reports prepared by Storino and provided to the City, both written and electronic, shall become the property of the City.

8. Term of Agreement.

This Agreement shall commence on July 1, 2015 and shall expire on June 30, 2017.

9. Entire Agreement.

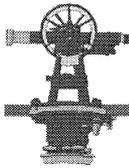
This Agreement represents the entire Agreement of the parties, and the parties acknowledge that there are no other agreements, verbal or otherwise, which form a part of the parties' Agreement.

WHEREFORE, the parties have entered into this Agreement this ___ day of May,

2015.

Thomas M. Storino, P.L.S.,
Individually and d/b/a
Storino Geomatics Land Surveying
Services & Consulting, PLLC

City of Watertown
By: Sharon Addison
City Manager



STORINO GEOMATICS

LAND SURVEYING SERVICES & CONSULTING, PLLC

PROFESSIONAL LAND SURVEYORS

DEDICATION • EXPERIENCE • TECHNOLOGY

MUNICIPAL • PRIVATE • COMMERCIAL • INDUSTRIAL

NEW YORK • VERMONT

THOMAS M. STORINO, PLS, PRESIDENT
ADAM M. STORINO, PLS, VICE PRESIDENT

April 10, 2015

Mr. Justin L. Wood, P.E., City Engineer
City of Watertown Engineering Dept.
245 Washington St., Rm. 305
Watertown, NY 13601

RE: Contract Renewal

Dear Justin:

We would like to personally thank you for supporting Storino Geomatics, enabling us the opportunity to meet the City of Watertown's land surveying needs for the past six years. As we approach the upcoming renewal date for the professional services agreement, we would like to reiterate our interest in extending our agreement and continuing our professional working relationship with the City of Watertown.

Storino Geomatics is comprised of a team spanning over 50 years of combined experience. We offer a wide range of land surveying services and have welcomed many new clients in recent years. We continue to place a proud emphasis on our clients and their satisfaction. We believe our experience with similar projects, coupled with excellent professional staff and availability makes us uniquely qualified to work with you and assist the City in meeting its goals. We are pleased to be able to offer new services to our clients including expanded GPS capabilities and GIS services.

As requested, attached is a proposed fee schedule for the upcoming contract term.

If you have any questions, comments, or would like to discuss the upcoming renewal, please feel free to contact me at (T) 315-788-0287, (C) 315-783-3145, or tmstorino@storinogeomatics.com.

Again, we thank you for the opportunity and look forward to working with you.

Sincerely,

Thomas Michael Storino, PLS
President

CC: Adam M. Storino, PLS

ROUTINE RATES

CODE	PROFESSIONAL SERVICE	PROFESSIONAL SERVICE DESCRIPTION	FEE (EFFECTIVE 7/1/2015)	FEE (EFFECTIVE 7/1/2016)
0.100	City/Village/Rural Survey - Up to 1.5 Acres	Set Corners, Map, Legal Description	\$925.00	\$935.00
0.101	City/Village/Rural Survey - Up to 1.5 Acres	Set Corners (Stake-out only)	\$640.00	\$650.00
0.102	City/Village/Rural Subdivision - 1 Lot, 2 Acres or Less	Set Corners, Map, Legal Description	\$1,315.00	\$1,330.00
0.103	City/Village/Rural Subdivision - 1 Lot, 2 to 5 Acres	Set Corners, Map, Legal Description	\$1,450.00	\$1,475.00
0.104	City/Village/Rural Subdivision - 1 Lot, Greater than 5 Acres	Set Corners, Map, Legal Description	TBD	TBD
0.105	City/Village/Rural Subdivision - More than 1 Lot	Set Corners, Map, Legal Description	TBD	TBD
0.106	City/Village/Rural Update - 1 Lot, 5 Acres or Less	Reset Corners, Map, Legal Description	\$525.00 - \$600.00 + (0.111)	\$540.00 - \$625.00 + (0.111)
0.107	City/Village/Rural Update - 1 Lot, Greater than 5 Acres	Reset Corners, Map, Legal Description	TBD	TBD
0.108	Wooded Parcel Survey - Greater than 1.5 Acres	Set Corners, Map, Legal Description	\$0.90/Ft. of Total Perimeter	\$0.95/Ft. of Total Perimeter
0.109	Wooded Parcel Survey - Greater than 1.5 Acres	Set Corners, Map, Legal Description, Blazing/Painting	\$1.15/Ft. of Total Perimeter	\$1.20/Ft. of Total Perimeter
0.110	Open Parcel Survey - Greater than 1.5 Acres	Set Corners, Map, Legal Description	\$0.80/Ft. of Total Perimeter	\$0.85/Ft. of Total Perimeter
0.111	Monument Replacement	Reset Monument (Per Monument)	\$45.00	\$48.00
0.112	Line Monuments (Scheduled at time of survey.)	Additional Monuments set on line. (Per Monument)	\$50.00	\$55.00
0.113	Line Monuments (Not Scheduled at time of survey)	Additional Monuments set on line. (Per Monument)	\$70.00	\$75.00

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HOURLY RATES

CODE	PROFESSIONAL SERVICE	PROFESSIONAL SERVICE DESCRIPTION	FEE (EFFECTIVE 7/1/2015)	FEE (EFFECTIVE 7/1/2016)
0.121	One-Man Survey Crew (Ground)	Per Hour (Billed at 1 Hour Minimum)	\$67.00	\$70.00
0.122	Two-Man Survey Crew (Ground)	Per Hour (Billed at 1 Hour Minimum)	\$117.00	\$118.00
0.123	One-Man Survey Crew (GPS)	Per Hour (Billed at 1 Hour Minimum)	\$82.00	\$85.00
0.124	Two-Man Survey Crew (GPS)	Per Hour (Billed at 1 Hour Minimum)	\$132.00	\$135.00
0.125	Two-Man Construction Crew (Ground or GPS)	Per Hour (Billed at 1 Hour Minimum)	\$167.00	\$168.00
0.126	NYS Prevailing Wage - Party Chief	NYS Prevailing Wage - Party Chief	TBD	TBD
0.127	NYS Prevailing Wage - Instrument Person	NYS Prevailing Wage - Instrument Person	TBD	TBD
0.128	NYS Prevailing Wage - Rod Person	NYS Prevailing Wage - Rod Person	TBD	TBD
0.129	On-Site or Court Testimony by PLS	Per Hour (Billed at 1 Hour Minimum)	\$154.00	\$156.00
0.130	Professional Land Surveyor	Per Hour (Billed at 1 Hour Minimum)	\$135.00	\$136.00
0.131	Survey Project Manager (Intermediate Rate)	Per Hour (Billed at 1 Hour Minimum)	\$87.00	\$90.00
0.132	Survey Technician (Routine Rate)	Per Hour (Billed at 1 Hour Minimum)	\$67.00	\$70.00
0.133	Administrative Assistant	Per Hour (Billed at 1 Hour Minimum)	\$30.00	\$35.00

MISCELLANEOUS FEES

CODE	PROFESSIONAL SERVICE	PROFESSIONAL SERVICE DESCRIPTION	FEE (EFFECTIVE 7/1/2015)	FEE (EFFECTIVE 7/1/2016)
0.134	Additional Map Copies (Paper)	Price per copy. (Any Size)	\$5.00	\$5.00
0.135	Additional Map Copies (Paper) - Sealed	Price per copy. (Any Size)	\$10.00	\$12.00
0.136	Map Copies (Mylar) - Sealed	Price per copy. (8 1/2"x11" thru 11"x17")	\$40.00	\$45.00
0.137	Map Copies (Mylar) - Sealed	Price per copy. (18"x24" thru 30"x42")	\$75.00	\$80.00
0.138	Map Copies (Tyvek)	Price per copy. (Any Size)	\$15.00	\$20.00
0.139	Shipping & Handling Charges	Shipping & Handling Charges.	TBD	TBD
0.140	Mileage	Per mile.	\$0.575	TBD
0.141	Miscellaneous Line Item	Miscellaneous Line Item	TBD	TBD

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CITY OF WATERTOWN
ENGINEERING DEPARTMENT
MEMORANDUM

DATE: 19 April 2015

TO: Sharon Addison, City Manager

FROM: Justin Wood, City Engineer

SUBJECT: Land Surveying Services Agreement Renewal

Enclosed is a copy of the Professional Services Agreement for Land Surveying Services for a two year renewal period with Storino Geomatics. This is a non-exclusive agreement for Land Surveying services that will allow the Engineering Department to meet the requirement for surveying work that arises during project development and daily operations in the City.

This agreement renewal will be in effect until June 30, 2017. The original agreement with Storino Geomatics was executed in December 2009, and included an option for the City to renew the contract for a total of three (3) two-year periods. The agreement renewal before you, represents the last two-year option under this contract.

Please prepare a resolution for Council consideration, authorizing the City Manager to execute this agreement.

Res No. 3

April 21, 2015

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

Subject: Authorizing Supplemental Agreement No. 3 to Federal Aid Highway and Marchiselli Aid Project Agreement, Factory Street Reconstruction, PIN 775315.121, .221, .321 and .322; D032467

In April 2010, the City of Watertown received notification from the State of New York, Department of Transportation, that the reconstruction of Factory Street had been added to the State's Capital Construction Program and Federal STP Small Urban funds were authorized to support the Preliminary Engineering and Right-of-Way Incidentals Phase of this project. This project is similar in scope to that of State Street. The project limits are from the intersection of Factory and Mill Street to the intersection of Factory and Huntington Street.

On April 19, 2010, the City Council approved the Federal Aid Highway and Marchiselli Aid Project Agreement, which included a \$940,000 Local and Federal Aid Package comprising of \$752,000 in Federal funding.

On October 18, 2010, the City Council approved Supplemental Agreement No. 1 which reflects the inclusion of the State Marchiselli funding for the Preliminary Engineering and Right-of-Way Incidentals Phase of this project and reduces the local match from \$188,000 to \$47,000.

On March 3, 2014, the City Council approved Supplemental Agreement No. 2, providing additional Federal funding for the Right-of-Way Phase to include Acquisitions, bringing the phase total to \$352,500.

As stated in City Engineer Justin L. Wood's attached report, the State performed Right-of-Way phase funding has been removed from the attached Contract No. D032467 Supplemental Agreement No. 3 and added to its own Master Agreement under Contract No. D034945. The total anticipated Federal and State Marchiselli funding contribution of \$9.6 million and the use of \$1 million of City CHIPS funding, the remaining balance of approximately \$4 million will be the City's responsibility for this project.

Staff is recommending that the City Council approve this Agreement.

RESOLUTION

Page 1 of 2

Authorizing Supplemental Agreement No. 3 to Federal Aid Highway and Marchiselli Aid Project Agreement, Factory Street Reconstruction, PIN 775315.121, .221, .321 and .322; D032467

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

Total

YEA	NAY

Introduced by

WHEREAS a Project for the Factory Street Reconstruction, PIN 775314.121, .221, .321 and .322 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS the City of Watertown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Factory Street Reconstruction Project,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown duly convened and does hereby approve the above-subject project, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby authorizes the City of Watertown to pay in the first instance 100% of the federal and non-federal share of the cost of the Factory Street Reconstruction Project work for the Project or portions thereof, and

BE IT FURTHER RESOLVED that the sum of \$9,797,000 is hereby appropriated from the City of Watertown Capital Budget and made available to cover the cost of participation in the above phase of the Project, and

BE IT FURTHER RESOLVED that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of the City of Watertown shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Manager's office thereof, and

RESOLUTION

Page 2 of 2

Authorizing Supplemental Agreement No. 3 to Federal Aid Highway and Marchiselli Aid Project Agreement, Factory Street Reconstruction, PIN 775315.121, .221, .321 and .322; D032467

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

Total

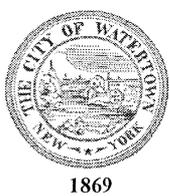
YEA	NAY

BE IT FURTHER RESOLVED that the Mayor Jeffrey E. Graham be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Watertown with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriates therefore that are not so eligible, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the New York State Commission of Transportation by attached it to any necessary Agreement in connection with the Project, and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Seconded by



CITY OF WATERTOWN
ENGINEERING DEPARTMENT
MEMORANDUM

DATE: 19, April 2015

TO: Sharon Addison, City Manager

FROM: Justin Wood, City Engineer

SUBJECT:

Authorizing Supplemental Agreement No. 3 to
Federal Aid Highway and Marchiselli Aid Project Agreement,
Factory Street Reconstruction, PIN 775315; D032467,
Preliminary Engineering, Right of Way Incidentals, and Construction

Enclosed is a copy of Supplemental Agreement #3 with NYSDOT which provides funding for the construction of the Factory Street Reconstruction Project. The Federal share of the total is \$7,837,600.00, while the State share is \$1,469,550.00, and the City share is \$489,850.00.

Thanks to the efforts of our local NYSDOT officials, this agreement includes an additional \$238,000 of State Marchiselli funding they were able to secure for construction. NYSDOT officials were also able to secure an additional \$47k to cover Right of Way costs, which will be appropriated in a separate agreement. This equates to \$285k of additional funding for the project which was not anticipated.

An important note: The Right of Way and Incidentals (ROW) funding has been removed from SA #3. The funding will still be granted, however, it will be incorporated into a separate ROW Agreement. The City is in receipt of this ROW Agreement and it will be executed in the coming days (previous Council approval on March 3, 2014 to appropriate money will cover this agreement). In essence, there is no change and the City will be provided the same Federal funding amount of \$250,000 for ROW which was previously included in SA #2. Instead it will be provided in the ROW Agreement, which includes \$47k of additional State Marchiselli funding mentioned above.

Combining the federal and state funds included in SA#3 and the ROW funds included in the ROW Agreement, the total Federal and State funding share equates to \$9.6 Million.

The Overall Project cost is estimated at \$14.6 Million, which includes Design, Inspection, ROW, and an estimated cost of construction of \$10.5 Million.

With a total anticipated federal and state funding contribution of \$9.6 M, and the use of \$1.0 M of City CHIPS funding, the remaining balance of approximately \$4.0 M will be the City's responsibility.

Please prepare a resolution for City Council consideration. I will forward the original copies for signature should the resolution be approved.

Cc: Jim Mills, City Comptroller
File



Department of
Transportation

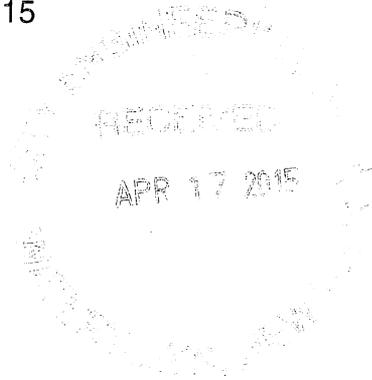
ANDREW M. CUOMO
Governor

JOAN McDONALD
Commissioner

STEVEN G. KOKKORIS, P.E.
Regional Director

April 9, 2015

Ms. Sharon Addison, City Manager
Watertown City Hall
245 Washington Street, Room 302
Watertown, NY 13601



RE: Supplemental Agreement No. 3

PIN: 775315.121, .221, .321 & .322; D032467

Project: Factory Street Reconstruction

Phase: Preliminary Engineering, Right-Of-Way (ROW) Incidentals & Construction

Dear Ms. Addison:

This agreement is required in order for the City to receive funding for the Construction phase. This agreement also removes the State performed ROW phase from this Contract. However, State performed ROW phase will be incorporated in a new Master Agreement under Contract number D034945 which is forth coming.

Enclosed are two (2) complete copies of the Supplemental Agreement, titled: **Supplemental Agreement No. 3 to D032467**. Each text package contains the following:

- Schedule "A" (**Preliminary Engineering/Design, ROW Incidentals and Construction/CI/CS**);
- Appendix 2-S IRAN DIVESTMENT ACT
- Sponsor Resolution Example

Also enclosed are seven (7) additional copies of the Signature Sheet (page 2).

To Complete the Enclosed Agreement:

The City completes the agreement by:

1. Sign and date all copies of the Signature Sheet (**page 2**) and have notarized the affirmation statement on the same page.
2. A Resolution authoring 100% first instance payment of the Total Project cost must be enacted by City Council and contain the Municipal Seal. Either embossed or foil self-adhesive seals are acceptable. Signatures on all copies of both the Signature Page and on the Resolution should be in original ball point pen (**Blue Ink**).

Ms. Sharon Addison
Page 2
April 9, 2015

The Signature Sheet (page 2) requires the signature of the local official authorized to act on the City's behalf, and the signature of the City Attorney, each at the place indicated. The Acknowledgment Statement on Page 2 requires a Notary's signature and stamp affixed as indicated.

Return to my office:

1. One signed complete agreement.
2. Seven (7) signed signature sheets.
3. Eight (8) copies of the resolution (original Blue ink with either an embossed or foil self-adhesive Municipal Seal on each copy.).

If you have any questions, please call Nancy Catalina, Regional Local Program Liaison at 315-785-2300 or email: nancy.catalina@dot.ny.gov

Sincerely,



for

Scott A. Docteur, P.E.
Director, Regional Planning & Program Mgmt.

