

**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 **Tuesday**, September 4, 2012, 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 - Accepting Bid for Replacement of Multi-media Filters at the Water Treatment Plant, Anthrafilter Filter Media
- Resolution No. 2 - Approving the Site Plan for the Construction of a 6,000 Square Foot Addition to a Medical Office Building at 1340 Washington Street, Parcels 14-21-102 and 14-21-105.
- Resolution No. 3 - Amendment to Franchise Agreement Between the City of Watertown and the 1000 Islands Privateers, LLC
- Resolution No. 4 - Approving Agreement for Flat Fee Use of Athletic Fields, Pop Warner Football League
- Resolution No. 5 - Approving Change Order No. 2 to Agreement Bat-Con, Inc. for Reconstruction of the J.B. Wise Parking Lot
- Resolution No. 6 - Finding That the Approval of an Ordinance Changing the Approved Zoning Classification of a Portion of 473 Eastern Boulevard, Parcel 5-26-103.004, from Residence B to Light Industrial Will Not Have a Significant Impact on the Environment

ORDINANCES

LOCAL LAW

PUBLIC HEARING

7:30 p.m. Resolution Approving a Special Use Permit Request to Operate an Automobile Detailing Business in a Neighborhood Business District at 804 State Street, Parcel 12-06-322

7:30 p.m. Ordinance Changing the Approved Zoning Classification of a Portion of 473 Eastern Boulevard, Parcel 5-26-103.004, from Residence B to Light Industrial

OLD BUSINESS

STAFF REPORTS

1. Disposal of City Properties
2. Fairfield Inn – Ribbon Cutting

NEW BUSINESS

EXECUTIVE SESSION

WORK SESSION

ADJOURNMENT

NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS MONDAY, SEPTEMBER 17, 2012.

Res No. 1

August 29, 2012

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

Subject: Accepting Bid for Replacement of Multi-media Filters at the Water Treatment Plant, Anthrafilter Filter Media

The City Purchasing Department has advertised and received sealed bids for the replacement of five (5) multi-media filters at the Water Treatment Plant, per our specifications. During a comprehensive performance evaluation of the facility, representatives from the New York State Department of Health found that the media was beginning to lose its efficiency. The DOH recommended that consideration be given to replacing the media as soon as possible.

Invitations to bid were issued to Northern New York and Syracuse Builders Exchange, the Dodge Reports and The Contract Reporter. Eight (8) sets of bid specifications and plans were requested by area builders with three (3) sealed bids received and publicly opened and read in the City Purchasing Department on Thursday, August 23, 2012, at 11:00 a.m.

City Purchasing Manager Amy M. Pastuf reviewed the bids received with the consulting engineering firm of CRA Infrastructure and Engineering, as well as the Water Department and Engineering Department, and it is their recommendation that the City accept the bid from Anthrafilter Filter Media as the lowest qualifying bidder meeting our specifications in the amount of \$312,750.41. Including the fee to CRA Infrastructure and Engineering for their professional services for bid evaluation of \$19,040.74, this entire bid is significantly below the budgeted amount of \$600,000. The bids received are outlined in Ms. Pastuf's report, which is attached.

Funding for this project was contained in the 2011-2012 Budget. A resolution for Council consideration is attached.

RESOLUTION

Page 1 of 1

Accepting Bid for Replacement of Multi-media Filters at the Water Treatment Plant, Anthrafilter Filter Media

Introduced by

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

Total

YEA	NAY

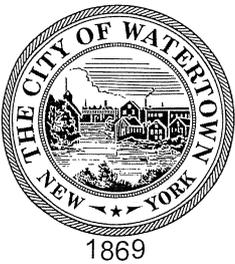
WHEREAS the City Purchasing Department has advertised and received sealed bids for the replacement of five (5) multi-media filters at the Water Treatment Plant, per our specifications, and

WHEREAS invitations to bid were issued to Northern New York and Syracuse Builders Exchange, the Dodge Reports and The Contract Reporter, with eight (8) sets of bid specifications and plans requested by area builders with three (3) sealed bids received and publicly opened and read in the City Purchasing Department on Thursday, August 23, 2012, at 11:00 a.m., and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids received with the consulting Engineering Firm CRA Infrastructure and Engineering, Inc., as well as the Water Department and Engineering Department, and it is their recommendation that the City Council accept the bid submitted by Anthrafilter Filter Media,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid submitted by Anthrafilter Filter Media, as the lowest qualifying bidder for the purchase of five (5) multi-media filters at the Water Treatment Plant in the amount of \$312,750.41.

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 2012-17 – Water Treatment Plant – Filter Media Rehabilitation Bid
DATE: 8/29/2012

The City's Purchasing Department advertised in the Watertown Daily Times on August 3, 2012 calling for sealed bids for Filter Media Rehabilitation at the Water Treatment Plant as per City specifications. Bid Specifications were filed with the Northern New York and Syracuse Builders Exchange, the Dodge Reports and The Contract Reporter.

The successful bidder will be required to supply all labor, materials, and equipment to perform the filter media rehabilitation as shown on the contract drawings, specifications, and bidding documents and as directed by the City Engineer. The successful bidder will remove and properly dispose of existing filter media, including anthracite, sand and support gravel from five filter cells at the City of Watertown Water Treatment Plant and furnish and install anthracite and filter media, and support gravel for the five filter cells as shown on the drawings and as specified.

Eight (8) sets of bid specifications and plans were requested by area builders. Three (3) sealed bids were submitted to the Purchasing Department. The sealed bids were publically opened and read on Thursday, August 23, 2012 at 11:00 am, local time. The bid tally is provided below:

	Description	Qty.	Anthrafilter Filter Media		John W. Danforth		Prominent, Inc.	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	Mobilization/ Demobilization	1	\$12,500.51	\$12,500.51	\$14,400.00	\$14,400.00	\$5,200.00	\$5,200.00
2	Removal and Disposal of Existing Filter Media	5	\$10,900.23	\$54,501.15	\$12,000.00	\$60,000.00	\$26,583.75	\$132,918.75
3	Furnish and Install Filter Support Gravel, Sand and Anthracite Media	5	\$49,149.75	\$245,748.75	\$83,400.00	\$417,000.00	\$62,640.00	\$313,200.00
	Total			\$312,750.41		\$491,400.00		\$451,318.75

The bids were reviewed by the consulting engineering firm of CRA Infrastructure and Engineering, The Water Department, City Engineering and the Purchasing Department to ensure that the bid meets the required specifications. It is recommended that we accept the proposal from Anthrafilter Filter Media for \$312,750.41 as the lowest responsive responsible bid.

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



**CONESTOGA-ROVERS
& ASSOCIATES**

State Tower Building, Suite 220

109 South Warren Street

Syracuse, NY 13202

Telephone: (315) 233-4270

Fax: (315) 425-4050

<http://www.craworld.com>

August 28, 2012

Reference No. 630885

Michael J. Sligar
Water Superintendent
City of Watertown
245 Washington Street, Room 202
Watertown, NY 13601

Dear Mr. Sligar:

Re: Water Treatment Plant Filter Media Rehabilitation (General Contract No. 2012-17)

On Thursday, August 23, 2012 at 11:00 a.m. local time, the City of Watertown received three bids on the above-referenced project. The bids were as follows:

<u>Bidder</u>	<u>Total Amount of Base Bid</u>
Anthrafilter (U.S.) Inc.	\$312,750.41
John W. Danforth Company	\$491,400.00
Prominent Systems, Inc.	\$451,318.75

The Bid Tabulations are enclosed for your information. Bid informalities are identified in the enclosed Canvas of Bids. Bid informalities do not affect the determination of the low bidder.

We have reviewed the qualifications and experience of the low bidder for the above-referenced project, Anthrafilter (U.S.) Inc., and have found they have performed similar work acceptably. We, therefore, recommend award of the Water Treatment Plant Filter Media Rehabilitation to Anthrafilter (U.S.) Inc., in the total bid amount of \$312,750.41 contingent upon the availability of project funding and review by the City's legal counsel.

Equal
Employment Opportunity
Employer



**CONESTOGA-ROVERS
& ASSOCIATES**

August 28, 2012

2

Reference No. 630885

Should you have any questions or require additional information, please advise.

Yours truly,

CRA INFRASTRUCTURE
& ENGINEERING, INC.