ENCLOSER

CC: Mr. Justin Wood, City Engineer, City of Watertown
Donald F. Mattimore, Program & Project Mgmt Supervisor w/Agreement (Center File)
Nancy Catalina, Regional Local Program Liaison

Sponsor: **City of Watertown**
 PIN: **775315** BIN: **N/A**
 Comptroller's Contract No. **D032467**
 Supplemental Agreement No. **3**
 Date Prepared: **04/09/2015** By: **(NAC)**
 Initials

Press F1 for instructions in the blank fields:

SUPPLEMENTAL AGREEMENT No. 3 to D032467 (Comptroller's Contract No.)

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at 50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State");

and

City of Watertown (the Sponsor)

Acting by and through the **Watertown City Council**

with its office at **the Municipal Building, 245 Washington Street, Watertown, New York 13601.**

This amends the existing Agreement between the parties in the following respects only (check applicable categories):

- Amends a previously adopted Schedule A by (check as applicable):
 - amending a project description
 - amending the contract end date
 - amending the scheduled funding by:
 - adding additional funding (check and enter the # phase(s) as applicable):
 - adding phase **.321 & .322** which covers eligible costs incurred on/after **3/9/2015**
 - adding phase _____ which covers eligible costs incurred on/after / /
 - increasing funding for a project phase(s)
 - adding a pin extension
 - change from Non-Marchiselli to Marchiselli
 - deleting/reducing funding for a project phase(s)
 - other (Removed State performed ROW from this Contract)
- Amends a previously adopted Schedule "B" (Phases, Sub-phase/Tasks, and Allocation of Responsibility)
- Amends a previously adopted Agreement by adding Appendix 2-S – Iran Divestment Act:
- Amends the text of the Agreement as follows (insert text below):

Sponsor: **City of Watertown**
PIN: **775315** BIN: **N/A**
Comptroller's Contract No. **D032467**
Supplemental Agreement No. **3**
Date Prepared: **04/09/2015** By: **(NAC)**
Initials

Press F1 for instructions in the blank fields:

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officials as of the date first above written.

SPONSOR:

SPONSOR ATTORNEY:

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

STATE OF NEW YORK

)ss.:

COUNTY OF **Jefferson**

On this _____ day of _____, 20__ before me personally came _____ to me known, who, being by me duly sworn did depose and say that he/she resides at _____; that he/she is the _____ of the Municipal/Sponsor Corporation described in and which executed the above instrument; (except New York City) that it was executed by order of the _____ of said Municipal/Sponsor Corporation pursuant to a resolution which was duly adopted on _____ and which a certified copy is attached and made a part hereof; and that he/she signed his/her name thereto by like order.

Notary Public

APPROVED FOR NYSDOT:

**APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL**

BY: _____
For Commissioner of Transportation

Agency Certification: In addition to the acceptance of this contract I also certify that original copies of this signature page will be attached to all other exact copies of this contract.

By: _____
Assistant Attorney General

Date: _____

COMPTROLLER'S APPROVAL:

By: _____
For the New York State Comptroller
Pursuant to State Finance Law '112

SCHEDULE A

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
 NYSDOT/ State-Local Agreement - Schedule A for PIN 7753.15**

OSC Municipal Contract #: D032467	Contract Start Date: 2/11/2010 (mm/dd/yyyy)	Contract End Date: 3/31/2017 (mm/dd/yyyy) <input type="checkbox"/> Check, if date changed from the last Schedule A
---	--	--

Purpose: Original Standard Agreement Supplemental Schedule A No. 3

Agreement Type: Locally Administered Municipality/Sponsor (Contract Payee): City of Watertown
 Other Municipality/Sponsor (if applicable): _____

State Administered *List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.*

<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share

Authorized Project Phase(s) to which this Schedule applies: PE/Design ROW Incidentals
 ROW Acquisition Construction/CI/CS

Work Type: HWY RECONST **County** (If different from Municipality): Jefferson

Marchiselli Eligible Yes No (Check, if Project Description has changed from last Schedule A):
Project Description: Factory Street Reconstruction

Marchiselli Allocations Approved FOR ALL PHASES *To compute Total Costs in the last row and column, right click in each field and select "Update Field."*

<i>Check box to indicate change from last Schedule A</i>	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input checked="" type="checkbox"/>	Cumulative total for all prior SFYs	\$135,000.00	\$6,000.00	\$1,090,200.00	\$1,231,200.00
<input checked="" type="checkbox"/>	Current SFY 15/16	\$	\$	\$238,350.00	\$238,350.00
Authorized Allocations to Date		\$135,000.00	\$6,000.00	\$1,328,550.00	\$1,469,550.00

A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES *For each PIN Fiscal Share below, show current costs on the rows indicated as "Current". Show the old costs from the previous Schedule A on the row indicated as "Old". To compute Total Current Costs in the last row, right click in each field and select "Update Field."*

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
7753.15.121	Current	STP (80%)	\$900,000.00	\$720,000.00	\$135,000.00	\$45,000.00	\$
	Old	STP (80%)	\$900,000.00	\$720,000.00	\$135,000.00 *	\$45,000.00	\$
7753.15.221	Current	STP (80%)	\$40,000.00	\$32,000.00	\$6,000.00	\$2,000.00	\$
	Old	STP (80%)	\$40,000.00	\$32,000.00	\$6,000.00	\$2,000.00	\$
7753.15.321	Current	STP (80%)	\$5,587,000.00	\$4,469,600.00	\$838,050.00	\$279,350.00	\$
	Old		\$0.00	\$0.00	\$0.00	\$0.00	\$
7753.15.322	Current	CMAQ (80%)	\$3,270,000.00	\$2,616,000.00	\$490,500.00	\$163,500.00	\$
	Old		\$0.00	\$0.00	\$0.00	\$0.00	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$9,797,000.00	\$7,837,600.00	\$1,469,550.00	\$489,850.00	\$ 0.00

NYSDOT/State-Local Agreement – Schedule A

B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES For each PIN Fiscal Share, show current costs on the rows indicated as "Current". Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in last row, right click in each field and select "Update Field."

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
7753.15.222	Current		\$0.00	\$0.00	\$0.00	\$0.00
	Old	STP	\$312,500.00	\$250,000.00	\$0.00	\$62,500.00
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

C. Total Local Deposit(s) Required for State Administered Projects: \$

D. Total Project Costs To compute Total Costs in the last column, right click in the field and select "Update Field."

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
\$7,837,600.00	\$1,469,550.00	\$0.00	\$489,850.00	\$9,797,000.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed) Name: Nancy Catalina
Phone No: 315-785-2300

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

NYSDOT/State-Local Agreement – Schedule A

Footnotes: (See LPB's website for link to sample footnotes)

- PIN 775315.121, .221 & .321, Factory Street Reconstruction. OSC Municipal Contract # D032467
- This Project is being funded by the Surface Transportation Program (STP) Small Urban funds. Part of the Construction Phase is being funded by 80% CMAQ
- This Project is a Locally Administered project. However, NYSDOT is providing ROW services to the City of Watertown. This agreement removes the State portion of the work and it will be placed in a new Master Agreement DD034945 under PIN 7753.15.222.
- *Marchiselli Funding required for the .322 phase currently totals \$490,500, i.e. [15% of \$3,270,000.00]. However, only \$252,150.00 is currently available. Therefore, reimbursement to the City of Watertown, under the subject Supplemental Agreement No. 3 will be approximately 39%, i.e. [\$252,150.00/\$654,000.00] of the current \$654,000.00 Non-Federal share of the cost of the project's .322 phase.
- This Schedule A represents a change in the phase completion date from 12/30/16 to 3/31/17.
-
-
-
-
-
-
-

APPENDIX 2-S

APPENDIX 2-S IRAN DIVESTMENT ACT

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

By entering into a renewal or extension of this Contract, Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Contractor understands that during the term of the Contract, should NYSDOT receive information that a person is in violation of the above-referenced certification NYSDOT will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then NYSDOT shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

NYSDOT reserves the right to reject any renewal, extension or request for assignment for an entity that appears on the prohibited entities list hereafter and to pursue a responsibility review with respect to any entity that is granted a contract extension/renewal or assignment and appears on the prohibited entities list thereafter.

SAMPLE RESOLUTION

SAMPLE RESOLUTION BY MUNICIPALITY
(Locally Administered Project)
RESOLUTION NUMBER:_____

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the _____, P.I.N. _____ (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the _____ of _____ desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of _____.

NOW, THEREFORE, the _____ Board, duly convened does hereby

RESOLVE, that the _____ Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the _____ Board hereby authorizes the _____ of _____ to pay in the first instance 100% of the federal and non-federal share of the cost of _____ work for the Project or portions thereof; and it is further

RESOLVED, that the sum of _____ is hereby appropriated from _____ [or, appropriated pursuant to _____] and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the _____ of _____ shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the _____ thereof, and it is further

RESOLVED, that the _____ of the _____ of the _____ of _____ be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the _____ of _____ with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project. and it is further

RESOLVED, this Resolution shall take effect immediately.

Res No. 4

April 21, 2015

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

Subject: Approving Contract Renewal for Unarmed Security Services for the Flower Memorial Library, ICU Security and PI

On June 16, 2014, City Council accepted the bid by ICU Security and PI for unarmed security services for the Flower Memorial Library at the hourly rate of \$20.62. As detailed in the attached report of Purchasing Manager Amy M. Pastuf, our contract with them allows for three one-year extensions. As the Library Director, Yvonne Reff, is satisfied with the services provided, it is recommended that we renew for one year at this time at this same rate.

A resolution for Council consideration is attached.

RESOLUTION

Page 1 of 1

Approving Contract Renewal for Unarmed Security Services for the Flower Memorial Library, ICU Security and PI

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

Total

YEA	NAY

Introduced by

WHEREAS on June 16, 2014, City Council accepted the bid by ICU Security and PI for unarmed security service for the Flower Memorial Library at the hourly rate of \$20.62,

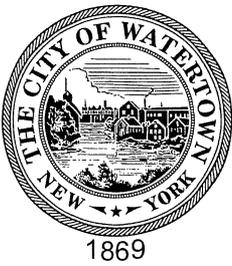
WHEREAS the contract allows for three one-year extensions to this contract, and

WHEREAS ICU Security and PI would like to renew to contract for one year at the same price,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves extending the contract with ICU Security and PI for one year to provide unarmed security service for the Flower Memorial Library at the hourly rate of \$20.62, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute any paperwork to extend this contract on behalf of the City of Watertown.

Seconded by



CITY OF WATERTOWN, NEW YORK

ROOM 205, CITY HALL
245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601-3380
E-MAIL APastuf@watertown-ny.gov
Phone (315) 785-7749 Fax (315) 785-7752

Amy M. Pastuf
Purchasing Manager

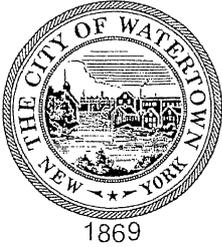
MEMORANDUM

TO: Sharon Addison, City Manager
FROM: Amy M. Pastuf, Purchasing Manager
SUBJECT: Bid 2014-12 – Unarmed Security Services for the Flower Memorial Library – Request for Contract Renewal
DATE: 4/20/2015

The City will be completing a one year contract with ICUSPI for Unarmed Security Services for the Flower Memorial Library in June of this year. The current contract, awarded in 2014, allows for three one-year extensions to this contract. Yvonne Reff, Flower Memorial Library Director, has informed me that she is satisfied with the services provided by ICUSPI during their tenure with the City.

ICUSPI has been contacted and has indicated that they are interested in continuing to provide services to the City. It is requested that we continue our business relationship through June of 2016, at which time the City will determine whether it is in our interest to continue the contract or invite new proposals from prospective providers.

If you have any questions or concerns, please feel free to contact me.



CITY OF WATERTOWN, NEW YORK

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245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601-3380
E-MAIL APastuf@watertown-ny.gov
☎(315) 785-7749 ☎(315) 785-7752

Amy M. Pastuf
Purchasing Manager

April 13, 2015

William R. George, Partner
ICU SPI
34 Public Square, Suite 6
Watertown, NY 13601

Re: Bid 2014-12 – Unarmed Security Services for the Flower Memorial Library

Dear Mr. George:

The current contract for Unarmed Security Services for the Flower Memorial Library expires June 30, 2015. As you may be aware, the City has a renewal available if agreeable by all parties.

At this time the City would like to know if you are willing to renew your contract for an additional twelve months, beginning July 1, 2015 through June 30, 2016 at the current pricing structure in accordance with the Bid Specifications. If agreeable, this may offer the City the opportunity to utilize your services without the need to rebid for another twelve (12) months. If this is not acceptable, the City may need to rebid this contract for the upcoming twelve months.

Please check the appropriate line, sign where indicated and return this letter to the above address no later than Friday, June 8, 2015. This may be done by mail or by fax to (315)785-7752 with a follow-up of this original to the address indicated above. If the City does not receive a response by the date indicated, we will assume that your company is not interested in renewing the bid and will proceed accordingly.

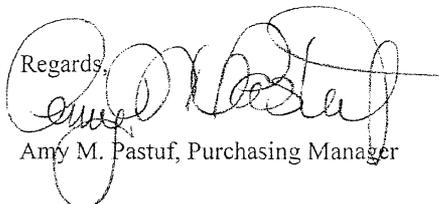
I have already contacted the using departments and they have indicated a willingness to renew the contract for another year if agreeable.

Yes, we agree to renew for an additional twelve months per the above conditions. Please send me all appropriate paperwork.

No, we are not able to renew this contract at the pricing indicated. We understand that the City may be required to rebid this contract.

William R. George WILLIAM R GEORGE 4-16-15
Signature (blue or non black ink) Name Printed Date

Please contact me if you have any questions or concerns,

Regards,

Amy M. Pastuf, Purchasing Manager



229 Washington Street
Watertown, New York 13601

Phone: (315) 785-7705
Fax: (315) 788-2584

March 4, 2015

Amy Pastuf
Purchasing Manager
City of Watertown
245 Washington Street
Watertown, NY 13601

Dear Ms. Pastuf:

This letter is written to inform you that the Roswell P. Flower Memorial Library would like to continue with the services of ICU Security & Private Investigations for the 2015/2016 budget year.

If any further information is needed, please let us know.

Sincerely,



Yvonne F. Reff
Library Director

Res No. 5

April 21, 2015

To: The Honorable Mayor and City Council
From: Brian S Phelps, City Assessor
Subject: Data Processing Service Agreement with the Watertown
City School District

Attached is the proposed agreement with the Watertown City School District to provide them with School Tax bills, final rolls, tax rolls and data files.

The agreement is for a term of three years and includes an increase from \$0.55 per parcel to \$0.58 per parcel. The value of the contract is approximately \$5,200 per year.

There are no other substantive changes from the prior agreement.

RESOLUTION

Page 1 of 1

Approving Data Processing Service Agreement, Watertown City School District

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

Total

YEA	NAY

Introduced by

WHEREAS the City of Watertown has computer equipment which has automated the functions performed within the City Assessment Department, and

WHEREAS the City Assessor’s Office is responsible for maintaining the records for all real property within the City of Watertown, and

WHEREAS the City has the ability to produce assessment rolls, print, fold and seal tax bills and maintain the data needed to accomplish these tasks, and

WHEREAS the Watertown City School District has a need for the services offered by the City’s Assessment and Information Technology Departments,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the three (3) year Data Processing Service Agreement with the Watertown City School District, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager Sharon Addison is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

Seconded by

DATA PROCESSING SERVICE AGREEMENT
BETWEEN
THE CITY OF WATERTOWN, NEW YORK
AND
THE WATERTOWN CITY SCHOOL DISTRICT

This Agreement, made and entered into this ____ day of _____, 2015, between the City of Watertown, and the Watertown City School District, and

WITNESSETH

Whereas the City of Watertown has computer equipment and software which has automated the functions performed within the City's Assessment Department, and

Whereas the City of Watertown has the ability to produce assessment rolls, print tax bills and maintain the data needed to accomplish these tasks, and

Whereas the Watertown City School District has a need for the services offered by the City's Assessment Department,

Now, therefore, the City of Watertown and the Watertown City School District contract as follows:

City of Watertown agrees:

1. The staff of the City Assessment Department and the City Information Technology Department will be responsible for all aspects of data processing and School tax bill preparation to include;
 - a. Quality control inspection of computer output to verify completeness and accuracy.
 - b. Maintain back-up security of files, to include off site storage of master files.
 - c. Provide copy of Final Assessment Roll.
 - d. Prepare a file for printing of School tax bills for parcels located in the City of Watertown that are in the Watertown City School District.
 - e. Printing of School tax bills for parcels located in the City of Watertown.
 - f. Folding and sealing of tax bills that are to be mailed directly to property owner (not to escrow companies).
 - g. Provide tax extension for School tax purposes.
 - h. Provide ancillary reports to School that are available on City's system.
 - i. Provide an electronic copy of the bill print file for reprinting bills.
2. Processing service is to be provided daily, during the normal hours of operation of the City of Watertown's Assessment Department.