Eric T. Haslam, P.E., CRA
Project Manager

JSD/aab/630885-Sligar-001

Enclosures: Bid Tabulations
Canvas of Bids

cc: Kurt Hauk, P.E., City of Watertown
Robert P. Lannon Jr., P.E., CRA
Jason Davenport, P.E., CRA

File: 630885, Corr

TABULATION OF BIDS

OWNER
 CITY OF WATERTOWN
 WATERTOWN, NEW YORK
PROJECT
 WATER TREATMENT PLANT
 FILTER MEDIA REHABILITATION
 GENERAL CONTRACT NO. 2012-17

ENGINEER
 CRA INFRASTRUCTURE & ENGINEERING, INC.
 STATE TOWER BUILDING, SUITE 220
 109 S. WARREN STREET
 SYRACUSE, NEW YORK 13202
 REFERENCE NO. 630885

DATE ADVERTISED: 8/1/2012
 DATE OPENED: 8/23/2012
 DATE TABULATED: 8/23/2012
 TABULATED BY: AAB

BIDDER'S NAME:		ADDRESS:		ANTHRAFILTER (U.S.) INC.		JOHN W. DANFORTH COMPANY		PROMINENT SYSTEMS, INC.	
ADDRESS:				4992 SWEET HOME ROAD NIAGARA FALLS, NY 14305		300 COLVIN WOODS PARKWAY TONAWANDA, NY 14150		13095 E. TEMPLE AVENUE CITY OF INDUSTRY, CA 91746	
ITEM NO.	DESCRIPTION	BID UNITS	PRICE PER UNIT	AMOUNT BID	PRICE PER UNIT	AMOUNT BID	PRICE PER UNIT	AMOUNT BID	
1	MOBILIZATION/DEMobilIZATION	1 LS	\$12,500.51	\$12,500.51	\$14,400.00	\$14,400.00	\$5,200.00	\$5,200.00	
2	REMOVAL AND DISPOSAL OF EXISTING FILTER MEDIA	5 EA	\$10,900.23	\$54,501.15	\$12,000.00	\$60,000.00	\$26,583.75	\$132,918.75	
3	FURNISH AND INSTALL FILTER SUPPORT GRAVEL, SAND AND ANTHRACITE MEDIA	5 EA	\$49,149.75	\$245,748.75	\$83,400.00	\$417,000.00	\$62,640.00	\$313,200.00	
TOTAL BID FOR ITEMS 1 - 3				\$312,750.41		\$491,400.00		\$451,318.75	

CANVAS OF BIDS

City of Watertown

Water Treatment Plant Filter Media Rehabilitation Bid Summary
(General Contract) No. 2012-17

Bid Requirement	Bidder's Name and Address		
	Anthrafilter (U.S.) 4992 Sweet Home Road Niagara Falls, NY 14305	John W. Danforth Company 300 Colvin Woods Parkway Tonawanda, NY 14150	Prominent Systems, Inc. 13095 E. Temple Avenue City of Industry, CA 91746
Cash, certified check of the bidder, or bid bond in the amount of not less than 5% of the amount of the base bid provided with the Bid.	Bid Bond	Bid Bond	Bid Bond
Bid bonds are to state:			
• "5% of the amount of the base bid"	NO	YES	YES
• The actual 5% dollar figure.	YES	NO	NO
Power of Attorney - must file with each bond a certified and effectively dated copy of their Power of Attorney.	YES	YES	YES
Insert prices both in figures and in words (must be the same amount)	YES Page 2 - Math Error: Item 2 total price is incorrect by 2 cents, which makes the total bid price incorrect by 2 cents	YES	NO Page 1 - Total price in words does not match total price in figures Page 2 - Unit price in words does not match unit price in figures
Sign bid proposal	YES	YES	YES
List address	YES	YES	YES
Corporation	YES	YES	YES
Corporate Seal present on proposal	No Corporate Seal	No Corporate Seal	No Corporate Seal
Missing Proposal Items	Page 6 - Subcontractors and suppliers list is missing		Page 3 - Contractor's Qualifications is missing Page 5 - Is not signed by a Witness Page 6 - Subcontractors and suppliers list is missing
Certification of Compliance with the Iran Divestment Act included with Bid	YES	NO	YES
Lowest bidder shall provide contractor's qualifications forms within 24 hours of the bid opening.			

FISCAL YEAR 2011-2012
CAPITAL BUDGET
FACILITY IMPROVEMENTS
WATER TREATMENT PLANT

PROJECT DESCRIPTION

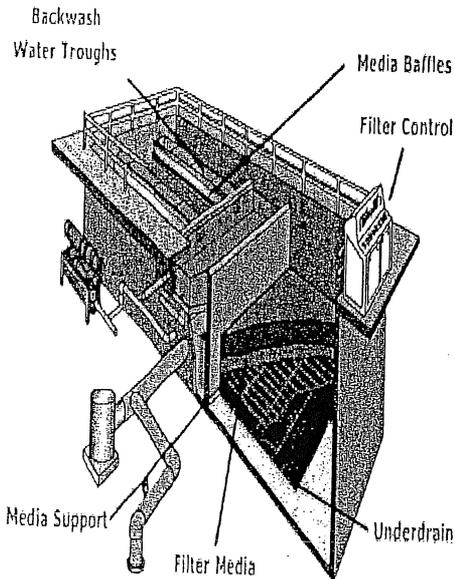
COST

Water Treatment Plant Process Complex Filter Media Replacement:

\$600,000

The filter media in the five (5) multi-media filters at the Water Treatment Plant is a key component of the water treatment process. During a comprehensive performance evaluation of the facility representatives from the New York State Department of Health found that the media was beginning to lose its efficiency. There were indications that portions of the ceramic underdrains might be in need of replacement, as well. The DOH recommended that consideration be given to replacing the media as soon as possible.

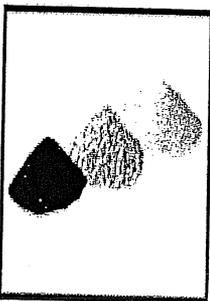
Media Filtration



Leopold® Engineered Filter Media® Anthracite



The filter media in a Leopold filter—media quality, bed composition, bed depth, and grain size distribution—is designed according to filter configuration, raw water quality, pretreatment, and desired filtrate quality. Leopold filters employ Engineered Filter Media® anthracite, the lowest uniformity coefficient (UC) anthracite filter media available. Leopold® Engineered Filter Media® anthracite typically produces consistent improvements in turbidity removal due, in part, to more efficient solids loading. Plus, low-UC media produces smaller changes in effluent turbidity during periods of peak influent turbidity.



Funding to support this project will be through the issuance of a 10 year serial bond with projected FY 2012-13 debt service of \$84,000.

TOTAL

\$600,000

Res No. 2

August 29, 2012

To: The Honorable Mayor and City Council

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

Subject: Approving the Site Plan for Construction of a 6,000 Square Foot Addition to a Medical Office Building at 1340 Washington Street, Parcels 14-21-102 and 14-21-105.

A request has been submitted by Michael Lundy of LUNCO, on behalf of North Country Neurology, for the above subject site plan approval. The Planning Board reviewed the request at its August 7, 2012 and tabled the application pending the outcome of a variance request.

The Zoning Board of Appeals granted an area variance to reduce the required number of parking spaces from 48 to 38 spaces on August 27, 2012.

It is anticipated that the site plan will again be reviewed by the Planning Board on the afternoon of September 4, 2012. The applicant has requested that the resolution approving the site plan also be put on the City Council agenda for September 4th. The resolution has been drafted with the assumption that the Planning Board will recommend approval with the conditions recommended by staff. If the result is something different, a revised resolution will be presented to the Council that night.

Attached are a copy of the report on the request prepared for the Planning Board and an excerpt from its minutes for the August 7th meeting.

The City Council must respond to the questions in Part 2 of the Short Environmental Assessment Form before it may vote on the resolution. The resolution prepared for City Council consideration states that the project will not have a significant negative impact on the environment, and approves the site plan submitted to the City Engineering Department on July 24, 2012 with the conditions recommended by the Planning Board.

RESOLUTION

Page 1 of 3

Approving the Site Plan for the Construction of a 6,000 Square Foot Addition to a Medical Office Building at 1340 Washington Street, Parcels 14-21-102 and 14-21-105.

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

Total

YEA	NAY

Introduced by

WHEREAS Michael Lundy of LUNCO, on behalf of North Country Neurology, has made an application for site plan approval for a 6,000 square foot addition to a medical office building at 1340 Washington Street, parcels 14-21-102 and 14-21-105, and

WHEREAS said applicant has also submitted, for the same location above, an Area Variance Request to the Zoning Board Appeals to construct a 6,000 square foot building expansion for a total floor area of 9,460 square feet with only 38 parking spaces, and

WHEREAS that Area Variance was approved on August 27, 2012, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meetings held on August 7, 2012 and September 4, 2012, and at the latter meeting voted to recommend that the City Council of the City of Watertown approve the site plan with the following conditions:

- 1) The applicant shall provide a pedestrian walkway between the building entrance and the Brook Drive sidewalk.
- 2) The applicant shall provide a lighting plan with photometric data, ensuring that spillage across property lines does not exceed 0.5 foot-candles at ground level.
- 3) The applicant shall ensure to the satisfaction of the City Engineer that drainage will be contained within the swale to the west of the parking lot, and allowed to infiltrate rather than running off onto neighboring properties, prior to issuance of a Certificate of Occupancy.
- 4) The applicant shall add a note to the plans stating the following: "All water main and service work must be coordinated with the City of Watertown Water Department. The Water Department requirements supersede all other plans and specifications provided."

RESOLUTION

Page 2 of 3

Approving the Site Plan for the Construction of a 6,000 Square Foot Addition to a Medical Office Building at 1340 Washington Street, Parcels 14-21-102 and 14-21-105.

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

Total

YEA	NAY

- 5) The applicant shall remove the two dead/dying maple trees along Washington Street, and plant a new row of 5 trees in a similar configuration to that depicted on the site plan, and in general conformance with the Landscaping and Buffer Zone Guidelines, prior to issuance of a Certificate of Occupancy.
- 6) The proposed landscaping along the entire southern and western property lines shall be supplemented with tree plantings that are in conformance with the buffer zone standards found in the Landscaping and Buffer Zone Guidelines, prior to issuance of a Certificate of Occupancy.
- 7) The applicant shall combine parcels 14-21-102 and 14-21-105 via a deed filed with the County Clerk.
- 8) The applicant shall shift the location of the proposed refuse shed so that it does not lie within 15 feet of a property line.
- 9) The applicant shall provide a wet-stamped copy of the boundary and topographic survey, with original seal and signature.
- 10) The applicant shall revise the note on sheet C101 to say, “existing curbing and concrete apron to be replaced per city spec’s at abandoned driveway”.
- 11) The applicant shall add a note to the plans stating the following: “All water main and service work must be coordinated with the City of Watertown Water Department. The Water Department requirements supersede all other plans and specifications provided.”
- 12) The applicant shall either install the sanitary manholes in the proposed swale above grade, or with watertight caps.

And,

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

RESOLUTION

Page 3 of 3

Approving the Site Plan for the Construction of a 6,000 Square Foot Addition to a Medical Office Building at 1340 Washington Street, Parcels 14-21-102 and 14-21-105.

Council Member BURNS, Roxanne M.

Council Member BUTLER, Joseph M. Jr.

Council Member MACALUSO, Teresa R.

Council Member SMITH, Jeffrey M.

Mayor GRAHAM, Jeffrey E.

Total

YEA	NAY

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

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Code Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Code Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that site plan approval is hereby granted to Michael Lundy of LUNCO, on behalf of North Country Neurology, for a 6,000 square foot addition to a medical office building at 1340 Washington Street, parcels 14-21-102 and 14-21-105, as submitted to the City Engineer on July 24, 2012, contingent on the applicant making the revisions and meeting the conditions recommended by the Planning Board as listed above.

Seconded by

Shifting the refuse shed away from the property line (explained below) may remove an additional space. Thus, the variance application should probably request that the parking requirement be reduced by 11 spaces.

Pedestrians: The applicant has not provided a connection from the building entrance to the public sidewalk. A walkway should be installed between the front entrance and the Brook Drive sidewalk.

Lighting: New light poles are proposed on the south and west edges of the parking lot, and in the soffit of the addition. No photometric plan was provided. The Board should require photometric data due to the close proximity of the proposed light poles to residential land. Spillage across property lines should not exceed 0.5 foot-candles at ground level.

Utilities: Add a note to the plans stating the following: “All water main and service work must be coordinated with the City of Watertown Water Department. The Water Department requirements supersede all other plans and specifications provided.”

Drainage & Grading: The existing parking lot area is graded east to west so that runoff flows to a narrow grass strip along the rear property line. The proposed grading plan also drains east to west, and shows a grass swale being extended along the new parking area. The adjacent properties on the west side are lower in elevation than the applicant’s property. To minimize the amount of runoff passing onto the adjacent properties, the applicant must ensure this grass swale is constructed such that water will be contained within the swale and allowed to infiltrate into the soil.

Landscaping: The applicant plans to remove nine spruce trees that currently comprise the residential landscape buffer to make space for the addition. The proposed plan shows two new maples along Washington Street, and groupings of shrubbery along the south and west property line and surrounding the building.

Two existing maple trees along Washington Street are in very poor health, and one near the corner is missing entirely. These trees should be replaced in the configuration recommended by the Landscaping and Buffer Zone Guidelines. Care should be exercised to choose a combination of species other than maple that will better tolerate roadside salt conditions.

In addition to the proposed fence and shrubbery along the residentially zoned area, the Buffer Zone guidelines require tree plantings in the buffer area. The plantings can be spaced at different intervals depending on whether the trees are small or large maturing trees or whether they are deciduous or coniferous. The plans should be modified to meet the requirements of the Landscaping and Buffer Zone Guidelines. In addition to the buffer planting along the new portion of the site, trees should be extended along the entire western property line as trees proposed for that area as part of the original site plan approval were never planted.

A 3 foot tall picket fence is proposed along the southeast corner of the property. City Code restricts the transparency of fences to a maximum of 50% within 20’ of the street line, and to a maximum of 80% within 5’ of the street line. Further, the Fences ordinance was revised last winter—the maximum height within 20 feet of the street line is now 4 feet, rather than the previous standard of 3 feet. A separate fence permit must be obtained from Code Enforcement.

Miscellaneous: The proposed addition will be built partially on land that is currently a separate parcel. The applicant has indicated that they intend to purchase and assemble the lots, but nonetheless it should be a condition of approval that the lots be combined via a deed filed at the County Clerk’s office.

The proposed refuse shed is approximately 12’ feet from the property line. Refuse containers cannot be placed within 15’ of a property line, as stated in § 161-19.1 of the City Code.

The applicant must provide a stamped and signed copy of the boundary and topographic survey for both involved parcels.

The applicant must revise the note on sheet C101 to say “EXISTING CURBING AND CONCRETE APRON TO BE REPLACED PER CITY SPEC’S AT ABANDONED DRIVEWAY”.

The applicant must obtain the following permits prior to construction: Sanitary Sewer Permit, Water Permit, Building Permit, Fence Permit, and General City Permit to work in the City Right-of-Way.

Summary:

1. The applicant shall acquire a Variance from the Zoning Board of Appeals to reduce the number of required parking spaces.
2. The applicant shall provide a pedestrian walkway between the building entrance and the Brook Drive sidewalk.
3. The applicant shall provide a lighting plan with photometric data, ensuring that spillage across property lines does not exceed 0.5 foot-candles at ground level.
4. The applicant shall ensure to the satisfaction of the City Engineer that drainage will be contained within the swale to the west of the parking lot, and allowed to infiltrate rather than running off onto neighboring properties.
5. The applicant shall add a note to the plans stating the following: “All water main and service work must be coordinated with the City of Watertown Water Department. The Water Department requirements supersede all other plans and specifications provided.”
6. The applicant shall remove the two dead/dying maple trees along Washington Street, and plant a new row of 5 trees in a similar configuration to that depicted on the site plan, and in general conformance with the Landscaping and Buffer Zone Guidelines.
7. The proposed landscaping along the entire southern and western property lines shall be supplemented with tree plantings that are in conformance with the buffer zone standards found in the Landscaping and Buffer Zone Guidelines.
8. The applicant shall combine parcels 14-21-102 and 14-21-105 via a deed filed with the County Clerk.
9. The applicant shall shift the location of the proposed refuse shed so that it does not lie within 15 feet of a property line.
10. The applicant shall provide a wet-stamped copy of the boundary and topographic survey, with original seal and signature.

Cc: City Council Members
Robert J. Slye, City Attorney
Justin Wood, Civil Engineer II
Michael Lundy, Lundy Development, 35794 US Rte. 126, Carthage, NY 13619

Excerpt from Planning Board 8/7/12 Meeting Minutes

SITE PLAN APPROVAL – NORTH COUNTRY NEUROLOGY 1340 WASHINGTON STREET – PARCELS 14-21-102 AND 14-21-105

The Planning Board then considered a request for site plan approval submitted by Michael Lundy of LUNCO on behalf of North Country Neurology, for the construction of a 6,000 square foot addition to a medical office building at 1340 Washington Street, parcels 14-21-102 and 14-21-105.

Mr. Lundy approached the Board to explain his request. He provided the details of the proposed addition and described the proposed floor plan. He stated that Dr. Latif wants to expand his practice and has a purchase agreement for the house next door to the existing office. He stated that the biggest issue is meeting the parking requirement. He had looked at acquiring more land or using a multi-story structure, but nothing worked out. He said that new doctors were joining the practice, and they were hoping to have the additional office space and sleep lab complete by this winter. Mr. Lundy also noted that he had reviewed the memorandum from the Planning office and had no issues with any of the requested changes.

Mr. Katzman asked what zoning district the house slated for demolition is in, and if there would be a negative effect on the neighborhood. Mr. Mix noted that it is in Limited Business District, and any negative effect on the neighborhood is moot because that decision was already made by Council when it was zoned. Mr. Lundy mentioned that the fence and landscaping would buffer the neighbors. The existing office has not had any complaints from neighbors due to traffic or lighting.

Mr. Katzman suggested that the lights be turned off at night. Mr. Lundy stated that they are already on a timer, and the same system would stay in place. Mrs. Freda mentioned that the Board will need to see photometric data to ensure that there will be no off-site light spillage. Mr. Lundy said he would provide the photometric plans.

Mrs. Freda asked if summary item #4 regarding the drainage swale needs to be met before the permit is issued or before the Certificate of Occupancy is issued. Mr. Wood said that it would be before the Certificate of Occupancy. Mr. Lundy mentioned that the drainage swale had filled on over the years, but they will be adding a perforated pipe to help.

Mr. Wood mentioned that the sanitary manholes within the swale will need to either be raised or have waterproof caps. Mr. Lundy said that this was acceptable. They are hoping to eliminate the extra sanitary line in question anyhow.

Mr. Wood noted that two comments from the report that are not in the summary should be added as conditions, and that a third should be added for the sanitary manholes.

Mrs. Freda said that items #6 and #7 regarding landscaping should be completed before the Certificate of Occupancy is issued.

Mrs. Freda stated that her biggest concern is the need for a variance for less parking. Mr. Katzman questioned whether there was any assurance that the proposed sleep lab would not transition to a different use in the future, something with a higher parking demand. He stated that he cannot see it remaining a sleep lab for very long given the presence of other existing labs in the area.

Mrs. Freda stated that there is no protection against a change of use in this situation, except if the owner makes modifications that require a building permit.

Mr. Coburn stated that certificates of occupancy list capacity numbers and also uses, and thus changing the sleep lab to something else would be in violation of the state building codes.

Mr. Mix stated that this is always a concern because the City does not issue change of use permits. There is no mechanism in place to prevent this change, but the parking issue is a matter for the Zoning Board of Appeals to decide. The Council cannot approve the site plan unless the variance is granted, and thus the parking issue is out of the Planning Board's hands.

Mrs. Freda asked if the ZBA needs a recommendation. Mr. Mix replied that a recommendation is only needed for subdivisions that require a variance.

Further general discussion regarding parking issues and traffic then followed.