Watertown City School District agrees:

1. To provide the following information necessary to produce tax bills;
 - a. Tax Rate
 - b. Penalty Dates and Amounts
 - c. Warrant Date
 - d. Dates of Fiscal Year
 - e. Estimated State Aid Amount
 - f. Bill Due Dates
2. To provide at their expense a sufficient supply of tax mailers to allow the City to print School District tax bills for parcels located within the City of Watertown.
3. To provide changes to School tax bill program to accommodate School District requirements.

City and School mutually agree as follows:

1. The term of the contract is three years (3) from January 1, 2015 through December 31, 2017.
2. The contract may be terminated by either the City or the School with cause by providing thirty (30) days written notice by certified mail, return receipt requested.
3. That should the contract be terminated, the parties will provide the services or pay for the services provided to the date of contract termination.
4. The School shall pay the City at a rate of \$.58 per parcel for parcels within the City. Payment shall be made on an annual basis, with Payment due on October 15th of the years covered under this agreement.

In Witness Whereof, the Watertown City School District and the City of Watertown have caused this contract to be executed by the person authorized to act in their respective names, signed this _____ day of _____.

By: _____ Date: _____
Watertown City School District

By: _____ Date: _____
City of Watertown

Res No. 6

April 27, 2015

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

Subject: Bid for Truck Rental Services,
T.J. Clement Construction Company, Inc.

On April 20, 2015, City Council accepted the bid received from T. J. Clement Construction Company, Inc. for truck rental services for use by the Public Works Department, per our specifications. City Council amended that Resolution as attached.

As stated in Amy M. Pastuf's attached report, the wording in the contract should have stated a two-year contract July 1, 2015 through June 30, 2017 with the ability to renew the contract for three additional one-year periods. Staff is recommending that Council rescind in its entirety the Resolution passed on April 20, 2015 with the amendments.

Attached for Council consideration is a corrected Resolution.

RESOLUTION

Page 1 of 1

Accepting Bid for Truck Rental Services,
T.J. Clement Construction Company, Inc.

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

Total

YEA	NAY
X	
X	
X	
X	
X	
5	0

Introduced by

Council Member Roxanne M. Burns

WHEREAS the City Purchasing Department has advertised and received a sealed bid for truck rental services for use by the Public Works Department, per our specifications, and

WHEREAS bid specifications were sent to three (3) area trucking companies, with one (1) sealed bid received and publicly opened and read in the City Purchasing Department on Wednesday, April 8, 2015, at 11:00 a.m., and

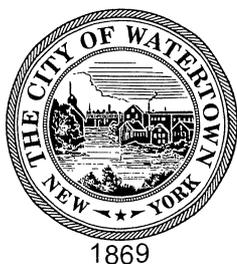
WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bid received with the Public Works Department, and it is their recommendation that the City Council accept the bid submitted by T.J. Clement Construction Company, Inc.,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, accepts the bid submitted by T.J. Clement Construction Company, Inc. for truck rental services for use by the Public Works Department as the lowest qualifying bidder meeting our specifications in the amount of \$85.00 per hourly rate.

***BE IT FURTHER RESOLVED that this is a one (1) year agreement from the date of signature with the option for two (2) one-year renewals.**

Seconded by Council Member Teresa R. Macaluso

*** Motion was made by Council Member Joseph M. Butler, Jr. to amend the foregoing resolution to indicate that this is a one (1) year agreement from the date of signature with the option for two (2) one-year renewals. Motion was seconded by Council Member Roxanne M. Burns and carried with all voting in favor thereof.**



CITY OF WATERTOWN, NEW YORK

ROOM 205, CITY HALL
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WATERTOWN, NEW YORK 13601-3380
E-MAIL APastuf@watertown-ny.gov
Phone (315) 785-7749 Fax (315) 785-7752

Amy M. Pastuf
Purchasing Manager

MEMORANDUM

TO: Sharon Addison, City Manager
FROM: Amy M. Pastuf, Purchasing Manager
SUBJECT: Bid 2015-04 – Truck Rental – Correction
DATE: 4/24/2015

The resolution passed last night for the Truck Rental Contract indicated a one year contract with two one-year extensions.

The contract should have been worded as follows:

“The two-year contract will begin July 1, 2015 and end June 30, 2017, with the ability to renew the contract for three additional one-year contracts”

If there are any questions concerning this error, please contact me at your convenience.

RESOLUTION

Page 1 of 1

Accepting Bid for Truck Rental Services,
T.J. Clement Construction Company, Inc.

Council Member BURNS, Roxanne M.

Council Member BUTLER, Joseph M. Jr.

Council Member JENNINGS, Stephen A.

Council Member MACALUSO, Teresa R.

Mayor GRAHAM, Jeffrey E.

Total

YEA	NAY

Introduced by

WHEREAS the City Purchasing Department has advertised and received a sealed bid for truck rental services for use by the Public Works Department, per our specifications, and

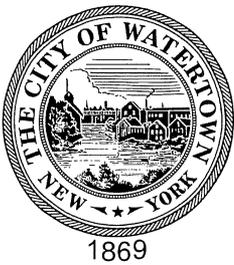
WHEREAS bid specifications were sent to three (3) area trucking companies, with one (1) sealed bid received and publicly opened and read in the City Purchasing Department on Wednesday, April 8, 2015, at 11:00 a.m., and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bid received with the Public Works Department, and it is their recommendation that the City Council accept the bid submitted by T.J. Clement Construction Company, Inc.,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, accepts the bid submitted by T.J. Clement Construction Company, Inc. for truck rental services for use by the Public Works Department as the lowest qualifying bidder meeting our specifications in the amount of \$85.00 per hourly rate.

BE IT FURTHER RESOLVED that the two-year contract will begin July 1, 2015 and end June 30, 2017, with the ability to renew the contract for three additional one-year contracts.

Seconded by



CITY OF WATERTOWN, NEW YORK

ROOM 205, CITY HALL
245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601-3380
E-MAIL APastuf@watertown-ny.gov
Phone (315) 785-7749 Fax (315) 785-7752

Amy M. Pastuf
Purchasing Manager

MEMORANDUM

TO: Sharon Addison, City Manager
FROM: Amy M. Pastuf, Purchasing Manager
SUBJECT: Bid 2015-04 – Truck Rental – Bid Recommendation
DATE: 4/29/2015

The City's Purchasing Department advertised in the Watertown Daily Times on March 11, 2015 calling for sealed bids for a truck rental services for use by the Public Works Department as per City Specifications. This is a new bid that became necessary due to the increase use of rental services during the last two harsh winters.

Bid Specifications were sent to three (3) area trucking companies. One (1) sealed bid was submitted to the Purchasing Department. The sealed bids were publicly opened and read on Wednesday, April 8, 2015 at 11:00 am, local time. The bid tally is provided below:

Description	TJ Clement Construction Company, Inc.
	Watertown, NY
Hourly Rate	\$85.00

The bid, from TJ Clement Construction Company, Inc., was reviewed by the Public Works Department and the Purchasing Department to ensure that it met the required specifications. Although we only received one bid, analysis showed it to be the same rate that the City has paid for the last two fiscal years. It is recommended that we accept the bid proposal from TJ Clement Construction Company, Inc. for \$85.00 per hour.

This is a two-year contract will begin July 1, 2015 and end June 30, 2017, with the ability to renew the contract for three additional one-year contracts.

If there are any questions concerning this recommendation, please contact me at your convenience.

Res No. 7

April 30, 2015

To: The Honorable Mayor and City Council

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

Subject: Adopting the City of Watertown's Community Development Block Grant (CDBG) Program Annual Action Plan for Program Year 2015

An Annual Action Plan should be submitted to the U.S. Department of Housing and Urban Development (HUD) by May 15, 2015 for the City's 2015 Community Development Block Grant funding.

The 2015 program was discussed at the March 9, 2015 Work Session. A public hearing was held on March 16, 2015.

Based upon the Work Session discussion and extensive consultation outreach to local organizations and agencies, a plan was drafted. The required 30-day comment period on the draft plan was started on April 1st. No comments have been received.

A copy of the final plan can be viewed at <http://watertown-ny.gov/DocumentView.asp?DID=975>. The budget allocation in the plan is as follows:

Owner Occupied Rehab Program	\$370,000
Rental Rehabilitation Program	\$120,000
Near East and East Sidewalk Project Phase 1	\$ 90,000
Near East Playground Project	\$ 90,000
Huntington Street Tree Project	\$ 8,000
Sidewalk Ramp Project Phase 1	\$ 52,000
Planning & Administration	<u>\$ 54,662</u>
Total	\$784,662

A resolution has been drafted for City Council consideration that adopts the Annual Action Plan for Program Year 2015 and authorizes its submission to HUD.

RESOLUTION

Page 1 of 2

Adopting the City of Watertown's
Community Development Block Grant
(CDBG) Annual Action Plan for Program
Year 2015

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

Total

YEA	NAY

Introduced by

WHEREAS on August 5, 2013, the City Council adopted a resolution authorizing the City of Watertown to become an Entitlement Grantee under the rules and regulations of the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant Program, and

WHEREAS, as an Entitlement Grantee, the City must adopt Annual Action Plans for its Housing and Community Development Program, and

WHEREAS Annual Action Plans have to be developed with community input and citizen participation, and

WHEREAS Staff conducted outreach efforts with local constituency groups and the City Council held a public hearing on March 16, 2015 to solicit public comments regarding the development of funding priorities and projects to be included in the plan, and

WHEREAS a draft of the Program Year 2015 Annual Action Plan was completed and published on April 1, 2015, and

WHEREAS the draft plan was made available to the public for review and placed in various offices at City Hall, at the Roswell P. Flower Memorial Library, at the Watertown Housing Authority offices and on the City's website, and

WHEREAS a 30-day public comment period for the plan was held starting on April 1, 2015 after a notice of the comment period was published in the *Watertown Daily Times*, and

RESOLUTION

Page 2 of 2

Adopting the City of Watertown's
Community Development Block Grant
(CDBG) Annual Action Plan for Program
Year 2015

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

Total

YEA	NAY

WHEREAS the plan was finalized after receiving no public comments,

NOW THEREFORE BE IT RESOLVED that the City Council hereby adopts and authorizes the submission to HUD of the City of Watertown's Annual Action Plan for Program Year 2015, which allocates the CDBG funds as follows:

Owner Occupied Rehab Program	\$370,000
Rental Rehabilitation Program	\$120,000
Near East and East Sidewalk Project Phase 1	\$ 90,000
Near East Playground Project	\$ 90,000
Huntington Street Tree Project	\$ 8,000
Sidewalk Ramp Project Phase 1	\$ 52,000
Planning & Administration	<u>\$ 54,662</u>
Total	\$784,662

Seconded by

Res No. 8

April 14, 2015

To: The Honorable Mayor and City Council

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

Subject: Finding That Changing the Approved Zoning Classification of 535 Olive Street from Residence B to Commercial Will Not Have a Significant Impact on the Environment

At its April 7, 2015 meeting, the City Planning Board defeated a motion recommending that the City Council change the zoning classification of 535 Olive Street, parcel 6-04-103, from Residence B to Commercial District. The Council has scheduled a public hearing on the request for Monday, May 4, 2015 at 7:30 PM.

The City Council must complete Part 2, and Part 3 if necessary, of the Environmental Assessment Form and adopt the attached resolution before it may vote on the Zone Change Ordinance. The resolution states that the proposed zone change will not have a significant impact on the environment.

RESOLUTION

Page 1 of 2

Finding That Changing the Approved Zoning Classification of 535 Olive Street from Residence B to Commercial Will Not Have a Significant Impact on the Environment

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

Total

YEA	NAY

Introduced by

WHEREAS the City Council of the City of Watertown, New York, has before it a proposed Ordinance changing the approved zoning classification of 535 Olive Street, parcel 6-04-103 from Residence B to Commercial, and

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

WHEREAS the approval of the zone change would constitute such an “Action,” and

WHEREAS the City Council has determined that changing the zoning classification of this property is an Unlisted Action as that term is defined by 6NYCRR Section 617.2, and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant impact on the environment, Part I of a Short Environmental Assessment Form has been prepared, a copy of which is attached and made part of this Resolution,

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

1. Based upon its examination of the Short Environmental Assessment Form and comparing the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known and the adoption of the zone change will not have a significant impact on the environment.

May 4, 2015

RESOLUTION

Page 2 of 2

Finding That Changing the Approved Zoning Classification of 535 Olive Street from Residence B to Commercial Will Not Have a Significant Impact on the Environment

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

Total

YEA	NAY

2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This Resolution shall take effect immediately.

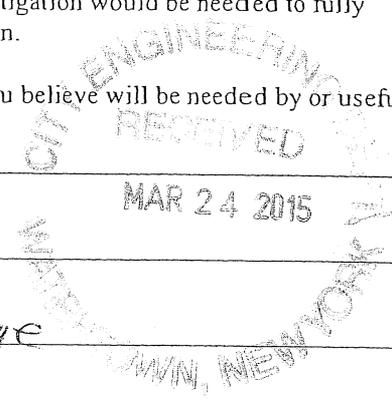
Seconded by

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.



Part 1 - Project and Sponsor Information				MAR 24 2015		
Name of Action or Project: <u>535-537 Olive St. Zone Change</u>						
Project Location (describe, and attach a location map): <u>535-537 Olive St.</u>						
Brief Description of Proposed Action: <u>To change a duplex into studio and 1 bedroom Rooming House.</u>						
Name of Applicant or Sponsor: <u>Ricky E Frazies</u>			Telephone: <u>(315) 778-2552</u>			
			E-Mail:			
Address: <u>23960 White Rd</u>						
City/PO: <u>Waterbury</u>			State: <u>N.Y.</u>		Zip Code: <u>13601</u>	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.					NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:					NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?			<u>0.06</u> acres			
b. Total acreage to be physically disturbed?			<u>0</u> acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			<u>.25</u> acres			
4. Check all land uses that occur on, adjoining and near the proposed action.						
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)						
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____						
<input type="checkbox"/> Parkland						

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>already Connected</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>already Connected</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO	<input type="checkbox"/> YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Ricky E Frazier Date: 20/March/2015
 Signature: [Signature]

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	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.
_____	_____
Name of Lead Agency	Date
_____	_____
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)

PRINT

Public Hearing – 7:30 p.m.

April 27, 2015

To: The Honorable Mayor and City Council

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

Subject: Changing the Approved Zoning Classification of 535 Olive Street, Parcel 6-04-103, from Residence B to Commercial

City Council has scheduled a Public Hearing for the above subject request at 7:30 pm on Monday, May 4, 2015.

The Planning Board reviewed the request at its April 7, 2015 meeting and unanimously defeated a motion recommending that City Council approve the request.

Attached is the report on the zone change request prepared for the Planning Board and an excerpt from the minutes.

The ordinance prepared for City Council consideration approves the zone change as submitted. The Council must hold the public hearing and pass the SEQRA resolution that is also on today's agenda before voting on the ordinance.

ORDINANCE

Page 1 of 1

Changing the Approved Zoning Classification of 535 Olive Street, Parcel 6-04-103, from Residence B to Commercial

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

YEA	NAY

Introduced by

Council Member Joseph M. Butler

BE IT ORDAINED where Ricky E. Frazier has submitted an application to change the approved zoning classification of 535 Olive Street, parcel 6-04-103, from Residence B to Commercial, and

WHEREAS the Planning Board of the City of Watertown considered the request at its April 7, 2015 meeting and unanimously defeated a motion recommending that City Council approve the zone change, and

WHEREAS a public hearing was held on the proposed zone change on May 4, 2015, after due public notice, and

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

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

NOW THEREFORE BE IT ORDAINED that the approved zoning classification of 535 Olive Street, Parcel Number 6-04-103, be changed to Commercial District, and

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

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

Seconded by Council Member Teresa R. Macaluso



MEMORANDUM

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

TO: Planning Board Members
FROM: Kenneth A. Mix, Planning and Community Development Coordinator
SUBJECT: Zone Change – 535 Olive Street
DATE: April 2, 2015

Request: To change the approved zoning classification of 535 Olive Street, Parcel Number 6-04-103, from Residence B to Commercial.
Applicant: Ricky E. Frazier
Owner: Ricky E. Frazier
SEQRA: Unlisted
County review: Not required

Comments: The applicant is requesting a zone change for the subject parcel to allow him to convert the existing duplex into multi-family housing. The existing structure is a two-family residence that the applicant would like to convert into 6 studio apartments and 6 rooms. There would be three studio apartments with kitchen and bathroom facilities on each side. Each side of the structure would also have three separate sleeping rooms with a kitchenette and shared bathroom.

This zone change request was prompted when the City Code Enforcement Bureau learned that the applicant had already performed initial work on the site without a building permit.

Based on the definition of a dwelling unit in the Zoning Ordinance, the structure would be a 12 unit multi-family building. Multi-family use carries a parking requirement of at least one 300-square foot parking space for each dwelling unit provided plus 10% of the total dwelling units. The proposed build out would therefore require 14 parking spaces. The applicant's proposal to add a parking lot to the vacant lot may initiate a Site Plan Review.