Mr. Coburn moved to table the application, with the understanding that the applicant would work to correct the following issues prior to the next meeting:

1. The applicant shall acquire a Variance from the Zoning Board of Appeals to reduce the number of required parking spaces.
2. The applicant shall provide a pedestrian walkway between the building entrance and the Brook Drive sidewalk.
3. The applicant shall provide a lighting plan with photometric data, ensuring that spillage across property lines does not exceed 0.5 foot-candles at ground level.
4. The applicant shall ensure to the satisfaction of the City Engineer that drainage will be contained within the swale to the west of the parking lot, and allowed to infiltrate rather than running off onto neighboring properties, prior to issuance of a Certificate of Occupancy.
5. The applicant shall add a note to the plans stating the following: "All water main and service work must be coordinated with the City of Watertown Water Department. The Water Department requirements supersede all other plans and specifications provided."
6. The applicant shall remove the two dead/dying maple trees along Washington Street, and plant a new row of 5 trees in a similar configuration to that depicted on the site plan, and in general

conformance with the Landscaping and Buffer Zone Guidelines, prior to issuance of a Certificate of Occupancy.

7. The proposed landscaping along the entire southern and western property lines shall be supplemented with tree plantings that are in conformance with the buffer zone standards found in the Landscaping and Buffer Zone Guidelines, prior to issuance of a Certificate of Occupancy.
8. The applicant shall combine parcels 14-21-102 and 14-21-105 via a deed filed with the County Clerk.
9. The applicant shall shift the location of the proposed refuse shed so that it does not lie within 15 feet of a property line.
10. The applicant shall provide a wet-stamped copy of the boundary and topographic survey, with original seal and signature.
11. The applicant shall revise the note on sheet C101 to say “existing curbing and concrete apron to be replaced per city spec’s at abandoned driveway”.
12. The applicant shall add a note to the plans stating the following: “All water main and service work must be coordinated with the City of Watertown Water Department. The Water Department requirements supersede all other plans and specifications provided.”
13. The applicant shall either install the sanitary manholes in the proposed swale above grade, or with watertight caps.

Mr. Katzman seconded. All voted in favor except Mr. Davis, who

abstained.



**DECISION OF THE ZONING BOARD OF APPEALS
OF THE CITY OF WATERTOWN, NEW YORK
REGARDING THE AREA VARIANCE OF THE PROPERTY
AT
1340 Washington Street
PARCEL No. 14-21-102
1346 Washington Street
PARCEL No. 14-21-105
AS LISTED BELOW**

Grants an area variance to vary the minimum parking requirements for a proposed expansion project located in a Limited Business District. According to Section 310-47 of the Zoning Ordinance, the minimum number of parking spaces that shall be provided is five spaces per 1,000 square feet of floor area. Therefore, a minimum of 48 parking spaces must be provided to allow 9,960 SF floor area building to be constructed. This variance allows a 9,960 SF floor area medical clinic with only 38 parking spaces.

DATE: August 27, 2012

	<u>YEA</u>	<u>NAY</u>
<u><i>Virginia R. Burdick</i></u> VIRGINIA R. BURDICK CHAIRPERSON	✓	_____
<u><i>Samuel S. Thomas</i></u> SAMUEL S. THOMAS	✓	_____
<u><i>Patricia Phillips</i></u> PATRICIA PHILLIPS	✓	_____
<u><i>Michael Colello</i></u> MICHAEL COLELLO	X	_____
<u>ABSENT</u> CHRISTINE HOFFMAN	_____	_____

This Variance Request is subject to the following Conditions:

- 1) All Conditions imposed on the Site Plan Approval are addressed by the applicant.
- 2) The two parcels 1340 & 1346 Washington St are combined into a single parcel.

Design. Build.

July 23, 2012

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

RE: North Country Neurology Expansion

Dear Mr. Hauk,

Enclosed you will find a Site Plan Application package for the expansion of the existing North Country Neurology facility.

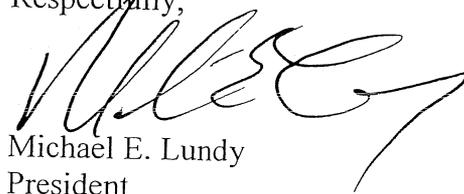
North Country Neurology has contracted with LUNCO Corporation for a 6,000 square foot addition. Of this addition, 4,000 square feet will be used as additional clinical and administrative space and the hours of operation will remain unchanged. The remaining 2,000 square feet will be utilized as a sleep lab. The sleep lab will be open 3-5 nights per week to provide overnight testing for up to 4 patients and 1 staff member.

We have retained Steve Olmstead, P.E. from Wilbur D. Thesier Professional Engineering for Site Civil approvals, as well as Project Engineering and Architecture.

All utilities are already in place and will only require minor modifications for this project. We have no plans for any additional signage. If it is desired, North Country Neurology will apply to the City accordingly.

I look forward to your favorable response. Please do not hesitate to call should you have any additional questions or concerns.

Respectfully,



Michael E. Lundy
President

CC: Ken Mix, City Planner

**WILBUR D. THESIER, PE PC
PROFESSIONAL ENGINEERS**

P.O. BOX 870
CARTHAGE, NY 13619
PHONE 315 493-1966
FAX 315 493-0541
email: wthesier@verizon.net
solmste@twcny.rr.com

**ENGINEERING REPORT
FOR
NEW ADDITION TO NORTH COUNTRY NEUROLOGY
1340 WASHINGTON STREET,
WATERTOWN, NY**

JULY 23, 2012



Project Description

The proposed project consists of a 60' X 100' addition to the existing building at 1340 Washington Street, as shown on the site plan (Sheet C101). The exterior elevations (Sheet A201) show that the addition will match the existing building in height and style. Detailed plans for the building construction are being developed, and will be submitted separately to City Codes Enforcement.

The adjacent parcel of land to the south will be joined with this existing parcel. The existing house and garage will be removed, and the existing driveway and curb cut will be abandoned.

Parking

Parking presently located to the south of the existing commercial building will be removed for the building expansion, and new parking will be constructed along the west side of the building and the addition. A total of 38 parking spaces will be provided. Note that $\pm 2,000$ sf of the building will be a Sleep Lab which will only be used at night, and this area has been deducted from the area used to calculate the required parking spaces:

Total Building Square Footage:	9,960 sf
Area of storage, utilities, boiler room:	500 sf
Area of Sleep Lab	2,000 sf
Total Square Footage for Parking Calculations:	7,460 sf

At 7,460 sf, parking required = $7,460 \text{ sf} / 1,000 \times 5 = 38$

Water and Wastewater

The water and wastewater flows from the existing building are estimated at 400 gpd, and the flows from the proposed addition are estimated at 600 gpd.

Storm Water

The new building addition and parking will have an area of approximately 10,200 square feet. In the areas of this new construction there is approximately 5,400 square feet of existing parking, roof area and driveway. The net increase in impermeable area is 4,800 square feet, which will result in a minimal increase in storm water runoff. Storm water will be directed to a drainage swale along the west side of the property, which will connect to the existing drainage swale and catch basin.

Landscaping

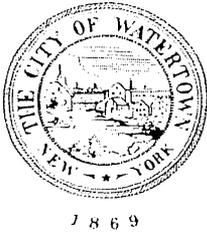
To match existing landscaping

Traffic

The number of vehicle trips per day from the existing facility estimated at 70. It is estimated that the total number of trips per day from the expanded facility will be 100, which is a minimal increase. In addition, a portion of the traffic from the addition will be associated with the Sleep Lab and will occur after normal business hours.

Lighting

To match existing lighting



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

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

PROPERTY LOCATION

Proposed Project Name: New Addition to North Country Neurology
Tax Parcel Number: 14-21-102.00
Property Address: 1340 Washington Street
Existing Zoning Classification: LB

OWNER OF PROPERTY

Name: Zahida & Abdul Latif
Address: 16288 Deer Run Road
Watertown, NY 13601
Telephone Number: 315-482-9003
Fax Number: 315-782-9010

APPLICANT

Name: LUNCO Corporation
Address: 35794 NYS Route 126
Carthage, NY 13619
Telephone Number: 315-493-2493
Fax Number: 315-493-2004
Email Address: mlundy@mlundygroup.com

ENGINEER/ARCHITECT/SURVEYOR

Name: Wilbur D. Thesier, PE PC (Steven J. Olmstead, PE)
Address: PO Box 870
Carthage, NY 13619
Telephone Number: 315-493-1966
Fax Number: 315-493-0541
Email Address: solmste@twcny.rr.com

PROJECT DESCRIPTION

Describe project and proposed use briefly:

Project will include combining existing 0.57 acre parcel with adjacent
0.275 acre parcel, construction of 6,000 Sq. Ft. addition to the existing
building, new parking, site lighting, landscaping, and utility connections

Is proposed Action:

New Expansion Modification/Alteration

Amount of Land Affected:

Initially: 0.845 Acres Ultimately: 0.845 Acres

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

Yes No If no, describe briefly

What is present land use in vicinity of project?

Residential Industrial Commercial Agriculture
 Park/Forest/Open Space Other

Describe: _____

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

Yes No If yes, list agency(s) and permit/approval(s)
City of Watertown - Site Plan Approval; NYS Building Permit

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

Yes No If yes, list agency(s) and permit/approval(s)
Existing has site plan approval; Certificate of Occupancy

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

Yes No

Proposed number of housing units (if applicable): NA

Proposed building area: 1st Floor 6000 Sq. Ft.

2nd Floor _____ Sq. Ft.

3rd Floor _____ Sq. Ft.

Total _____ Sq. Ft.

Area of building to be used for the boiler room, heat facilities, utility facilities and storage: 500 Sq. Ft.