In a Commercial District, a 12-unit building requires 1,000 square feet of lot size per unit, meaning a 12,000 square foot lot is required. The existing parcel is only approximately 2,800 sq. ft. in size so the applicant intends to assemble this parcel with 239 High Street, Parcel Number 6-04-101, which the applicant also owns. The resulting parcel will only be approximately 10,538 sq. ft. in size, therefore, the 12-units will not be allowed. The maximum number of units allowed will be 10.

The subject parcel is currently zoned Residence B, which allows for two-family dwellings and three-family dwellings as its most intense residential uses. Commercial zoning specifically allows for

multifamily dwellings. However, Commercial also allows for a variety of uses, including, but not limited to a gasoline sales station, an automobile sales lot, a restaurant and other uses.

Surrounding uses are a mix of Residence B, Commercial and Light Industry. The parcels on the north side of Olive Street are zoned Residence B. The entire south side of Olive Street on this block is zoned for Light Industry, and is occupied by the former Watertown Builder's Supply.

The city's Land Use Plan designates this area for "medium density residential" use.

cc: City Council Members
Robert J. Slye, City Attorney
Brian Drake, Civil Engineer II
Ricky E. Frazier, 23960 White Road, Watertown, NY 13601

Ricky E. Frazier
23960 White Rd
Watertown, NY 13601

Subject: Detailed letter

To whom it may concern,

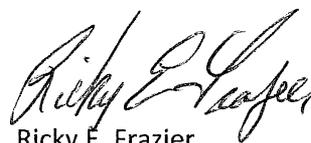
I would like to change the zoning on my property from Residential B to Commercial at 535-537 Olive Street.

We will be changing from a duplex, to a 6 studio and 6 rooms all of which have kitchenettes' and will share the bathrooms.

We will be combining 535-537 Olive Street with 239-245 High Street to meet guild lines to have studio apartments. In doing this we will make parking for each tenant.

Full set of plans will be provided upon receiving a permit.

Thank You

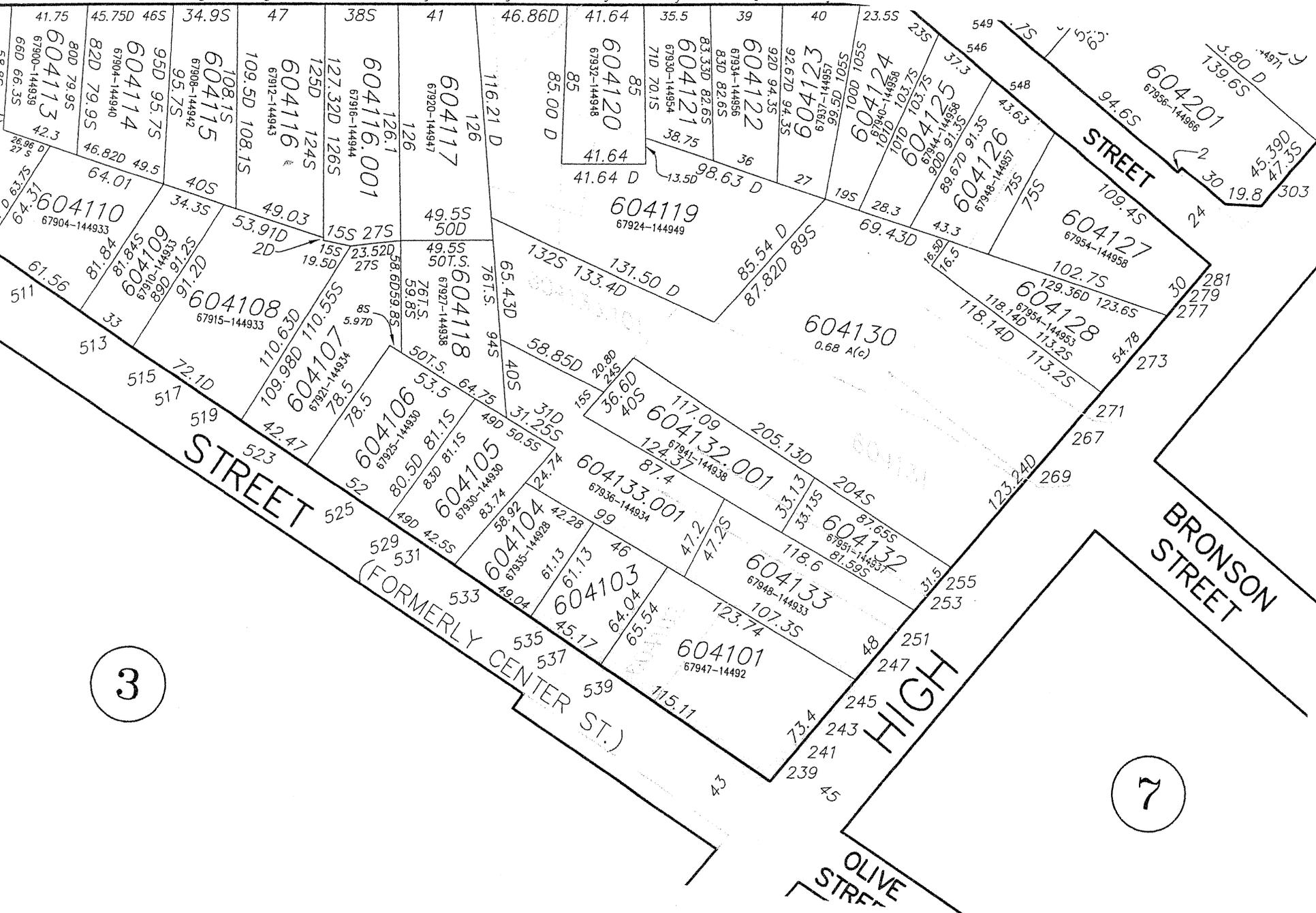


Ricky E. Frazier
03/24/2015



509 513 517 521 523 525 527

JEFFERSON



3

7

WARRANTY DEED

THIS INDENTURE, made January 21, 2011.

BETWEEN:

PATRICK G. O'CONNOR
23011 County Route 59
Dexter, NY 13634

Grantor

AND

RICKY E. FRAZIER
23960 White Road
Watertown, NY 13601

Grantee

R+E-

WITNESSETH, that the Grantor, in consideration of ONE AND 00/100 (\$1.00) DOLLAR, and other good valuable consideration releases unto the Grantee, the heirs or successors and assigns of the Grantee, forever, premises more particularly described in Schedule "A" attached hereto.

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises.

TO HAVE AND TO HOLD the premises here granted unto the Grantee, the heirs or successors and assigns of the Grantee forever.

And the said Grantor covenants as follows:

FIRST: That the Grantor is seized of the said premises in fee simple and has good right to convey the same.

SECOND: That the Grantee shall quietly enjoy the said premises.

THIRD: That the said premises are free from encumbrances.

FOURTH: That the Grantor will forever warrant the title to said premises.

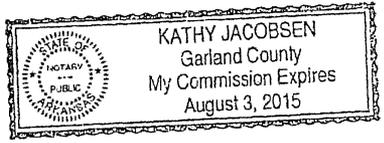
This deed is subject to the trust provisions of Section 13 of the Lien Law of the State of New York.

The words "Grantor" and "Grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

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

Patrick G. O'Connor L.S.
Patrick G. O'Connor

STATE OF ARKANSAS)
) SS:
COUNTY OF Garland)



On the 4 day of January in the year 2011, before me, the undersigned, a notary public in and for said state, personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is **PATRICK G. O'CONNOR** subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Kathy Jacobsen
Notary Public

Schedule "A"

ALL THAT TRACT OR
PARCEL OF LAND, situate in the City of Watertown, County of
Jefferson and State of New York and further described as follows:
BEGINNING at the intersection of the westerly street margin of
High Street and the northerly street margin of Olive Street;
THENCE: N. 83 degrees-10'-00" W. along the northerly street
margin of Olive Street a distance of 115.11 feet to a plug set in
the concrete walk;
THENCE: N. 06 degrees -41' -39" E. a distance of 65.54 feet to an
iron pipe set;
THENCE: S. 86 degrees -35' -40" E. a distance of 123.74 feet to a
point in the westerly street margin of High Street, said point is
situate N. 86 degrees -35' -40" W. a distance of 1.02 feet from an
iron pipe found;
THENCE: S. 13 degrees -17' -00" W. along the westerly street
margin of High Street a distance of 73.40 feet to the point of
beginning.
CONTAINING: 0.189 acres of land more or less.
SUBJECT to all of the rights and restrictions that exist in regard
to an 8' drive-in-common, said drive-in-common is as shown of the
map titled "Survey map of the Land of Michael John Converse, 239-
245 High Street and 539 Olive Street, Watertown, New York",
prepared by Peck & Gozalkowski, February 18, 1988. The centerline
of the 8' drive-in-common is the most westerly property line of
the property at 539 Olive Street.
IT being the intent to describe the parcel of land conveyed by
Gerald E. and Dara K. Ives to Michael John Converse by deed
recorded in the Jefferson County Clerk's Office in Liber 900 at
Page 966 on July 12, 1979, said parcel being the properties at
239-245 High Street and 539 Olive Street, Watertown, New York.

TOGETHER WITH AND SUBJECT to all the rights and restrictions that exist in regard to two 8' drives-in-common provided for in a deed from John Nill to Amelia O. Nill dated May 5, 1916, and recorded in the Jefferson County Clerk's office on May 8, 1916, in Liber 347 of Deeds at page 452, and a deed from John Nill to Louise Nill Smith dated May 5, 1916, and recorded in the Jefferson County Clerk's office on May 8, 1916, in Liber 835 of Deeds at page 454. Said drives-in-common are as shown on the map titled "Survey Map of the Land of Patrick & Arlene S. O'Connor, 239-245 High Street and 539 Olive Street, Watertown, New York, prepared by Gozalkowski, Yaussi, Moncrief & Olley, P.C., Watertown, New York, dated February 18, 1988, and revised on May 5, 1993. The centerlines of the 8' drives-in-common are the most easterly and westerly property line of the property at 539 Olive Street.

BEING the same premises as conveyed by Michael J. Converse and Linda J. Converse to Patrick G. O'Connor and Arlene S. O'Connor by deed dated March 8, 1988 and recorded in the Jefferson County Clerk's Office on March 16, 1988 in Liber 1114 of Deeds at page 234.

Also Conveying:

THAT TRACT OR PIECE OF LAND, situate in the City of Watertown, County of Jefferson and State of New York, described as follows:

BEGINNING at a point in the N'ly margin of Center Street 116.33 feet N. 75° 30' W. from a marble monument in the N'ly margin of Center Street at its intersection with the W'ly margin of High Street; thence N. 75° 30' W. along the N'ly margin of Center Street 45.17 feet to a point; thence N. 14° 54' E. 61.13 feet to a point in the N'ly line of lands heretofore deeded by Stella M. Griffin to John Nill, by deed dated December 26, 1901, recorded in Jefferson County Clerk's Office in Liber 300, at Page 281; thence along said line S. 79° 5' E. 46.00 feet to a point, the N. W'ly corner of Lot No. 2; thence along the W'ly line of Lot No. 2 S. 15° 30' W. 64.04 feet to the place of beginning, being Lot #3 as shown on map.

EXCEPTING AND RESERVING therefrom a strip of land 4 feet in width off the E'ly side of the same, which strip of land with a strip of equal width adjoining it on the East, shall be used as a common driveway by the owners of Lots nos. 2 and 3 and there is conveyed the right to the use of the said last described strip for such purpose, and also excepting and reserving therefrom a strip of land 4 feet in width off the W'ly side of said Lot No. 3, which strip with a strip of equal width adjoining it on the West shall constitute a common driveway to be used by the owners of Lots Nos. 3 and 4 and there is hereby conveyed the right to the use of the said last described piece for that purpose.

BEING a part of the same premises conveyed by James H. Monroe to Jean I. Monroe by deed dated January 27, 1983 and recorded in the Jefferson County Clerk's Office on April 22, 1983 in Liber 930 of Deeds at Page 521.

THE above described premises are known as 535-537 Olive Street, Watertown, New York and as Tax Parcel No. 6-04-103.

BEING the same premises as conveyed by Jean I. Monroe to Patrick G. O'Connor and Arlene S. O'Connor by deed dated Mary 17, 1988 and recorded in the Jefferson County Clerk's Office on May 18, 1988 in Liber 1121 of Deeds at page 177.

Arlene S. O'Connor passed away a resident of Jefferson County, New York, on December 13, 2009.

Excerpt from April 7, 2015 Planning Board Minutes

**ZONE CHANGE – 535 OLIVE STREET – PARCEL 6-04-103
RESIDENCE B TO COMMERCIAL**

The Planning Board then considered a request submitted by Ricky E. Frazier to change the approved zoning classification of 535 Olive Street, Parcel Number 6-04-103 from Residence B to Commercial.

Mr. Frazier was in attendance to represent himself before the Planning Board. Mr. Frazier began by stating that he requested the zone change so that he could convert a big house into little studio apartments. At this time, Mr. Lumbis clarified the parcel location on the City of Watertown Zoning Map for the benefit of the Planning Board. Mr. Davis then asked what level was Residence B. Mr. Mix replied that it allows up to a three-family dwelling on a single parcel.

Mr. Frazier then noted that he wanted to have 12 units in the building, but that he could only have 10 because of the lot size requirements. Mr. Davis then asked for the size of the house, adding that if the Board did not know what size the house was, they would have no reason to change the zoning. Mr. Frazier replied that it covered almost the entire lot. Mr. Mix then said that zoning covers the required sizes of lots, and that it was the applicant's intent to assemble this parcel with the neighboring lot. Mr. Frazier then pointed out on the zoning map the parcels that he wished to assemble.

Mr. Davis then asked again for the size of the house. Mr. Frazier said that it left about three feet around the edge of the lot. Mr. Davis then said that meant that the house was approximately 1,900 square feet. Mr. Frazier then said that it was his intention only to utilize the rooms that were already there.

Mr. Katzman then asked about the bathroom situation within the building as the applicant proposed to use it. Mr. Frazier replied that three rooms would share one bathroom and that each of the studios would have their own bathroom. Ms. Capone then said that most of this would fall under the jurisdiction of the City Code Enforcement Bureau, not of the Planning Board.

Ms. Fields then brought up the fact that if the Planning Board changed the zoning, then they allow a number of other uses if the applicant changed his mind about how to use the property. Mr. Katzman asked if the Planning Board was approving anything else at this time other than the zone change. Mr. Coburn answered that they were not approving anything else and that the rest of the matter is under the jurisdiction of the City Code Enforcement Bureau.

Mr. Frazier then asked if he would need to appear before the Planning Board again in order to assemble the parcel with his neighboring property. Mr. Lumbis replied that he did not. Mr. Lumbis added that all of the other permitted uses in the Commercial District are by right.

Mr. Neddo then said that if the Planning Board changes the zoning, then they open the door to all other uses permitted in the Commercial District and that the Planning Board would need a rational reason to deny any of those uses in the future.

Mr. Katzman then asked if Mr. Frazier had obtained any of the neighbors' opinions on the matter. Mr. Frazier said that he had only talked to one neighboring resident and that resident did not have a problem. He could not speak for anyone else. Mr. Lumbis said that the Planning Department sent a notice of this meeting to anyone that owns property within 100 feet of this parcel and that it would do the same when City Council schedules a public hearing for this request. Mr. Urda then said that six neighboring property owners received such notices and that even though more than six parcels were within 100 feet, some individuals owned more than one of those parcels.

Mr. Katzman then asked if the Planning Board could table the request. Mr. Davis said that the Board had walked this path before and that the building is not big enough and that the property is not big enough. Ms. Fields then said that she had a problem with the request as well.

Mr. Frazier then asked if the Planning Board would like to know why he wants to change the zoning. Mr. Davis replied that he does not want to know any more about why Mr. Frazier wants to change it. Mr. Frazier then said that families are smaller than they once were and that a 4-bedroom house is difficult to rent because most people cannot afford that size of house today. He then added that he is not stuck on studio apartments and would be willing to change the building to a 4-family dwelling if that made the Board feel better.

Mr. Katzman then cited a lack of green space on the property. Mr. Coburn followed this by calling his fellow Board members' attentions to a specific paragraph in Staff's memorandum, and read it aloud, "The subject parcel is currently zoned Residence B, which allows for two-family dwellings and three-family dwellings as its most intense residential uses. Commercial Zoning specifically allows for multifamily dwellings. However, Commercial also allows for a variety of uses, including, but not limited to a gasoline sales station, an automobile sales lot, a restaurant and other uses."

Mr. Coburn then said reading that was a moment of clarity for him and that it should be for the rest of the Planning Board.

Mr. Katzman then moved to recommend that City Council approve the request submitted by Ricky E. Frazier to change the approved zoning classification of 535 Olive Street, Parcel Number 6-04-103 from Residence B to Commercial.

The motion was seconded by Ms. Fields and all voted in opposition.

Mr. Lumbis then informed Mr. Frazier that the Planning Board had made its recommendation to City Council, and that the matter would go to City Council at their next meeting, where Council would schedule a public hearing. Mr. Lumbis then told Mr. Frazier that the hearing will be at the first City Council meeting in May, where the Council will make a decision on his request.

Mr. Katzman then moved to adjourn the meeting. The motion was seconded by Mr. Coburn and all voted in favor. The meeting was adjourned at 4:20 PM.

Public Hearings – 7:30 p.m.

April 28, 2015

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

Subject: Public Hearings for 2015-16 Operating Budgets and 2015-16 through
2019-20 Capital Budget

As part of the Budget review process, the City provides the public with an opportunity to voice their opinions about the Proposed Budgets, both Operating and Capital. Public Hearings on the Proposed Budgets have been scheduled as follows:

Monday, May 4, 2015

7:30 p.m. 2015-16 Operating Budgets

7:30 p.m. 2015-16 through 2019-20 Capital Budget

Local Government Sales Taxes in New York State: 2015 Update



**New York State
Office of the State Comptroller**

Thomas P. DiNapoli • State Comptroller

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Table of Contents

Executive Summary	1
The Sales Tax	2
The Use Tax	3
Local Sales Tax Rates	4
Local Sales Tax Revenue	7
Regional Sales Tax Revenues	9
Sales Tax Forecasting	10
Sales Tax Sharing	11
Sales Tax Burden in New York State	12
Taxing Internet Sales	13
Appendix A: Sales Tax Sharing Agreements	14
Appendix B: Technical Discussion of the Sales Tax	19
Notes	25
Central Office Directory	27
Regional Office Directory	28



Executive Summary

- The sales tax is an important source of revenues for local governments throughout New York State. In addition to the State sales tax rate of 4 percent, counties have local sales tax rates of 3 to 4.75 percent. Many cities also impose their own sales tax, often taking over the revenues from (“pre-empting”) a portion of the county sales tax rate. New York City has a local sales tax rate of 4.5 percent.
- Local government sales tax revenue was \$13.8 billion in 2013, or 8.2 percent of all local government revenue. Counties get the largest share of their revenues from the sales tax, 27.8 percent on average, not including sales tax revenue distributed to other local governments. New York City gets 8.6 percent of its revenues from the sales tax and other cities get 18.3 percent in aggregate. Towns get 9.5 percent of their revenues from the sales tax, villages 6.1 percent and school districts 0.5 percent.
- Many counties, 46 of 57 outside of New York City, share a portion of their sales tax collections with other local governments within their borders. These counties shared about 28 percent of their sales tax collections. Twelve of these sharing agreements or arrangements were modified in the last five years, with about half sharing more sales tax revenue with local governments.
- New York’s State and local tax burden is the sixth highest in the nation. The aggregate average sales tax rate for the State is 8.45 percent, while 93 percent of New Yorkers reside in areas that have a total sales tax rate of at least 8 percent.
- E-commerce made up 6.6 percent of total retail sales in the United States during the third quarter of 2014. New York State has spearheaded an effort to collect sales tax on e-commerce, originating the “Amazon Tax,” which resulted in online retailers paying \$360 million in sales taxes as of February 2012.

The Sales Tax

The sales tax is a tax on the retail sales of goods and services. Along with property taxes, sales taxes of various kinds have long made up the core of local government finance. Taxes on specific commodities (also called excise taxes) have been imposed by governments for millennia.¹ A general sales tax is one that is imposed on all commodities, usually with some defined exceptions. Several states, including New York, imposed general sales taxes to raise additional revenues during the Great Depression. The first general sales tax in New York State was a one-year 1 percent tax imposed in 1933.² In 1934, a local sales tax was authorized for New York City only.³ In 1947, the authority to impose a general sales tax was extended to all cities and counties in the State.⁴ While these city and county sales taxes were locally administered and collected, starting in 1942 the State set maximum rates.⁵

In 1965, the State imposed a statewide general sales tax, and replaced the locally administered sales taxes with a local option sales tax that is administered by the State Department of Taxation and Finance.⁶ The statewide sales tax was initially 2 percent and has been as high as 4.25 percent; it is currently 4 percent. All cities and counties in the State (except those counties wholly within New York City) can impose local sales taxes at a “maximum” rate of up to 3 percent, or higher if authorized by special State legislation. Currently all eligible counties in the State have a local sales tax, as well as 20 cities (including New York City).⁷

New York’s sales tax is applied to the general sales tax package, including sales of:

1. Tangible personal property (with some exemptions);
2. Utility (gas, electricity, telephone, and refrigeration and steam) services;
3. Other selected services (for example, interior decorating and detective services),
4. Food and beverages sold by restaurants, taverns and caterers;
5. Hotel occupancy and
6. Certain admission charges and dues.⁸

The Department of Taxation and Finance administers the State and local sales taxes. The State Tax Commissioner certifies the amounts that should be distributed to local governments, and that amount is then paid to the local governments by the State Comptroller.

The Use Tax

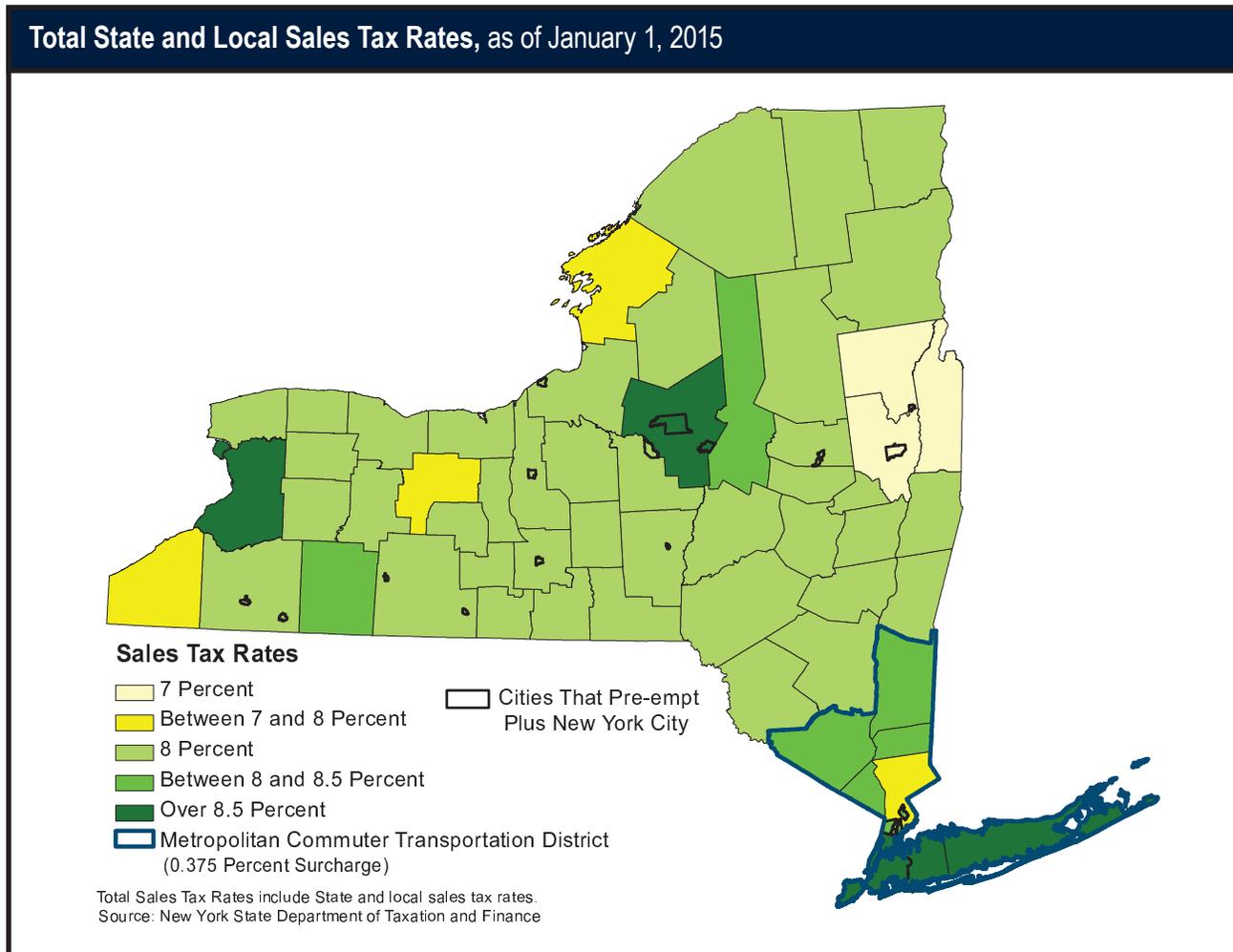
The compensating use tax is imposed on all purchases of taxable items or services for which the seller did not collect sales tax. The amount of the use tax is equal to the sales tax that would have been collected, and thus provides a mechanism to collect tax on out-of-state sales.

The use tax is applied to any purchases made outside of the State and used in New York State, catalog or Internet sales from an out-of-State seller or purchases made in a different taxing jurisdiction in New York State than the one where they are used. In the last case, the use tax would only be relevant if the jurisdiction where the sale was made had a lower sales tax rate than the one where it was used, and then the use tax would be equal to the difference between the rates. In some cases, when an item is bought in another state for in-state use and sales tax is paid to the other state, a credit for the amount of that tax may be claimed against New York use tax liability.

The use tax is difficult to collect since taxpayers must report the obligation themselves, and are frequently not even aware that the obligation exists. Since 2003, the New York State personal income tax return has included a line on which taxpayers are required to enter the amount of use tax owed for the previous year.⁹

Local Sales Tax Rates

The State Tax Law allows a county or city to impose local sales taxes of up to 3 percent by adopting a local law, ordinance or resolution.¹⁰ All 57 counties and New York City impose at least this rate.¹¹ In addition, all but four counties have obtained special legislation from the State authorizing them to impose an additional tax, over and above this 3 percent, ranging from 0.5 percent to 1.75 percent.¹² These additional tax authorizations are “temporary” increases which require legislative reauthorization periodically (usually every two years). However, virtually all of the counties with sales tax rates over three percent have regularly sought – and received – State legislative approval to continue the higher rates. Some of these additional tax rate authorizations have been continued for over three decades. The latest round of renewals for most counties took effect in November 2013.



The most common local sales tax rate is 4 percent, with 42 of 57 counties (74 percent) currently imposing this amount. An additional six counties have rates higher than 4 percent. Only nine have rates below 4 percent. In addition, a State-imposed Metropolitan Commuter Transportation District surcharge of 0.375 percent is applied in New York City as well as Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester counties.¹³

County Sales Tax Rates, as of January 1, 2015							
County	Local Sales Tax Rate	Enactment Date of Temporary Tax	Enactment Date of Current Rate (if different)	County	Local Sales Tax Rate	Enactment Date of Temporary Tax	Enactment Date of Current Rate (if different)
Erie	4.75%	1984	2006	Orleans	4.00%	1993	
Oneida	4.75%	1992	2007	Oswego	4.00%	2004	
Allegany	4.50%	1986	2004	Otsego	4.00%	2003	
Herkimer	4.25%	1994	2007	Putnam*	4.00%	2005	2007
Nassau*	4.25%	1983	1991	Rensselaer	4.00%	1994	
Suffolk*	4.25%	1984	2001	Rockland*	4.00%	2002	2007
Albany	4.00%	1992		Schenectady	4.00%	1998	2003
Broome	4.00%	1994		Schoharie	4.00%	2004	
Cattaraugus	4.00%	1985		Schuyler	4.00%	1999	
Cayuga	4.00%	1992		Seneca	4.00%	2002	
Chemung	4.00%	2002		St. Lawrence	4.00%	2013	
Chenango	4.00%	2002		Steuben	4.00%	1992	
Clinton	4.00%	2004	2007	Sullivan	4.00%	2003	2007
Columbia	4.00%	1995		Tioga	4.00%	1994	2003
Cortland	4.00%	1992		Tompkins	4.00%	1992	
Delaware	4.00%	2003		Ulster	4.00%	1993	2014
Essex	4.00%	2004	2013	Wayne	4.00%	2003	
Franklin	4.00%	2006		Wyoming	4.00%	1992	
Fulton	4.00%	2005		Yates	4.00%	2003	
Genesee	4.00%	1994		Dutchess*	3.75%	2003	
Greene	4.00%	1993		Jefferson	3.75%	2004	
Hamilton	4.00%	2013		Orange*	3.75%	2004	
Lewis	4.00%	2004	2013	Chautauqua	3.50%	2005	2010
Livingston	4.00%	2003		Ontario	3.50%	2006	2009
Madison	4.00%	2004		Saratoga	3.00%	NA	
Monroe	4.00%	1992	1993	Warren	3.00%	NA	
Montgomery	4.00%	2003		Washington	3.00%	NA	
Niagara	4.00%	2003		Westchester*	3.00%	NA	
Onondaga	4.00%	2004					

* Local sales tax rate does not include 0.375% for the Metropolitan Commuter Transportation District.
 NA - Not Applicable, county has no temporary sales tax.
 Source: New York State Department of Taxation and Finance

There are 20 cities that impose their own sales tax. Under the State Tax Law, a county and a city within that county can each impose general sales taxes. Because the combined county/city general sales tax rate cannot exceed a maximum of 3 percent rate, a city that imposes a sales tax in a county that already has one must pre-empt half of the county's tax rate within the city, or up to 1.5 percent of the 3 percent maximum. Within the city the county's rate then is reduced by the same amount. Likewise, if a city imposes a sales tax, and then the county that it is within imposes a sales tax, the county must pre-empt up to 1.5 percent of the sales tax rate of the city, forcing a reduction in the city's rate of the same amount. Further complicating the picture are statutory exceptions and temporary authorizations for some cities to impose higher rates or pre-empt a larger share of the county rate. New York City is a special case, since it is not located within a county and therefore need not pre-empt but, instead, imposes its own sales tax at a rate of 4.5 percent.

City Sales Tax Rates, as of January 1, 2015		
City	Total Sales Tax Rate [#]	City Portion
New York City*	8.875%	4.5%
Rome	8.750%	1.5%
Utica	8.750%	1.5%
Mount Vernon*	8.375%	2.5%
New Rochelle*	8.375%	2.5%
White Plains*	8.375%	2.5%
Yonkers*	8.375%	2.5%
Auburn	8.000%	2.0%
Coming	8.000%	1.5%
Gloversville	8.000%	2.0%
Homell	8.000%	1.5%
Ithaca	8.000%	1.5%
Johnstown	8.000%	2.0%
Norwich	8.000%	1.5%
Olean	8.000%	1.5%
Oneida	8.000%	2.0%
Oswego	8.000%	4.0%
Salamanca	8.000%	1.5%
Glens Falls	7.000%	1.5%
Saratoga Springs	7.000%	1.5%

* For these cities, total sales tax rate includes 0.375% for the Metropolitan Commuter Transportation District.
Total sales tax rate includes 4% State sales tax.
Source: New York State Department of Taxation and Finance

Local Sales Tax Revenue

Local governments in New York State had \$13.8 billion in sales tax revenue in 2013.¹⁴ This was 8.2 percent of all revenues for local governments. The local governments that can impose or pre-empt a general sales taxes (counties and cities) have the largest share of sales tax revenues.¹⁵ Some other local governments (many towns and villages and relatively few school districts) receive an allocation of county sales taxes. They generally get a more limited portion (0.5 to 9.5 percent) of their revenues from the sales tax.¹⁶

New York City received the largest share of statewide local sales tax revenue – 45 percent, or \$6.1 billion – but this was only 8.6 percent of its total revenue in 2013.¹⁷ This is partly due to the fact that New York City is one of only two cities in the State that has its own income tax. New York City’s personal and corporate income taxes account for 23.1 percent of its revenues, or \$16.5 billion.¹⁸

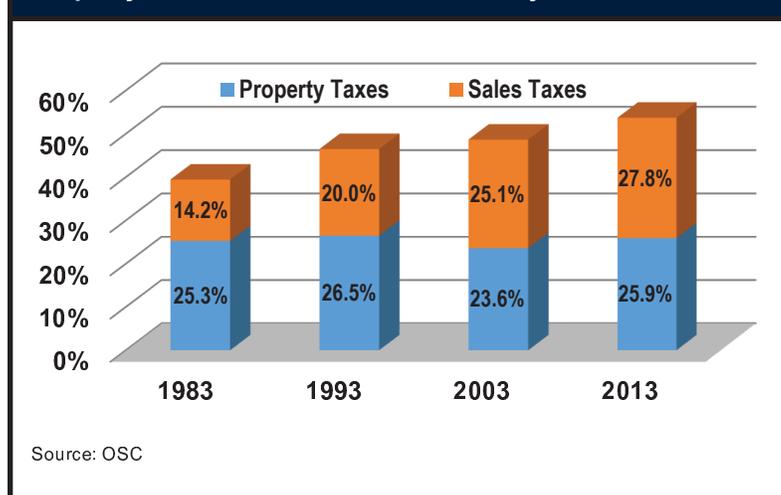
Counties receive almost three-quarters of the local sales tax revenue collected statewide outside of New York City. They are also the class of government that is the most dependent on sales tax revenues, and this dependence is growing. Historically, counties received the largest share of their revenues from the property tax. In recent decades, however, sales tax revenue has become more and more essential for funding county governments, taking over the largest share status from the property tax.