Sleep Lab (overnight parking) 2,000 Sq. Ft.

Number of parking spaces proposed: 38

Construction Schedule: September 2012 - May 2013

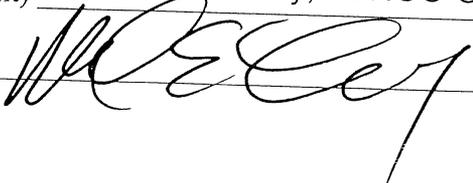
Hours of Operation: 8:00am - 4:30pm

Volume of traffic to be generated: 100 ADT

SIGNATURE

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

Applicant (please print) Michael E. Lundy, LUNCO Corporation

Applicant Signature  Date: 7/23/12

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

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

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

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

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

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

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

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

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

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

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

Yes No If Yes, explain briefly:

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

Yes No If Yes, explain briefly:

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

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency

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)

Res No. 3

August 28, 2012

To: The Honorable Mayor and City Council
From: Elliott B. Nelson, Confidential Assistant to the City Manager
Subject: Amendment to Franchise Agreement, 1000 Island Privateers

As Council is aware, the Franchise Agreement between the City and the 1000 Islands Privateers Professional Hockey Team needs to be amended to reflect the revised plan to accommodate alcohol sales during home games at the Municipal Arena. This amended agreement will allow the Privateers the ability to secure a sub-franchise, which will in turn allow the sub-franchisee to apply for a seasonal license to sell beer and wine. The licensee will be required to provide a plan for serving and security as well as to acquire the necessary insurance coverage.

Included in tonight's agenda is a resolution to amend the Franchise Agreement between the City and the 1000 Island Privateers. Also included for Council's reference is the original Franchise Agreement as well as two memorandums from City Attorney Robert J. Slye.

Staff will be available to answer any questions regarding this resolution.

RESOLUTION

Amendment to Franchise Agreement
Between the City of Watertown and
the 1000 Islands Privateers, LLC

Page 1 of 1

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

Total

YEA	NAY

Introduced by

WHEREAS the City and the 1000 Islands Privateers entered into a Franchise Agreement for the Privateers' use of the City Municipal Arena for the 2012-13 hockey season, by signature dated June 18, 2012, and,

WHEREAS said Franchise Agreement is effective October 1, 2012, and

WHEREAS the parties desire to amend Section IV(b) of the Agreement, Beer and Wine Sales, to reflect the parties' intention concerning the Privateers' grant of a sub-franchise for the sale of alcoholic beverages in the Municipal Arena during Privateers' hockey games,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Amendment to the Franchise Agreement between the City of Watertown and the 1000 Islands Privateers; LLC, a copy of which is attached and made part of this resolution, and

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

Seconded by

AMENDMENT TO FRANCHISE AGREEMENT

THE CITY OF WATERTOWN, NEW YORK AND 1000 ISLANDS PRIVATEERS PROFESSIONAL HOCKEY TEAM, LLC

This Amendment to Franchise Agreement is being made and is intended to be effective as of October 1, 2012 between THE CITY OF WATERTOWN, NEW YORK, with principal offices located at 245 Washington Street, Watertown, New York 13601 (“City”) and 1000 ISLANDS PRIVATEERS PROFESSIONAL HOCKEY TEAM, LLC (the “Privateers”), with principal offices located at P.O. Box 779, Alexandria Bay, New York 13607.

INTRODUCTION

WHEREAS, the City and the Privateers entered into a Franchise Agreement for the Privateers’ use of the City’s Ice Arena for the 2012-2013 hockey season, by signature last dated June 18, 2012, which Agreement is effective October 1, 2012; and

WHEREAS, the parties desire to amend Section IV(b) of the Agreement entitled “Beer and Wine Sales” to reflect the parties’ intention concerning the Privateers’ grant of a sub-franchise for the sale of alcoholic beverages in the Ice Arena during the Privateers’ hockey games;

The parties hereby agree to amend the Agreement as follows:

Section IV(b) entitled “Beer and Wine Sales” of the Agreement shall be replaced, in its entirety, with the following:

b. Beer and Wine Sales.

The Privateers desire to provide for the sale of beer and wine at the games to be held pursuant to this Agreement, and to enter into a sub-franchise agreement with a person or entity who or which shall obtain a seasonal license for beer and wine sales for the Ice Arena limited to the term of this Agreement from October 1, 2012 through March 31, 2013.

The Privateers’ sub-franchise agreement shall provide that, together with the Privateers, the sub-franchisee shall be bound by the terms of the City’s “ABC Law, Rules and Guidelines,” as the same may, from time to time, be amended. A copy of the City’s current “ABC Law, Rules and Guidelines” is attached to this Agreement as Exhibit “D.” The sub-franchisee shall also be specifically bound by the terms and conditions of any seasonal license issued by the State Liquor Authority.

The Privateers’ sub-franchisee shall provide the City with a copy of any application for the seasonal license, and shall, at a minimum as part of the application, show the locations of all points of sale; indicate the manner in which control of the sale of alcoholic beverages will be maintained; contain an acknowledgement that it will discontinue the service of

alcohol at any time when directed to do so by the shift supervisor of the Watertown City Police; provide proof of the sub-franchisee's liquor liability insurance coverage in the amount of \$1,000,000.00 individual/\$2,000,000.00 aggregate; and represent that the times of alcohol service must be no earlier than one-half hour prior to the commencement of any game and that all service will be discontinued at the start of the third period of any game.

The Privateers acknowledge that, as the party responsible for the sub-franchisee, it is obligated not to permit the alcoholic beverages in violation of the New York Alcoholic Beverage and Control Law, the New York Penal Law, and/or the New York General Obligations Law. If it is determined that the Privateers' sub-franchisee has sold beverages in violation of any of the applicable rules and regulations, including any term of this franchise, the Privateers' right to contract with a sub-franchisee for the sale of alcohol on the premises will be immediately revoked.

The Privateers acknowledge that the City of Watertown is not involved in the sale of alcoholic beverages, and agrees to defend and indemnify the City, including reimbursement of the City's reasonable attorneys' fees, from any and all claims, civil or criminal, arising from any claimed violations of law pertaining to, or statutory duty arising from, the sale of alcoholic beverages.

The Privateers acknowledge that "tailgating" on City Fairgrounds property is not permitted and that the Privateers shall be responsible for monitoring the parking areas surrounding the Ice Arena to ensure compliance. No alcohol may be consumed on any City Fairgrounds property except within the Ice Arena.

All other terms and conditions of the Agreement between the parties last dated June 18, 2012 remain in full force and effect.

THE CITY OF WATERTOWN, NEW YORK

By: _____
Sharon Addison, City Manager

1000 ISLANDS PRIVATEERS PROFESSIONAL
HOCKEY TEAM, LLC

By: _____
Nicole Kirnan, Managing Member

FRANCHISE AGREEMENT

THE CITY OF WATERTOWN, NEW YORK AND 1000 ISLANDS PRIVATEERS PROFESSIONAL HOCKEY TEAM, LLC

This Franchise Agreement is being made and is intended to be effective as of October 1, 2012 between THE CITY OF WATERTOWN, NEW YORK, with principal offices located at 245 Washington Street, Watertown, New York 13601 ("City") and 1000 ISLANDS PRIVATEERS PROFESSIONAL HOCKEY TEAM, LLC (the "Privateers"), with principal offices located at P.O. Box 779, Alexandria Bay, New York 13607.

INTRODUCTION

WHEREAS, the City is a municipal corporation organized under the laws of the State of New York and, as such, owns a community recreational facility known as the Alex T. Duffy Fairgrounds (the "Fairgrounds"); and

WHEREAS, the Fairgrounds contains many venues, one of which is the Municipal Arena which is used for activities including, but not limited to, an ice rink and bleachers for skating and games; and

WHEREAS, the City desires to promote future recreational activities at its Arena for the valid public purpose of the benefit, recreation, entertainment, amusement, convenience and welfare of the people of the City; and

WHEREAS, in pursuit of that public purpose, the City desires to contract with the Privateers, an "A" level professional hockey franchise which competes in the Federal Hockey League, for the re-location of the Privateers to the Watertown Arena as its home venue; and

WHEREAS, the parties desire to set forth an agreement by which the Privateers may enjoy a franchise for the use of the City facilities at the Watertown Ice Arena for the 2012-2013 professional hockey season in consideration of mutual covenants and agreements as stated herein, the City and the Privateers agree as follows:

AGREEMENT

Section 1 – Term of Franchise

The term of this Franchise Agreement shall be from the period from October 1, 2012 through March 31, 2013.