Local Sales Tax Revenue by Class, FY 2013

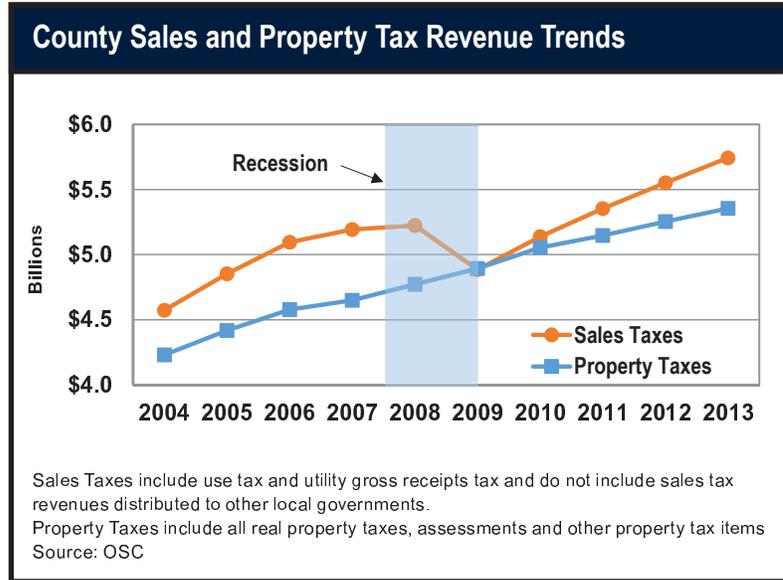
	Amount (millions)	Percentage of Statewide Local Sales Tax Revenue	Percentage of Local Revenue
Counties*	\$5,744	41.6%	27.8%
Cities (excluding NYC)	\$822	6.0%	18.3%
Towns	\$649	4.7%	9.5%
Villages	\$159	1.2%	6.1%
School Districts	\$269	2.0%	0.5%
New York City	\$6,150	44.6%	8.6%
All Local Governments	\$13,792	100.0%	8.3%

* Does not include sales tax revenues that are distributed to other local governments.

Property and Sales Tax Shares of County Revenues



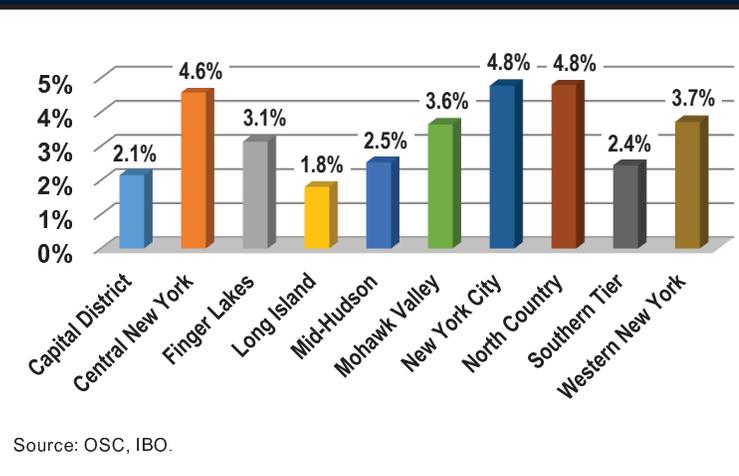
In 2013, the sales tax accounted for about 28 percent of total county revenues. Growth in sales tax revenues has allowed counties to fund additional services while minimizing property tax increases. However, while the property tax is generally a stable source of revenue, the sales tax can be fairly volatile. For instance, in the recession of 2008-2009, sales tax revenues declined sharply. Since then, however, sales tax revenues have recovered and grown more rapidly than property tax revenues. Since 2011, property tax revenue growth has generally been limited by the Real Property Tax Levy Limit. The volatility of sales tax revenue tends to cause problems with funding county budgets in recessions, even as the demand for services typically increases.



Regional Sales Tax Revenues

From 2004 to 2013, local sales tax revenues statewide grew at an average rate of 3.6 percent per year, but this varied quite a bit by region. The strongest growth was in New York City and the North Country region, which each had 4.8 percent average annual increases. Both New York City and several counties in the North Country region had sales tax rate increases between 2004 and 2013, which accounts for some of this growth.¹⁹ Likewise, some counties in other regions (for example, Central New York) had rate increases that contributed to stronger than average growth for those regions.

Average Annual Change in Sales Tax Revenue By Region, 2004 to 2013



At the other extreme, Long Island sales tax revenue had only a 1.8 percent average annual increase for the 2004 to 2013 period. This may be due to this region's sales tax revenues being especially weakened by the 2008-09 recession, and there being no rate increases by Nassau or Suffolk counties in this period. This was unlike some other regions that did have rate increases that helped to offset revenues lost as a result of the recession.

Sales Tax Forecasting

Local governments have two major reasons to focus on forecasting sales tax revenue in their budgets. First, sales taxes are a substantial part of many local governments' revenues, so it is vital that the amount of this revenue be projected as accurately as possible. Second, the volatility of sales tax revenue when compared to other local sources of revenue (for example, property taxes and fees), makes it unwise to assume that these revenues will be stable from year to year or over a longer period of time.

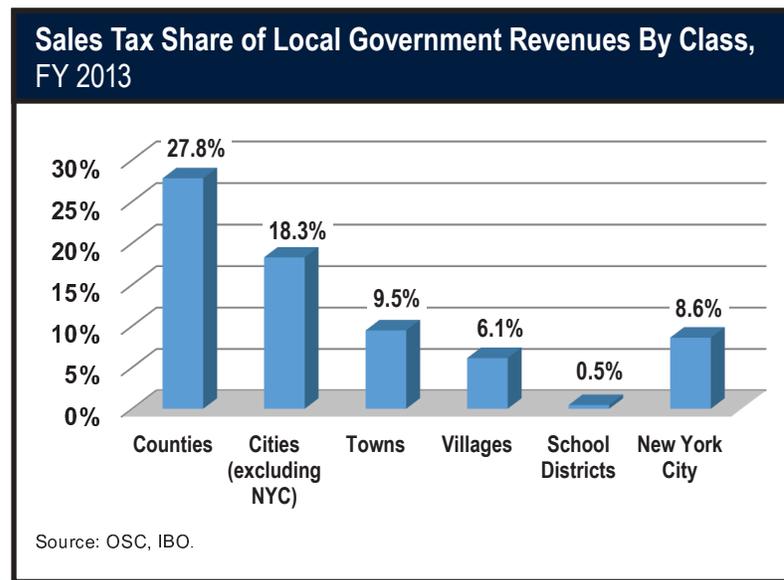
However, it can be difficult for local governments to project sales tax revenue growth. There is a lack of timely city- or county-specific economic data upon which such a projection could be based. Even if this hurdle could be overcome, cities and counties may not have the resources or expertise to create a sophisticated sales tax projection model for their jurisdiction.

However, it should be possible to use certain key economic factors to assist in estimating future growth in sales tax revenues. While national economic trends may not be reflected completely at the local level,

they usually have some impact. Therefore, observing recent trends in available national data such as that for manufacturing, employment and retail sales would be a good starting point for a sales tax projection. Local officials should also consider historic trends and the interaction of sales tax revenue growth and the business cycle. Sales tax revenues tend to be very sensitive to economic contractions and often tend to lag economic recoveries.

The New York State Budget also contains a sales tax forecast for the State. This projection depends on a sophisticated model and makes use of State-level consumption, income, employment and retail sales data. While no model is going to be perfectly accurate, it represents the best available picture of how sales tax revenues will perform, statewide, over the next few years. Cities and counties can also take into account how their sales tax revenues have historically compared to the sales tax revenue collected by the State. For example, if a county's sales tax revenue has historically grown more slowly than State sales tax revenue, this should be reflected in their local sales tax forecast.

In their consideration of national and state trends and projections, local officials should take advantage of their knowledge of local development and businesses. The opening or closing of a large retail store, the gain or loss of a major employer or other similar local events can be expected to impact sales tax revenues and should be considered as a part of the local sales tax growth forecast.



Sales Tax Sharing

Most counties in the State – 46 of 57 outside of New York City – share some portion of the proceeds from their sales tax with cities, towns, villages or school districts. The sales tax allocation are made in accordance with stature of sharing agreements approved by the county and the cities with in the county.²⁰ Sales tax sharing agreements are required when county sales taxes are to be allocated between the cities and the area of the county outside of the cities on a basis other than population. All sales tax sharing agreements must also be approved by the State Comptroller. The Office of the State Comptroller (OSC) generally reviews these distribution agreements to verify that the legal authorizations to execute the agreement are in order and to determine if the proposed distribution formula is “administratively workable”, i.e., that it is structured in a manner that can be audited. They are not analyzed for equity or on the basis of need. Any modifications, renewals or extensions of these agreements are also subject to approval by OSC.

Eleven counties retain all of their sales tax revenues. These are all counties that do not contain any cities. Counties with cities that pre-empt are required by State law to allocate a portion of their sales tax revenue with cities, other than the pre-empting cities, and towns in the county.²¹ Therefore, counties with cities that do not pre-empt may be motivated to share their sales tax revenues in order to forestall this forced allocation. This same motivation does not exist for counties without any cities.

Counties without pre-empting cities are not statutorily required to share any sales tax revenues, although they may choose to. These counties may share sales tax revenues with school districts only, and not with cities and the area of the county outside the cities, although no county currently does this.

Recent Changes in Sharing Agreements

Since 2010, 12 counties’ sharing agreements or arrangements have been modified, with about half of them increasing the amount of sales tax revenue shared with local governments within their boundaries. Chautauqua County’s sharing arrangement provides for 30 percent (formerly 20 percent) of the additional 0.5 percent of the local rate to be allocated to local governments. Essex County started sharing a portion of its sales tax revenue with local governments for the first time in 2013.

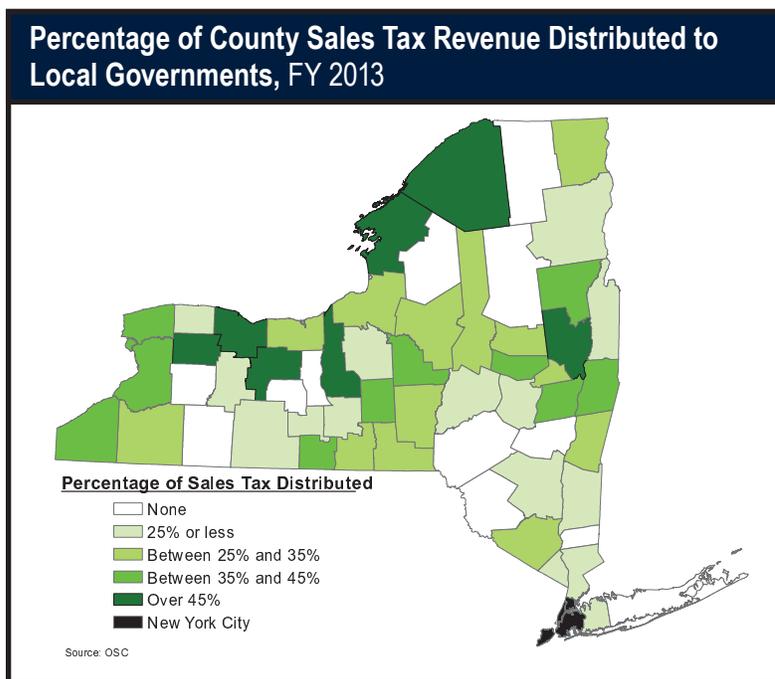
Most other sharing arrangements contained small changes. For Example, Steuben County increased the amount that it shared with local governments, resulting in the two cities that pre-empt receiving greater sales tax revenue (Corning and Hornell were to receive \$740,000 in 2013 and \$765,000 in 2014, compared to \$710,000 under the previous arrangement).

Conversely, some new sharing arrangements provide for additional funds to be retained by the county. Broome County’s new arrangement provides for only a limited percentage of sales tax growth to be allocated to municipalities. Chemung County will retain an increasing yearly percentage of sales tax, beginning with 50 percent in 2014 and growing to 65.6 percent in 2018.

For the counties that share their sales tax revenues, 28 percent was allocated to other local governments within the counties in 2013. The percentage of sales tax revenues allocated in counties that share varied from nearly 62 percent in Monroe County to about 5 percent in Livingston, Schoharie and Washington counties. In all, \$1.7 billion in sales tax revenue was shared by counties in 2013.

Because most sales tax allocations are based at least in part on population, cities that have been losing population are vulnerable to sales tax revenue losses. This will typically occur after each decennial census, when the new

official population numbers are effective. In 1960, 3.0 million people resided in New York State's cities (excluding New York City). By 2010, this number had declined by 26 percent, to 2.2 million. Over the same period, the number of people residing in towns within the State increased by 50 percent.



Sales Tax Burden in New York State

New York has one of the highest combined State and local sales tax rates in the nation. While the State sales tax rate of 4 percent is not remarkably high, once the local portion of the sales tax is added to the State portion, it drives up the State's overall rate. Over 93 percent of New Yorkers reside in areas in which the total sales tax rate is at least 8 percent.²² Only five states have an aggregate average state and local sales tax rate higher than New York's 8.45 percent.²³

Rates only account for part of the picture in comparing sales taxes across state borders, however. The other part is the tax base or what is subject to the tax. New York State exempts more items than average. Like most other states that impose sales taxes, New York exempts most food and prescription drugs, but it is one of only nine states that exempts nonprescription drugs.²⁴ Clothing and footwear under \$110 per item is also exempt from the State portion – and the local portion in some jurisdictions – of the sales tax.²⁵ Each of these exemptions narrows the base of the sales tax and means that the rate must be higher to obtain the same revenue that would be available at a lower rate if applied to a broader base.

Taxing Internet Sales

In the third quarter of 2014, e-commerce sales (purchases over the Internet) accounted for 6.6 percent of total retail sales in the United States.²⁶ A 2009 study estimated that uncollected sales taxes on e-commerce transactions cost states \$7.7 billion in 2008, including \$587 million in New York State.²⁷ The imposition and collection of sales taxes on e-commerce transactions faces a number of legal issues. The essential problem is that a state must prove that a vendor has a “nexus,” i.e., some sort of physical presence, in that state before they can require that vendor to collect sales tax.²⁸ Attempts have been made on the national level to address some of these issues. In 2014, the United States Senate passed the Marketplace Fairness Act, which would have allowed states to require online retailers to charge sales taxes on purchases.²⁹ The law would have only applied to retailers with sales above \$1 million in states where they lack a physical presence. The President indicated that he supported this bill, but as of the end of 2014 it had not passed the House of Representatives.

Meanwhile, states have recently pursued two separate paths to collect e-commerce sales taxes. The first is what is known as the “Amazon Tax.” New York State spearheaded this movement in 2008 with an amendment to the State Tax Law to require, in certain circumstances, the collection of New York sales tax by out-of-state sellers that pay commission to New York residents for referring potential customers, including by a link on a website.³⁰ The residents that make these referrals therefore constitute the nexus that is needed for the State to require the out-of-state sellers to collect sales tax. This has resulted in most major retail websites currently collecting New York State and local sales taxes on purchases by New York State residents, despite their thus far unsuccessful legal challenges to this law, including the Supreme Court denying a petition to review these challenges on December 2, 2013.³¹ Since the law’s inception in New York State, online retailers had remitted \$360 million in sales taxes on over \$4 billion in taxable online sales as of February 2012, according to the State Department of Taxation and Finance.³²

The second path is what is known as the Streamlined Sales Tax Project, which was launched in 2000 by representatives from various state and local governments and businesses.³³ The group was charged with developing a set of recommendations for terms of an interstate agreement that would streamline and simplify sales and use tax systems. The long-term goals of the project are to reduce the burden of collection for all sellers and to create a voluntary collection system for remote sellers who have no requirement to collect and remit sales taxes. Twenty-four states have thus far adopted legislation to achieve these goals, contingent on adoption by the other states with sales taxes and approval by the federal government. New York is not part of this project, instead using the “Amazon Tax” approach.

Appendix A: Sales Tax Sharing Agreements

County Name	Recipients of County Distribution	County Rate	Cities that Pre-empt	Summary of Sharing Agreements and Arrangements
Albany	City Town Village	4.00%		All 4.00%: The County retains 60% and distributes 40% to the cities and towns on the basis of published decennial census population figures. Within the Towns of Coeymans and Colonie, the town total is divided between the town and the villages on the basis of property value, per signed agreements. Within the Town of Green Island, the town total is divided between the Town of Green Island (10%) and the coterminous Village of Green Island (90%) per signed agreement. Within the Towns of New Scotland and Guilderland, the town total is divided between towns and villages based on population by agreement within the town.
Allegany	County retains 100%	4.50%		N/A
Broome	City Town Village	4.00%		First 3.00%: The County retains 50% and distributes 50% to cities, towns and villages based on population. Starting in the first quarter of 2011, any growth in sales tax revenue from the previous year is shared with municipalities only up to a certain percentage (the cap) for the subsequent four years (0.5% in 2011, 1.0% in 2012, 1.5% in 2013 and 2.0% in 2014 and thereafter). Beginning in 2013, 10% of the sales tax collected that exceeded the cap of the municipality's share of the 3% was distributed to municipalities based on population. In 2014, 20% of the sales tax collected that exceeded the cap of the municipalities' share was distributed back to the municipalities. Additional 1.00%: Retained by the County.
Cattaraugus	Town Village	4.00%	Olean Salamanca	First 3.00%: The County retains 50% and distributes 50% to towns and villages, based on taxable property value. Additional 1.00%: Retained by the County.
Cayuga	Town Village	4.00%	Auburn	All 4.00%: The County retains 50% and distributes 50% to towns and villages based on taxable property value.
Chautauqua	City Town Village	3.50%		First 3.00%: The County retains 50% and the remaining 50% is divided between cities and towns. The cities are distributed based on population, the towns are distributed one half based on property value and the other half distributed by population, with villages receiving a share from the town distributions based on property value. Additional 0.50%: The County retains 70% and the cities, towns and villages receive 30% based on population.
Chemung	City Town Village	4.00%		First 3.00%: The County will retain 50% in 2014, 57.5% in 2015, 60.2% in 2016, 63.3% in 2017, and 65.6% in 2018. The remainder is distributed to the City of Elmira and towns based on proportion of population to the County as a whole multiplied by agreed upon percentages for the city and the towns. Additional 1.00%: Retained by the County.
Chenango	Town Village	4.00%	Norwich	First 3.00%: The County retains 50% and distributes the remaining 50% to towns and villages based on property value. Additional 1.00%: Retained by the County and dedicated to construction, operations and maintenance, and debt service for a county public safety building.
Clinton	City Town Village	4.00%		First 3.00%: Up to \$27.1 million, the County retains 55% and distributes 45% to all other municipalities. Over \$27.1 million, the County retains 65% and distributes 35% to municipalities. Distributions to the City of Plattsburgh are based on population; distributions among towns and villages are based on property value. Additional 1.00%: Retained by the County.
Columbia	City Town Village	4.00%		All 4.00%: The County retains 70% and distributes the remaining 30% as follows: 88.1% to the Towns and 11.9% to the City of Hudson based on share of population from the latest census. Village distribution is based on their share of property value in their respective towns. The County, per agreement with the City of Hudson, pays the city an additional 0.84% from the County share.
Cortland	City Town Village	4.00%		All 4.00%: The County retains enough to make debt and lease payments for the new Interoperable Communications System. From the remainder, the shares going to the County, City of Cortland, towns and villages then changes each year of the agreement (from 2013 to 2018). The County share increases from 52% to 53.5%, the City share declines from 18.24% to 17.615%, the town and village share declines from 29.76% to 28.885%.

Appendix A: Sales Tax Sharing Agreements

County Name	Recipients of County Distribution	County Rate	Cities that Pre-empt	Summary of Sharing Agreements and Arrangements
Delaware	County retains 100%	4.00%		N/A
Dutchess*	City Town Village	3.75%		All 3.75%: The County distributes a total of \$25 million to the cities, towns and villages. The City of Poughkeepsie receives 38 percent of those funds (\$9.6 million) and the City of Beacon receives 17 percent (\$4.3 million). The County allocates 45 percent (\$11.3 million) to towns and villages, with allocations to towns based on population. Villages receive a portion of the town share determined by their share of the full valuation of real property in the entire town. The cities, towns and villages collectively receive a total of 18.453% of annual growth in sales tax, with growth being based on collections realized compared to the base year of 2012.
Erie	City, Town, Village, School District, Niagara Frontier Transportation Authority	4.75%		First 3.00%: The County retains 35.3055% (of which the Niagara Frontier Transportation Authority receives 4.1666% leaving the County with 31.1389%); 10.0087% is distributed to the cities of Buffalo, Lackawanna and Tonawanda on the basis of population; 25.6858% is divided among the cities of Buffalo, Lackawanna and Tonawanda and the towns on the basis of population and property value, and villages receive a portion of the town share based on property value; 29% is divided among all the school districts with territory in the County on the basis of average daily attendance. The cities of Lackawanna and Tonawanda are guaranteed an annual minimum of \$1,172,706 and \$1,534,671, respectively. Additional 1.00%: \$12.5 million is distributed to cities, towns and villages on the basis of property value. Remainder is retained by the County. Additional 0.75%: Retained by the County."
Essex	Town Village	4.00%		First 3.75%: Retained by County. Additional 0.25%: Shared with towns and villages. Town shares are based 50% on assessment and 50% based on population. Village shares are based on the percentage of the total town assessment that the village has within the town.
Franklin	County retains 100%	4.00%		N/A
Fulton	Town Village	4.00%	Gloversville Johnstown	All 4.00%: The County retains 50% and distributes 50% to towns and villages based on property value.
Genesee	City Town Village	4.00%		All 4.00%: The County retains 50%, distributes 16% to the City of Batavia and 34% to towns and villages based on property value.
Greene	County retains 100%	4.00%		N/A
Hamilton	County retains 100%	4.00%		N/A
Herkimer	City Town Village	4.25%		First 3.00%: The County retains 62.24%, the City of Little Falls receives 4.43%, and 33.33% is distributed to towns and villages based on population and property value. Additional 1.25%: Retained by County for Medicaid and a new jail
Jefferson	City Town Village	3.75%		All 3.75%: The County retains 47%, the City of Watertown receives 24% and 29% is distributed to the towns and villages based on property value.
Lewis	County retains 100%	4.00%		N/A
Livingston	Town Village	4.00%		First 3.00%: The County retains 93.33% and distributes 6.67% to towns and villages based on property value and population. Additional 1.00%: Retained by the County to offset Medicaid expenses.
Madison	Town Village	4.00%	Oneida	All 4.00%: The County retains 50% and distributes 50% to towns and villages based on property value.

Appendix A: Sales Tax Sharing Agreements

County Name	Recipients of County Distribution	County Rate	Cities that Pre-empt	Summary of Sharing Agreements and Arrangements
Monroe	City Town Village School district	4.00%		<p>First 3.00%: Morin/Ryan Act distribution: Base is 1985 distribution where the City of Rochester received a share based on population after the county retained 25%, the City then gets 50% of post-1985 growth, capped at 35.63% of total. One-third of remainder goes to suburban school districts, two-thirds to towns and villages based half on population and half on property value. Schools and villages (not towns) are held harmless to the amount under the pre-1985 calculations; any additional needed comes out of the County share.</p> <p>Additional 1.00%: Schools receive 5% based on enrollment, towns receive 3% based on population, villages receive 1.25% based on population. The remaining 90.75% is divided between the City of Rochester and the County so that, when added to the 3% tax calculated under the Morin/Ryan Act, the City and County shares are equal.</p>
Montgomery	City Town Village	4.00%		<p>First 3.00%: The County retains 50%, and distributes 15% to the City of Amsterdam and 35% to towns and villages based on property value.</p> <p>Additional 1.00%: County retains 80%, the City of Amsterdam receives 18% and towns and villages receive 2% based on property value.</p>
Nassau*	City Town Village	4.25%		<p>First 3.00%: Retained by County.</p> <p>Additional 0.75%: The County distributes one-third to fund a local government assistance program for the three towns and two cities within the County. The assistance is distributed quarterly, on a per capita basis, based on the most recent decennial census. Villages also receive assistance, in an amount not to exceed one-sixth of the 0.75% remaining after the towns and cities have received their funding.</p> <p>Additional 0.50%: Retained by County.</p>
Niagara	City Town Village	4.00%		<p>First 3.00%: The County retains 47%, distributes 1.6% to E-911 and 51.4% to cities, towns and villages. Cities and towns receive shares based on population. Villages receive a portion of the town share based on their proportion of the town's real property values, except Somerset. Somerset receives its share based its proportion of population within the town.</p> <p>Additional 1.00%: Retained by the County to support Medicaid expenses.</p>
Oneida	City Town Village	4.75%	Rome Utica	<p>First 3.00%: County retains 50%; Cities of Utica and Rome each pre-empt 50% of the amount collected within their borders. County distributes 50% of the amount collected outside of those cities to its towns and villages and the city of Sherrill, based on property value.</p> <p>Additional 1.00%: Of the amount collected within the cities of Utica and Rome, each city receives 50% of the amount (not pre-empted) and the County retains the other 50%. Of the amount collected outside the cities, the City of Sherrill gets a share based on population, \$1.5 million is distributed to the towns and villages based on population and the County retains the balance.</p> <p>Additional 0.75%: Retained by the county.</p>
Onondaga	City Town Village School district	4.00%		<p>All 4.00%: Agreement adopted in 2010 which covers the years 2011 to 2020. The County's share increases from about 67% in 2011 to about 75% in 2020. The City of Syracuse's share increases from about 20% in 2011 to about 25% in 2020. The towns' share was about 8% in 2011 and they were phased out of all sharing in 2013 until the end of the agreement. The school districts' share was about 3% in 2011 and decreases to about 0.7% in 2016 through 2020.</p>
Ontario	City Town Village	3.50%		<p>First 3.00%: The County retains 50% and distributes 50% to cities, towns and villages based half on population and half on property value. Assuming countywide sales tax collections increase, the County will see to it that towns receive at least as much sales tax revenue as they did in 2004.</p> <p>Additional 0.125%: Entire proceeds distributed to cities, towns and villages as above. Starting in 2008, \$100,000 of this 0.125% would be set aside annually to be split between the Cities of Canandaigua and Geneva; this amount will increase \$50,000 each year through the end of the agreement in 2015.</p> <p>Additional 0.375%: Retained by County.</p>

Appendix A: Sales Tax Sharing Agreements

County Name	Recipients of County Distribution	County Rate	Cities that Pre-empt	Summary of Sharing Agreements and Arrangements
Orange*	City Town Village	3.75%		All 3.75%: The County keeps 73.616% and distributes 26.384% to cities, towns and villages. The three cities receive 32.525% of the 26.384% broken down as follows: Newburgh 43.995%, Middletown 40.841%, and Port Jervis 15.164%. The towns and villages receive 67.475% of the 26.384% based on population, except for the Village of Highland Falls, which are based on the ratio of property value to entire Town of Highland.
Orleans	Town Village	4.00%		First 3.00%: The County retains 77.7811%, and distributes the remainder to towns and villages based on population and property value--subject to a cap of \$1,366,671. The balance goes to the County. Additional 1.00%: Retained by the County."
Oswego	City Town Village	4.00%	Oswego	All 4.00%: Up to \$10 million annually: The County retains 80% and distributes 20% to towns and villages based on population. Over \$10 million annually: The County retains 90% and distributes 10% to towns and villages based on population. The City of Fulton receives \$508,000 a month--the amount it had received historically when it pre-empted--and when total collections are over \$34 million annually, the City participates in the 10% share above, based on population.
Otsego	City Town Village	4.00%		All 4.00%: The County retains 76%, distributes 12% to towns and villages (based on property value) and 12% to the City of Oneonta.
Putnam*	County retains 100%	4.00%		N/A
Rensselaer	City Town Village	4.00%		All 4.00%: The County retains approximately 65.8% and distributes 19.6% to the City of Troy, 2.9% to the City of Rensselaer and 11.5% plus an additional 3.5% of any distributions that exceed a base amount (1999 collections) to towns and villages based on property value. A new agreement is being finalized and will take effect in 2015.
Rockland*	Town Village	4.00%		First 3.75%: Retained by county. Additional 0.125%: Distributed to towns and villages based on population. Additional 0.125%: Distributed to towns and villages with police departments based on number of police officers."
St. Lawrence	City Town Village	4.00%		First 3.00%: The County retains 50% and distributes 6.437389% to the City of Ogdensburg. The remaining 43.562611% is distributed to towns and villages based on property value and population. Additional 1.00%: The County retains 83.562611% and distributes 6.437389% to the City of Ogdensburg. The remaining 10% is distributed to towns and villages based on property value and population."
Saratoga	City Town Village	3.00%	Saratoga Springs	All 3.00%: The County distributes 50% to the City of Mechanicville, towns and villages based on property value. The remaining 50% is retained by the County, except for \$3 million distributed to cities (including Saratoga Springs), towns and villages by population, plus \$542,000 additional for the City of Mechanicville and \$60,000 for the Town of Milton.
Schenectady	City Town Village	4.00%		First 3.00%: 12/1/2012 - 11/30/2013: The County allocated \$11.7 million to the City of Schenectady. The County allocated \$7.8 million to the area of the County outside of the City, with the County retaining the remainder. 12/1/2013 - 11/30/2020: The County will allocate annually to the City of Schenectady the same percentage of the net collections from the 3% as it did for the period 12/1/2012 -11/30/2013. The area of the County outside the City will continue to receive \$7.8 million with the balance retained by the County. Additional 0.50%: Metroplex (70%), towns and villages (30%). Distribution of the 30% to towns and villages is based on population in accordance with latest decennial federal census. Additional 0.50%: Retained by County.
Schoharie	Town Village	4.00%		All 4.00%: The County retains 95% and distributes 5% to towns and villages, based on property value.
Schuyler	Town Village	4.00%		All 4.00%: The County retains 75% and distributes 25% to towns and villages, based on property value.
Seneca	County retains 100%	4.00%		N/A

Appendix A: Sales Tax Sharing Agreements

County Name	Recipients of County Distribution	County Rate	Cities that Pre-empt	Summary of Sharing Agreements and Arrangements
Steuben	City Town Village	4.00%	Corning Hornell	First 3.00%: The County retains 50% and distributes 50% of collections outside of the cities to towns and villages, based on property value. The County is negotiating a sharing agreement with the cities of Corning and Hornell. Additional 1.00%: For 2013, the cities of Corning and Hornell each received \$740,000 and the towns and villages shared \$750,000 based on property value. This amount increased to \$765,000 each for the two cities for 2014 and 2015 but everything else remained the same. The County retained the balance for all years. This part of the sharing agreement will be renegotiated for future years.
Suffolk*	Towns and Villages with Police Departments	4.25%		All 4.25%: Set negotiated amount is shared with each town and village with a separate police department (\$6,588,343 in 2013). Balance is retained by County.
Sullivan	County retains 100%	4.00%		N/A
Tioga	Town Village	4.00%		First 3.00%: The County retains 67% and distributes 33% to towns and villages based on population and property value, respectively. Additional 1.00%: Retained by the County, 50% for capital fund, 50% for general fund.
Tompkins	City Town Village	4.00%	Ithaca	First 3.00%: The County retains 50% and distributes 50% to towns and villages based on population. Additional 1.00%: The County retains 75% and distributes 25% to the City of Ithaca, towns and villages.
Ulster	City Town	4.00%		All 4.00%: The County retains 85.50%, distributes 11.50% to the City of Kingston and 3% to towns based on property value.
Warren	Town Village	3.00%	Glens Falls	All 3.00%: The County retains 50% and distributes 50% to towns and villages, based on property value. The County also has an agreement (signed in 2004) to pay Glens Falls 2% of the County share on a quarterly basis. This payment is in addition to the City's pre-empted 1.5%.
Washington	Town Village	3.00%		All 3.00%: \$1 million is shared with towns and villages based on population and property value. Balance is retained by County.
Wayne	Town Village School district	4.00%		All 4.00%: The County retains 50% and distributes 33% to school districts and 17% to towns. Distributions to school districts are based on average daily attendance. Distributions to towns are based on population. Where there is a village within the township, a distribution is made between the town and village based on property value. The school districts are capped at a maximum distribution of \$5.4 million. Balance is retained by the County.
Westchester*	City Town Village School district	3.00%	Mount Vernon New Rochelle White Plains Yonkers	First 1.50%: Retained by County. Additional 1.00%: County retains 33.33% and distributes 50% to towns, villages, and the cities of Rye and Peekskill based on population, and 16.67% to school districts based on population within the County. Additional 0.50%: County retains 70% and distributes 20% to towns, villages, and the cities of Rye and Peekskill based on population, and 10% to school districts based on population within the county.
Wyoming	County retains 100%	4.00%		N/A
Yates	County retains 100%	4.00%		N/A

* County tax rate does not include 0.375% for the Metropolitan Commuter Transportation District.
The sharing agreement and arrangement summaries are based on information provided to OSC by officials in each county.

Appendix B: Technical Discussion of the Sales Tax

There are two components to sales tax revenue: the rate and the base (all the items or activities subject to the tax).

The Tax Rate

A statewide sales and compensating use tax was enacted in 1965 at the rate of 2 percent. This statewide tax rate was increased to 3 percent in 1969, to 4 percent in 1971, to 4.25 percent in 2003 and then lowered to 4 percent in 2005.

Counties and cities are authorized by general State law (Article 29 of the New York State Tax Law) to impose a tax on the sale of certain goods and services up to a rate of 3 percent. However, counties may be authorized to increase their rates above 3 percent with special legislation approved by the State Legislature. Currently, local sales tax rates range between 3 percent and 4.75 percent and are added to the statewide sales tax rate of 4 percent. There is also a 0.375 percent tax imposed for the Metropolitan Commuter Transportation District in portions of downstate New York. Accordingly, in 2014 combined State and local rates ranged from 7 percent to as much as 8.875 percent.