Section II – Franchise Facilities Use Grant

The City grants the Privateers a franchise for the use of the following facilities at the Watertown Arena:

a. The Privateers shall have exclusive access to a locker room identified on the building diagram attached as Exhibit "A" as the "home locker room." The Privateers shall be furnished with a key to the "home locker room", but not a key to the Ice Arena. The Privateers agree that the "home locker room" must be completely vacated by the Privateers two (2) hours prior to any and all scheduled high school hockey games, Minor Hockey tournaments, and figure skating shows or events. For purposes of the storage of Privateers' equipment and gear at the time of vacating for such events, all such equipment and gear will be stored in a trailer, exterior to the ice arena, placed on site by the Privateers in a location approved by the City, and all such loading and unloading of said trailer shall be responsibility of the Privateers. The risk of loss for Privateers' equipment and gear shall remain with the Privateers during the term of this Franchise.

b. The Privateers may locate a "pro shop" in the location identified on the building diagram attached as Exhibit "A," as "pro shop." The City will make the pro shop available to the Privateers at least two (2) hours before the start of each scheduled professional game. Only souvenirs, equipment and merchandise related to the Privateers or the Federal Hockey League may be sold at the pro shop. At the conclusion of each professional game, all items shall be removed from the pro shop by the Privateers and stored in a location exterior to the arena. The risk of loss of all merchandise, equipment or souvenirs shall remain with the Privateers during the term of this Franchise.

c. At the time of any home Privateers game, other locker rooms shall be made available to the opposing team and to the officials two (2) hours before the start of the game. The opposing team's locker room is identified as the "away locker room" and the officials' locker room is identified as "officials locker room" on Exhibit "A."

d. During the term of this Agreement, the Privateers will be provided a space by the City for the Privateers' skate sharpening equipment. The Privateers shall not have access to, nor use, the City-owned skate sharpener, nor shall the City have access to, nor use, the Privateers' sharpener. The Privateers' sharpening equipment shall only be used to sharpen skates of Privateers players, and not for other skaters.

e. The Privateers shall have the exclusive use of office space located at the Watertown Fairgrounds grandstands, commencing on October 1, 2012 and concluding on March 31, 2013. This space is the same space occupied by the City's baseball franchise currently known as the Watertown Wizards, Inc. Such space is identified as the office of the "general manager, office, toilet, and tickets" as shown on Exhibit "B." The Privateers shall be furnished a key for the office space. The City reserves the right to inspect the office space at reasonable times upon reasonable notice to the Privateers.

f. The Privateers shall have access to the arena press box and sound system for all Privateers home games at least one hour prior to game time. The equipment to be made available is the City's existing system consisting of: Odyssey Innovation Design single-unit sound system with microphone and scoreboard control panel.

g. The Privateers will not be provided with keys or security codes for after-hours access to the Arena.

Section III – Other Privateers Rights and Privileges Pursuant to Franchise

In addition to grant of this franchise for use of designated City facilities, the City hereby grants an exclusive franchise to the Privateers for the following sales and concessions:

a. During home Privateers games, the Privateers shall be permitted to have the exclusive concession for the sale of beer and wine by a fully licensed New York licensee holding a catering permit for each home game. The terms of service and insurance requirements for this concession are set forth later in this Agreement.

b. The Privateers shall have the exclusive right to sell signage within the arena, including sales on boards and signs further mounted or hung on the arena's walls. All advertising placed on boards shall be non-permanent in nature and shall adhere to the City's specifications. The City reserves the right to review and approve all advertising copy prior to its installation. All advertising must be removed at the end of the hockey season. Arena staff will be responsible for installing and removing all signage.

c. The Privateers shall be the sole professional hockey team to hold a franchise for games for the 2012-2013 season.

Section IV – Privateers' Obligations

The following constitute the Privateers' obligations in connection with the franchises granted herein:

a. Rates and Charges.

Ice time for team practices will be billed by the City at the rate of \$70.00 per hour of scheduled time. Ice time for games will be billed at \$100.00 per hour of scheduled time. Payment must be made to the City Comptroller by the 1st day of the month for that month's scheduled ice time. If full payment is not made by the Privateers by the 1st day of the month for that month's scheduled ice time or any other unpaid invoice is over 30 days outstanding, the Privateers will not be authorized use of the facility until full payment is made. An invoice will be generated by the City at the month's end for any additional ice time hours used above and beyond scheduled time by the Privateers, payable within 30 days. Privateers shall not receive credit for any unused, but scheduled, ice time.

The Privateers shall reimburse the City for all costs (materials and labor) associated with providing a 220v power source per Section V.(f.) in advance of October 1, 2012.

The Privateers shall pay \$1,500.00 to the City in advance of October 1, 2012 for office space per Section II.(e.). This payment is for the period from October 1, 2012 through March 31, 2013.

b. Beer and Wine Sales.

The Privateers' fully licensed caterer must apply for catering permits, with City approval, for each scheduled home game. In connection with any permit issued, the City must approve the locations of all beer and wine sale facilities; must be provided with proof of the caterer's liquor liability insurance coverage in the amount of \$1,000,000 individual/\$2,000,000 aggregate; and the permit must reflect that the times of alcohol service must be no earlier than ½ hour prior to the commencement of any game and that all service will be discontinued at the start of the third period of any game. The permit must also reflect that the caterer must agree to discontinue service of alcohol at any time when directed to do so by the shift supervisor of the Watertown City Police.

The Privateers and its caterer must comply in all respects with the alcohol sales policies of the City of Watertown and the ABC laws, rules and guidelines which are incorporated in the City's approval of any permit.

The Privateers acknowledge that, as the party responsible for the caterer, it is obligated not to sell alcoholic beverages in violation of the New York Alcohol Beverage and Control Law, the New York Penal Law, and/or the New York General Obligations Law. If it is determined that the Privateers have sold beverages in violation of any of the applicable rules and regulations, including any term of this Franchise, the Privateers' right to sell alcohol on the premises shall be immediately revoked.

The Privateers acknowledge that the City of Watertown is not involved in the sale of alcoholic beverages, and agrees to defend and indemnify the City, including reimbursement of the City's reasonable attorneys' fees from any and all claims, civil or criminal, arising from any claimed violations of law pertaining to, or statutory duty arising from, the sale of alcoholic beverages.

The Privateers acknowledge that "tailgating" on City Fairgrounds property is not permitted and that the Privateers shall be responsible for monitoring the parking areas surrounding the Ice Arena to ensure compliance. No alcohol may be consumed on any City Fairgrounds property except within the Ice Arena.

c. Food Concessions.

The Privateers acknowledge that the City's concession stand will be the only source of food sold during the Privateers' games.

d. Liability Insurance.

The Privateers shall provide commercial general liability insurance, naming the City as an additional insured to the City's specifications, for the term of this franchise. The certificate of insurance must reflect that the additional insured status is in effect for the entire term of this Franchise Agreement, and further reflect that the City shall be entitled to at least 30 days' prior

written notice of any cancellation of the Privateers' insurance for any reason whatsoever. Proof of Insurance shall be provided to the City before October 1, 2012.

e. Code Compliance.

The Privateers acknowledge that all activities of the franchisee are subject to the provisions of the New York State Fire Prevention and Building Code.

f. Security.

The Privateers shall provide readily identifiable security by a professional security force for each home game. Any private security firm used by the Privateers shall be registered with the NYS Department of State per N.Y. Gen. Bus. Law Section 89-G. Such professional security force shall be adequate to maintain safety and discipline among the attendees. In the event the City's Superintendent of Parks and Recreation determines, in her sole discretion, that, at any event, the Privateers' security is inadequate, the City shall have the right to require additional security be provided; or to suspend future games until the Privateers agree to provide additional security. Inadequate security may be considered a breach of this Agreement.

g. Damages.

In the event any of the locker rooms, restrooms, office space, or any other public areas are damaged by actions attributable to the Privateers, their opposing team, or the fans, the repairs to such damage shall be the responsibility of the Privateers and shall be promptly performed by the City. The Privateers shall be billed for the costs (materials and labor) associated with the damages. The invoice shall be due and payable within 30 days.

h. Cleaning After Games.

The Privateers shall provide a cleaning staff, following each home game, to clean the arena, including cleaning of all locker rooms; cleaning of all restrooms; cleaning of all areas where beer and wine sales are made; and cleaning of the bleachers. All cleaning and disposal of trash, rubbish, etc. must be performed by the Privateers on the same night when a game is held, and to the satisfaction of the City's Superintendent of Parks and Recreation or his/her designee.

i. Trash Removal.

The parties agree that the Privateers' rental of one City-owned 96-gallon "tote" per week, for the term of this Agreement, will be sufficient to meet the Privateers' obligations to remove trash from the Arena.

j. Restroom Capacity Compliance.

The Privateers acknowledge that the ice arena as currently configured complies with all State Codes for restroom facilities and has the capacity to service a crowd of 320 people. In the event any game is anticipated to draw in excess of 320 people, the Privateers shall make

arrangements to bring in as many comfort stations as necessary to accommodate the anticipated public attendance. The determination of the City Codes Enforcement Supervisor in connection with the number of comfort stations necessary to meet the necessary demand shall be binding upon the Privateers. The City's Bureau of Code Enforcement is empowered to determine the Building Code requirements and whether compliance is achieved. All portable comfort stations shall be located outdoors in an area to be designated by the City Engineer.

k. After-hours Access.

If the Privateers require after-hours access to the Arena facility, Privateers shall arrange for the same in advance and reimburse the City Comptroller for its minimum 2-hour billable employee rate.

l. Hold Harmless.

Privateers shall indemnify and hold the City harmless, including reimbursement for reasonable attorneys' fees, from any and all loss, costs or expense arising out of any liability or claim of liability for injury or damages to persons or to property sustained by any person or entity by reason of Privateers' operation, use, or occupation of the Arena, or by or resulting from any act or omission of Privateers or any of its officers, agents, employees, guests, patrons or invitees. The liability insurance in the type and amounts identified in Section IV, naming the City as an additional named insured shall be sufficient for purposes of meeting Privateers' obligations under this paragraph.

Section V – City Obligations.

The City agrees to undertake the following obligations:

- a. The City shall provide the locker rooms, pro shop, skate sharpener space and office space required by this Agreement.
- b. The City will undertake a good faith effort to reasonably schedule practice ice time at levels comparable to the Privateers' schedule for the 2011-2012 season, which schedule is attached as Exhibit "C."
- c. Prior to the commencement of the term of this Agreement, the City shall, at its expense, cause one shower stall to be added to the lower level locker room for game officials as shown on Exhibit "A."
- d. Prior to the commencement of this Franchise Agreement and for the term thereof, the City shall have on hand extra glass for the rink board in the event glass breaks during practice or games. The Privateers will be billed for the costs (materials and labor) associated with any replacement, but City employees will be responsible for installing replacement glass as expeditiously as possible. The invoice is payable within 30 days.

e. Prior to the commencement of this Franchise Agreement, the City shall install protective netting at each end of the rink by the goals. The City's costs for purchasing and installing the protective netting will be the responsibility of the City.

f. The City agrees to provide a food concession for each home game, which concession will be staffed by City employees. The City will be responsible for setting the menu, pricing, etc., and all revenue from concessions will belong to the City. The concession stand will be open at least one (1) hour prior to each scheduled home game.

g. Prior to the commencement of the 2012-2013 season, the City will install a 220 volt power source for use by the Privateers' skate sharpener.

h. The City shall indemnify and hold the Privateers harmless, including reimbursement for reasonable attorneys' fees, from any and all loss, costs or expense arising out of any liability or claim of liability for injury or damages to persons or to property sustained by any person or entity by reason of any act or omission of the City or any of its officers, agents, employees, guests, patrons or invitees.

Section VI – Anticipated Home Games.

The Privateers will proceed to schedule between 26 and 30 home games during the 2012-2013 hockey season. Of these home games, it is anticipated that approximately 1/3 will be scheduled on a Friday night, 1/3 games will be scheduled on a Saturday night, and 1/3 will be scheduled from Sunday through Thursday.

The parties further anticipate the Privateers' participation in playoff games, which games will also likely be evenly split for scheduling purposes.

The parties to this Agreement agree to work together to schedule home games in such a fashion as to result in a minimum disruption to other groups or individuals utilizing the arena ice facility.

Section VII – Maintenance.

The City agrees that it will keep the premises, including any structural or capital repairs and improvements, in good repair during the term of this Franchise Agreement, and at its own expense. The City further agrees that it shall bear the cost of electric facilities and electric service to the premises, except as otherwise provided herein.

Section VIII – Return of Premises.

The Privateers agree to return all franchised premises to the City, upon the expiration of this Franchise Agreement, in as good condition as when the Privateers received possession of the premises, reasonable wear and tear excepted, and excepting damage to the premises caused by others when the premises were not under the control of the Privateers.

The Privateers acknowledge that, as of the commencement of this Franchise Agreement, the Privateers have received the premises in good condition.

Section IX – Venue and Applicable Law.

a. The City and the Privateers agree that venue for any legal action arising from a claimed breach of this Franchise Agreement is in the Supreme Court, State of New York, in and for the County of Jefferson.

b. This Agreement shall be construed in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, the City and the Privateers have caused this Franchise Agreement to be executed by authorized agents to be effective as of October 1, 2012.

THE CITY OF WATERTOWN, NEW YORK

By: John C. Kral
City Manager

1000 ISLANDS PRIVATEERS PROFESSIONAL
HOCKEY TEAM, LLC

By: [Signature]
Managing Member

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

On the 12 day of June, 2012, before me, a notary public in and for said State, personally came John C. Frol, to me known, who being by me duly sworn, did depose and say that he/ she resides in Washington, New York; and that he/she is the City Manager of the CITY OF WATERTOWN, NEW YORK, the municipal corporation described in and which executed the above instrument; and that she signed her name thereto by the authority of the Watertown City Council.

Elaine Giso
Notary Public

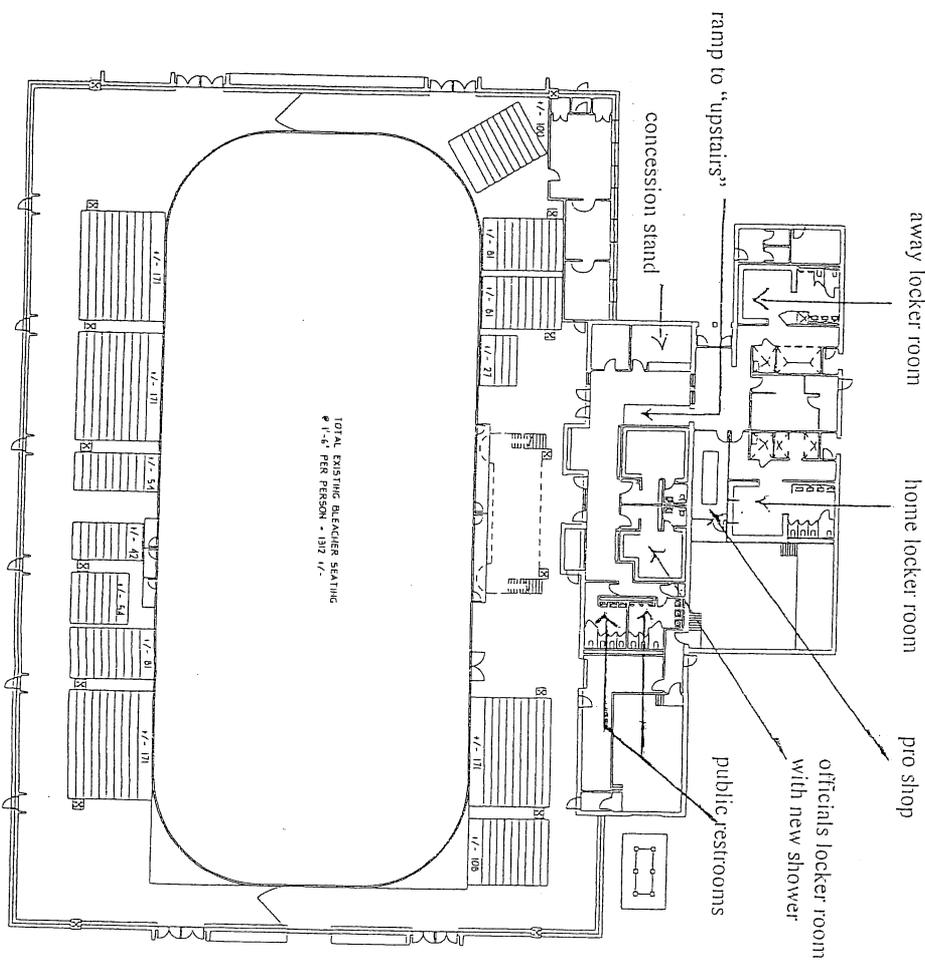
ELAINE GISO
Notary Public, State of New York
No. 0104410507
Qualified in Jefferson County
Commission Expires 1/31/17

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

On the 18 day of June, 2012 before me personally came _____ to me known, who being by me duly sworn, did depose and say that he/she/they reside(s) in Nicole Kirnan, and that he/she/they is the managing member of the PRIVATEERS PROFESSIONAL HOCKEY TEAM, LLC, the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the board of directors of said limited liability company.

Deborah J. Kotash
Notary Public

DEBORAH J. KOTASH
Notary Public, State of New York
Qualified in Onon. Co. No. 4728307
My Commission Expires Oct. 31, 2014



TOTAL EXISTING BLEACHER SEATING
1'-4" PER PERSON • 1327 1/2'



ARENA BLEACHER LAYOUT PLAN
SCALE: 1/32" = 1'-0"

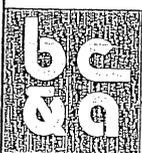
Contract Drawing Reference No.

BLEACHER LAYOUT PLAN

WATERTOWN MUNICIPAL ARENA
BUILDING EVALUATION

THE BERNIER CARR GROUP

BERNIER, CARR & ASSOCIATES, P.C. • WACH ARCHITECTURE + ENGINEERING, P.C.
engineers • architects • planners • surveyors • construction managers



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Revisions:

THE CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AT THE SITE & NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES.

Drawn By
B.N.T.
Scale
1" = 32'-0"

Checked By
R.W.T.
Date
4-9-09
File No. 2008-020
Sheet No.

A-004

EXHIBIT B

EQUIPMENT STORAGE (124)

SERVICE (123)

8" WOOD STUDS
14" o.c.
TYPICAL EACH BAY.

X 394.5

T.C. 395.0

RESTROOM (126)

SHOWER (127)

RESTROOM (124)

UMPIRE LOCKERS (125)

FOOTBALL TEAM (40 LOCKERS) (123)

TRAINING ROOM (123)

STORAGE (128)

VISITOR'S LOCKER ROOM (33 LOCKERS) (129)

RESTROOM (132)

VISITING MANAGER (131)

X FF-395.0

8" WOOD STUDS
14" o.c.
TYP. EACH BAY.

1 - 8" WOOD STUDS

HALL (130)

W A

X 395.0

X 395.0

X 394.9

A-6

72'-0"

7'-6"

5'-1 1/2"

COLUMN

CONTROL F.O. RIM UNIT 394.75

X 395.0

7'-6"

A-7

F.O. RIM 394.75

CONTROL UNIT

CONCESSION (105)

EXISTING ELECTRICAL ROOM (104)

GENERAL MANAGER (101)

OFFICE (100)

TOILET (102)

TICKETS (103)

CRUSHED STONE

394.5

394.5

395.0

N O 2
1 3 4 5 6 7 8 9 10 11 12
13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

SLYE & BURROWS

MEMORANDUM

TO: File
FROM: RJS
DATE: August 16, 2012
RE: Alcohol Sales - Privateers

I spoke with Tony Casale on August 16th in connection with the lawful manner in which the City may allow alcohol sales to take place for hockey games at the Ice Arena during the winter season.