Although towns and villages are not authorized to impose a sales tax, these entities often share in county sales tax proceeds in accordance with statute or local sales tax agreements. Presently, 46 counties share proceeds with other municipalities within their respective boundaries.

The Tax Base

With a few minor exceptions, the State and local sales tax bases in New York are the same. The State Tax Law describes the goods and services which are subject to the sales tax, including sales of the following:

1. Tangible personal property,
2. Consumer utility services,
3. Other selected services,
4. Food and drink,
5. Hotel room occupancy and
6. Certain admission charges and club dues.

The items listed above are sometimes referred to as the “general sales tax package.” If a municipality chooses to impose the general sales tax, it must impose the tax on all the categories at a uniform rate, with the partial exception of the consumer utility segment (see below).

Categories 2 and 4 through 6 listed above may be taxed selectively by a county or city that does not impose the general sales tax. Municipalities that apply sales tax in this manner have what is called a segmented tax. As of 2014, only five cities imposed segmented taxes: Long Beach, Lockport, Port Jervis, Newburgh and Niagara Falls.³⁴

Appendix B: Technical Discussion of the Sales Tax

1. Tangible Personal Property

According to the New York State Department of Taxation and Finance, tangible personal property is described as “any physical personal property that has a material existence and is perceptible to the human senses.” The sales tax applies generally to retail sales of these items. Some examples include:

- Furniture, appliances and lighting fixtures;
- Clothing and footwear (see discussion under “Exempt Items” on page 22);
- Machinery and equipment, parts, tools and supplies;
- Computers and software;
- Motor vehicles;
- Boats and yachts;
- Fuels;
- Candy and confections;
- Bottled water, soda and beer;
- Cigarettes and tobacco products;
- Cosmetics and toiletries and
- Jewelry.

2. Consumer Utility Services

The Consumer Utility Tax is imposed as a percentage (up to a maximum of 3 percent) of a consumer’s utility bill. Counties and cities may impose this tax as part of a county/city general sales tax, at a rate different from the county/city general sales tax rate or separately in lieu of imposing a general sales tax. Two cities, Newburgh and Port Jervis, imposed a separate Consumer Utility Tax in 2009.

Certain school districts may impose the Consumer Utility Tax as well.³⁵ This tax may be imposed in addition to a similar city or county tax, or a city or county general sales tax. As a result, city school districts have legal authorization to impose a Consumer Utility Tax up to a maximum of 3 percent, exclusive of county and city rates. If this tax is imposed in the same area by a school district as well as a city or county it may actually be imposed up to a combined ceiling of 6 percent. This is the only instance where the local combined sales tax rate may exceed 3 percent, as statute prohibits such tax pyramiding by counties and cities.

Twenty-four city school districts imposed the Consumer Utility Tax in the 2014 including: Albany, Batavia, Cohoes, Glen Cove, Gloversville, Hornell, Hudson, Johnstown, Lackawanna, Long Beach, Middletown, Mt. Vernon, New Rochelle, Newburgh, Niagara Falls, Ogdensburg, Peekskill, Rensselaer, Schenectady, Troy, Utica, Watertown, Watervliet and White Plains.

In the 2014 State fiscal year, over \$35 million was collected in separately imposed Consumer Utility Taxes, including \$1.2 million by cities and \$34.1 million by city school districts.³⁶

Appendix B: Technical Discussion of the Sales Tax

3. Other Services

Some services are also subject to the sales tax; they are generally referred to as “specifically enumerated services” and, among other things, include:

- Provision of certain information services including credit monitoring, genealogical research, online dating, sports scouting, etc.;
- Rental of safe deposit boxes, vaults or similar storage facilities;
- Provision of parking, garaging or storing services for motor vehicles;
- Interior decorating or design;
- Provision of protective or detective services and
- Entertainment or information services provided by means of telephone or telegraph.

4. Food and Drink

Generally, prepared meals and beverages sold in restaurants, taverns or similar establishments are subject to sales and use tax. However, food sold in grocery stores is generally exempt.

5. Hotel Room Occupancy

This category includes rent for occupancy of a room in a hotel or motel, including bed and breakfasts, boarding houses and guest houses.

6. Certain Admissions Charges and Club Dues

Sales tax is applied on admission charges to athletic contests, shows and entertainment events, cabarets and clubs and on dues for social and athletic clubs.

Appendix B: Technical Discussion of the Sales Tax

Exempt Items

New York State Tax Law exempts certain items from the sales tax, including the following items:³⁷

- Purchases for resale;
- Sales to or by federal and New York State governments, charitable organizations and certain other exempt organizations;
- Sales of most food for consumption at home;
- Sales of prescription and nonprescription medications;
- Most services such as medical care, transportation, education and personal and professional services and
- Fuels and utility services used in manufacturing.

State Clothing Exemption

In March 2000, clothing and footwear items priced under \$110 were exempted from State sales and use tax. Counties and cities were given the option of exempting these items from the local portion of the sales tax as well. In June 2003 this exemption was eliminated and replaced with two annual one-week “sales tax holidays.” Beginning April 1, 2006, the year-round exemption was reinstated. In 2014, New York City and the following counties also exempted the same items from the local sales tax: Chautauqua, Chenango (including the City of Norwich), Columbia, Delaware, Greene, Hamilton, Tioga, and Wayne. All other counties and cities impose their full local sales tax rate on clothing and footwear.

Administration

The New York State Department of Taxation and Finance is responsible for the administration and collection of sales tax proceeds. OSC is responsible for processing payments of sales tax proceeds to counties and cities. OSC also approves sales tax agreements between counties and cities that provide for sales tax proceeds to be allocated between the cities and the area of the county outside the cities on any basis other than population.

Sales tax administration is a complex undertaking. While every person who sells taxable tangible personal property or taxable services in New York State is a sales tax vendor, most taxable sales are made by retail stores. Vendors are responsible for collecting the tax at the point of sale. Vendors often face a substantial effort associated with bookkeeping and filing tax returns. Accordingly, vendors are allowed to retain a small portion of the sales tax they collect. This arrangement serves both as partial compensation for the administrative costs of collecting and remitting the tax and as an incentive for timely filing.³⁸

In the 2014 State fiscal year, \$26.7 billion in sales tax revenue was collected by the Department of Taxation and Finance. Of that amount, \$14.8 billion was distributed to localities and the balance was retained by the State.³⁹

Appendix B: Technical Discussion of the Sales Tax

Depending on how much sales tax they collect, vendors must remit revenues either annually, quarterly or monthly. Vendors collecting the largest amounts of revenue are required to remit monthly, while those collecting the lowest amounts remit annually. Although only 8 percent of vendors are required to make monthly remittances, they account for 87 percent of all sales tax revenue in New York. In 2014, there were over 558,000 active registered vendors in the State. Of these, approximately 260,000 are required to make annual remittances, about 253,000 are required to make quarterly remittances and over 46,000 are required to make monthly remittances.⁴⁰

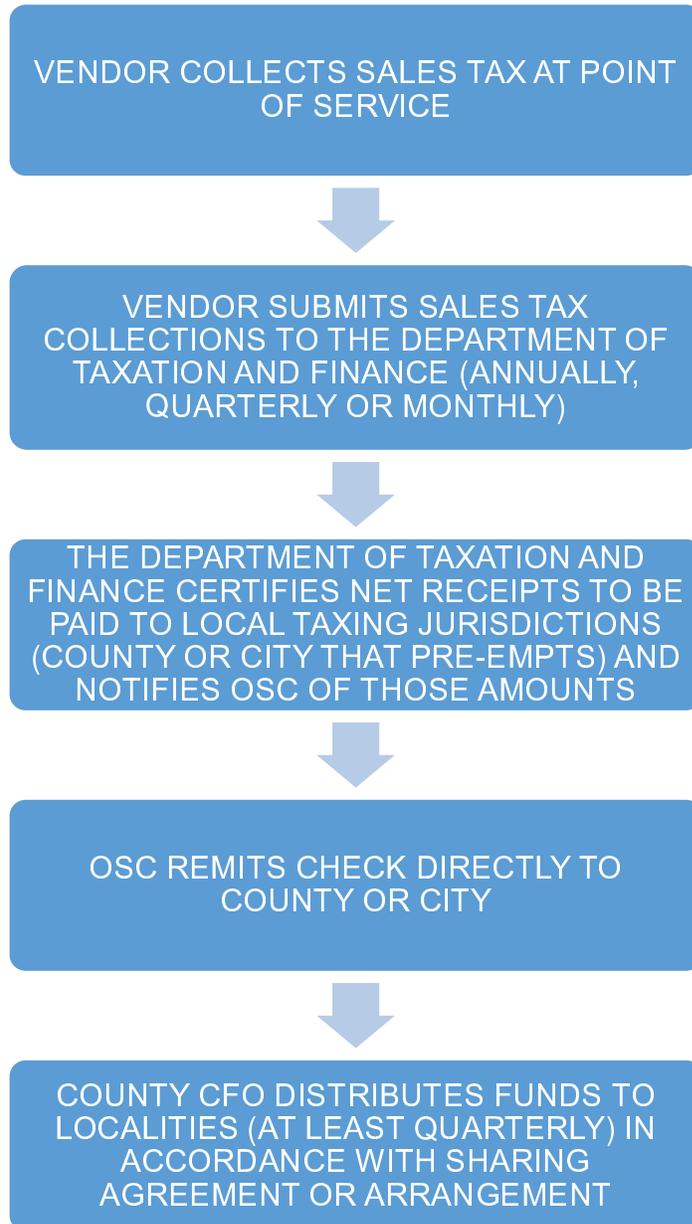
Vendors are also required to file sales tax returns quarterly. These returns contain information about the vendors' taxable sales for the period, including the location of the sales. Information on the location of each sale is important because it dictates where the local portion of the sales tax will be distributed. In New York, as in most other states, the retail sales tax is a destination tax. The point of delivery or the point at which possession is transferred by the vendor to the purchaser determines the rate of local sales tax to be collected. Sales delivered outside of New York State are exempt from the tax.

Because full sales tax return information is not available until the end of a quarter, the distributions to counties and cities (which typically occur on or about the 5th and 12th of each month) are estimates based on the vendor's prior year sales tax return for that quarter.⁴¹

Once the return information becomes available, the Department compares how much the county or city should have received against what the county or city did receive. The final payment to the county or city for the quarter is then adjusted in such a way that, when this amount is combined with the earlier estimated amount, the total amount paid to each county or city in the quarter equals the amount that should have been paid.

A variety of administrative factors affect sales tax collections and payment patterns. As mentioned above, not all vendors are required to file monthly. Because some vendors file quarterly, the months of March, June, September and December reflect higher collection figures. Additionally, transactions to correct previous filings (especially those related to large vendors) have an effect on collections once the correction is processed. These fluctuations will ultimately have an impact on cash flow for local governments.

Sales Tax Collection/Distribution



Notes

- ¹ William F. Fox, “History and Economic Impact of the Sales Tax,” *Sales Taxation*, edited by Jerry Janata, Institute for Professionals in Taxation, September 2003.
- ² Robert B. Ward, *New York State Government, 2nd Edition*, SUNY Press, 2006.
- ³ Chapter 873, Laws of 1934.
- ⁴ Chapter 278, Laws of 1947.
- ⁵ *Second Report*, State Comptroller’s Committee on Local Non-Property Taxes, March 2, 1951.
- ⁶ Chapter 93, Laws of 1965.
- ⁷ Tax Law, section 1210.
- ⁸ See Appendix B for more detail on the sales tax base.
- ⁹ See *Tax Bulletin ST-913*, New York State Department of Taxation and Finance, http://www.tax.ny.gov/pubs_and_bulls/tg_bulletins/st/use_tax_for_individuals.htm.
- ¹⁰ Tax Law, section 1210.
- ¹¹ All sales tax rate data are from the New York State Department of Taxation and Finance.
- ¹² All references to county sales taxes in this report exclude the boroughs of New York City, which, while treated as counties for some purposes, do not have the statutory authority to impose a sales tax.
- ¹³ Tax Law, section 1109.
- ¹⁴ All revenue data for local governments, excluding New York City, are from the OSC.
- ¹⁵ County data does not include sales tax revenue that is allocated to other local governments in the county.
- ¹⁶ Some school districts collect the Consumer Utility Tax, a segment of the general sales tax, see Appendix B.
- ¹⁷ Data for New York City revenues are from the Independent Budget Office of the City of New York. <http://www.ibo.nyc.ny.us>.
- ¹⁸ The other city with an income tax is Yonkers.
- ¹⁹ New York City’s sales tax rate increased from 4 percent to 4.5 percent in 2009. Clinton, Essex and Lewis counties’ rates increased from 3 to 3.75 percent in 2004. Clinton County’s rate increased to 4 percent in 2007. Essex and Lewis counties’ rates increased to 4 percent in 2013. Franklin County’s rate increased from 3 to 4 percent in 2006. St. Lawrence County’s rate increased from 3 to 4 percent in 2013.
- ²⁰ Tax Law, section 1262.
- ²¹ In any county in which a city has pre-empted a portion of the county sales tax within the city, the county is required by Tax Law, section 1262(d) to allocate the sales tax revenue received from the tax collected in the area outside the city to the towns and any other cities in the county on the basis of the ratio of the full valuation of real property in each town or city to the aggregate full valuation of real property in all towns and cities in that area.
- ²² New York State Division of the Budget, FY 2015 New York State Executive Budget -- Economic & Revenue Outlook, page 214.

Notes

- ²³ The Sales Tax Clearinghouse, <http://www.thestc.com/STrates.stm> (accessed October 15, 2014). The states with higher aggregate average rates are: Alabama (8.6 percent), Arkansas (8.95 percent), Louisiana (8.8 percent), Tennessee (9.45 percent) and Washington (8.9 percent).
- ²⁴ Federation of Tax Administrators, State Sales Tax Rates And Food & Drug Exemptions, as of January 1, 2014, <http://www.taxadmin.org/fta/rate/sales.pdf>. (accessed October 15, 2014).
- ²⁵ New York State Department of Taxation and Finance, Publication 718-C: Sales and Use Tax Rates on Clothing and Footwear, Effective September 1, 2009.
- ²⁶ United States Department of Commerce, *U.S. Census Bureau News*, “Quarterly Retail E-Commerce Sales: 3rd Quarter 2014,” November 18, 2014.
- ²⁷ Donald Bruce, William F. Fox, and LeAnn Luna, “State and Local Government Sales Tax Revenue Losses from Electronic Commerce,” University of Tennessee, April 13, 2009.
- ²⁸ See, e.g., *Quill Corp. v. North Dakota* 504 U.S. 298 (1992) a U.S. Supreme Court case that found that, among other things, the requirement in North Dakota that an out-of-state mail-order house, with neither outlets nor sales representatives in the state, must collect and pay a use tax on goods purchased for use in the state violated the commerce clause of the U.S. Constitution.
- ²⁹ www.congress.gov/bill/113th-congress/senate-bill/336.
- ³⁰ See Tax Law, section 1101(b)(8)(vi)
- ³¹ See, e.g., *Amazon.com, LLC, et.al. v New York State Department of Taxation and Finance, et.al.*, 20 N.Y. 3d 586 (Ct App, 2013).
- ³² <http://www.lexisnexis.com/legalnewsroom/corporate/b/business/archive/2013/03/08/online-sales-tax-push-continues-despite-disappointing-returns.aspx>.
- ³³ www.streamlinedsalestax.org.
- ³⁴ Lockport imposes an Admissions, Club Dues, Food, Drink, Amusements and Utilities Services Tax. Long Beach imposes a Hotel Occupancy and Restaurant Meals Tax. Niagara Falls imposes an Admissions, Club Dues, Food, Drink, Amusements, Hotel Occupancy and Utilities Services Tax. A Consumer Utility Tax is imposed by Newburgh and Port Jervis.
- ³⁵ Those school districts that have territory in cities with populations of 125,000 or less.
- ³⁶ New York State Department of Taxation and Finance, *2013-14 New York State Tax Collections: Statistical Summaries and Historical Tables*, Table 24.
- ³⁷ Additional items exempt from the sales tax may be found at the New York State Department of Taxation and Finance website: www.tax.ny.gov.
- ³⁸ New York State Division of the Budget, *FY 2015 Economic and Revenue Outlook*, p. 212.
- ³⁹ New York State Department of Taxation and Finance, *2013-14 New York State Tax Collections: Statistical Summaries and Historical Tables*, Table 24.
- ⁴⁰ New York State Division of the Budget, *FY 2015 Economic and Revenue Outlook*, p. 212.
- ⁴¹ In June and December, the Department of Taxation and Finance also processes a third distribution.

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Sept. 12, 2015	8:00am-12:00pm	Lewis County Transfer Station, 7956 NYS Rt 26, Lowville, NY
Sept. 26, 2015	9:00am-1:00pm	Old Village DPW site, 536 South Main St., Massena , NY
Oct. 3, 2015	9:00am-1:00pm	Jeff Co Hwy, 21897 CR 190 (Outer W. Main St.)Watertown, NY

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Driveway Sealers
Wood Preservatives
Corrosives
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