The bottom line is that our Franchise Agreement with the Privateers should be amended to either give them the right to sell as a licensee or to sub-franchise the sale of alcohol through a licensee for each of the games indicated. The license obtained should be a seasonal license. The licensee will be required to come up with a plan for serving and also a plan for security. The sub-franchise agreement can contain a sub-franchise fee or management fee on a percentage basis. He said that the SLA typically looks at an 8-10% percentage for the franchisor or, in this case, the sub-franchisor. In that event, the franchisor or sub-franchisor must be disclosed, and the percentage must be disclosed. If it is a corporate franchisor or sub-franchisor, the SLA may require the particular identification of the members of the LLC or shareholders of the corporation as part of the license application.

This is the manner in which the Privateers may be permitted to have a licensee come into the premises and serve beer and wine for their games. It would have to be understood that the licensee also would be the sole entity which could serve alcohol for any other event authorized by the City to be held during the term of its license.

As an aside, other manners in which licensees may be permitted to share proceeds with a for-profit organization are:

- A. Management Agreement; and
- B. In lieu of rent (they must be careful in this situation because the SLA might think that they are circumventing the law because, perhaps, the landlord cannot get a liquor license).

SLYE & BURROWS

MEMORANDUM

TO: Hon. Jeffrey E. Graham, Mayor
City Council Members

CC: Ms. Sharon Addison, City Manager

FROM: Robert J. Slye

DATE: July 24, 2012

RE: Alcohol Sales/1000 Islands Privateers

Shortly after the City Council's approval of a broad-sweeping policy pertaining to the sale of alcohol at City-owned facilities, the City entered into, and completed, negotiations with the 1000 Islands Privateers for the 2012-13 hockey season. The Privateers' contract contemplates the sale of beer and wine during the team's regular home games and any playoff home games. Because the regular sale of alcohol for hockey games is contrary to that portion of the City's adopted policy limiting the sale of alcohol at the arena is to concert events where alcohol would be served by permit only (likely a non-profit permit), it became necessary to confer with the City's retained consultant, Mr. Anthony J. Casale, to see how the Privateers' contract can be implemented.

According to Mr. Casale, the State Liquor Authority ("SLA") prefers an alcohol license, rather than temporary permits, when there will be repeat sales of alcohol. The Privateers' contract calls for service by a licensee holding catering permits. The SLA suggests that we instead consider a seasonal license with an existing alcohol licensee or any other entity eligible to hold a license. If you will recall, the Wizards baseball team was, pursuant to its lease with the City, given authority to apply for a seasonal "ball park license." Similar seasonal licenses exist for the wintertime for indoor arena-type events. The parties can determine the term of that license.

The essence of any agreement permitting the sale of alcohol is that the licensee must, pursuant to agreement with the owner, have control over the alcohol service on the premises. The licensee must be able to ensure that no illegal sales of alcohol occur. If problems arise over the sale of alcohol, the licensee must have the authority to ask the police to assist in removing someone from the premises. This differs from control over spectators, generally, which the City would retain unto itself and, under our agreement with the 1000 Islands Privateers, the Privateers organization has agreed to undertake using private security.

Hon. Jeffrey E. Graham, Mayor
City Council Members
July 24, 2012
Page 2

The Privateers hold a franchise agreement with the City, which is something less than a lease. That franchise agreement grants certain rights, but not rights in and to the real property. Indeed, the agreement requires the team to vacate the premises under certain circumstances.

Mr. Casale is of the view that any licensee which undertakes to sell beer and wine during the games should, as well, be doing so pursuant to a franchise agreement, which agreement would be in place to support the application for a seasonal license.

In the City of Watertown, franchises must be approved by a 4/5 vote, and can be awarded either to the highest bidder; or to a selected franchisee; or to one of the respondents to a request for proposals. The manner in which a franchisee is selected is left to the judgment of the City Council in any given situation.

A corollary to the selection of a franchisee for the sale of beer and wine pursuant to a seasonal license is that, during the term of that license, no 24-hour temporary permits will be granted by the SLA, either to a not-for-profit or otherwise. This means that, if beer and wine sales are to be permitted during some other event held at the ice arena during the term of the beer and wine license/franchise agreement, then the licensee must be the seller.

Additionally, if any private person or organization receives permission to host a party, reception or other event at the arena, they would need to engage the licensee to serve alcohol rather than employ an outside caterer.

As the Council has previously discussed, a licensee and not-for-profit cannot lawfully split the proceeds of alcohol sales. In connection with the lease to the Wizards baseball team, the agreement reached was that the Wizards agreed to donate 50% of the proceeds directly to the not-for-profit. Apparently, the SLA has now taken the position that the only proceeds which can be donated to a not-for-profit are those resulting from the sale of food, not alcohol. The City, of course, has reserved the right to sell all other concessions (other than the sale of alcohol) under the franchise agreement with the Privateers. Thus, there are technically no proceeds from which an alcohol franchisee at the ice arena would be in a position to lawfully make a donation to a not-for-profit sponsor of an event such as a concert, etc.

Hon. Jeffrey E. Graham, Mayor
City Council Members
July 24, 2012
Page 3

If the arena is used as a venue for a concert during the hockey off-season, then the City's published policy would control.

A discussion concerning the manner of selection of an alcohol licensee is warranted at this point.

Res No. 4

August 16, 2012

To: The Honorable Mayor and City Council
From: Elliott B. Nelson, Confidential Assistant to the City Manager
Subject: Pop Warner Football League Flat Fee Agreement

Attached for Council's consideration is a revised flat fee Agreement between the City and the Pop Warner Football League for practice events throughout the fall. At the August 20, 2012 meeting, Council approved a flat fee Agreement for a different amount. Since that time, Parks and Recreation staff have been informed that the league intends to use fewer field rentals than previously indicated.

Parks and Recreation Superintendent Erin E. Gardner is recommending this flat fee Agreement be approved and implemented for the Pop Warner Football League. As Council is aware, any agreement for the use of City-owned facilities that is outside the parameters of the fees schedule listed in the City Code requires Council's approval.

City staff will be available at the Council Meeting to answer any questions regarding this Agreement.

RESOLUTION

Page 1 of 1

Approving Agreement for Flat Fee Use of Athletic Fields, Pop Warner Football League

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

Total

YEA	NAY

Introduced by

WHEREAS the City of Watertown owns and operates numerous athletic fields throughout the City, and

WHEREAS the Pop Warner Football league has expressed their desire to enter into an Agreement for Flat Fee Use of Athletic Fields for practice events, and

WHEREAS City Council of the City of Watertown desires to promote recreational activities at this community recreational facilities,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves the Agreement for Flat Fee Use of various City-owned Athletic Fields at between the City of Watertown and the Pop Warner Football League, a copy of which is attached and made a part of this 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

CITY OF WATERTOWN

AGREEMENT FOR FLAT FEE USE OF ATHLETIC FIELDS

This Agreement by and between the City of Watertown, with an address of 245 Washington Street, Watertown, New York 13601 (“City”) and Pop Warner Football League, with an address of 1416 Sunset Ridge, Watertown, New York 13601 (“League”) dated this ____ day of August, 2012.

RECITALS

WHEREAS, for a number of years, League has scheduled the use of City-owned athletic fields at the Kostyk Field for practice events, which previous to this year did not require a fee; and

WHEREAS, the payment of the fees listed in Section A320 of the City Code of the City of Watertown would prove to be cost-prohibitive for League; and

WHEREAS, the parties desire to enter into an Agreement for the payment of a flat fee to simplify the usage and payment therefore;

The parties agree as follows:

AGREEMENT

1. The League shall seek to schedule the use of the fields as desired, and as are available, for the 2012 season;
2. The fee to be charged the League by the City for the use of the fields, pursuant to the City’s “Facility and Athletic Field Agreement,” for the year 2012, shall be \$408.00;
3. The fee shall be payable as follows:
 - a. 100% in advance of the first field usage;
4. The undersigned individuals, signing for the League, shall ultimately be personally responsible to the City for payment of the fees.
5. It is explicitly understood by League that this agreement pertains to practice events on the two City-owned fields listed above. If League is found to be practicing any other City-owned athletic fields, League will no longer be able to utilize City-owned fields.

POP WARNER FOOTBALL LEAGUE

By: Rowland Mesina

CITY OF WATERTOWN

By: Sharon Addison
City Manager

Res No. 5

August 30, 2012

To: The Honorable Mayor and City Council

From: Sharon Addison, City Manager

Subject: Approving Change Order No. 2 to Agreement, Bat-Con, Inc.,
J.B. Wise Parking Lot Reconstruction

On October 4, 2010, the City Council accepted a bid submitted by Bat-Con, Inc. of Marcellus, New York, for the reconstruction of the J.B. Wise Parking lot per City specifications in the amount of \$2,316,240. On July 18, 2011, the City Council approved Change Order No.1 to this contract, bringing the amount to \$2,412,475.00.

City Engineer Kurt W. Hauk has now submitted Change Order No. 2 to this contract in the amount of \$38,162.37, which if approved, will bring the final contract amount to \$2,450,637.37 and will close out this project. As stated in Mr. Hauk's attached report, this final Change Order is to codify the actual cost to the project for MGP remediation and balance out all of the over-runs and under-runs of the project.

A resolution approving Change Order No. 2 to the contract with Bat-Con, Inc. for the reconstruction of the J.B. Wise Parking Lot has been prepared for City Council consideration. Funding for this change order will occur with the final FY 2011-12 supplemental appropriation.

RESOLUTION

Page 1 of 1

Approving Change Order No. 2 to Agreement
Bat-Con, Inc. for Reconstruction of the
J.B. Wise Parking Lot

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

Total

YEA	NAY

Introduced by

WHEREAS on October 4, 2010, the City Council of the City of Watertown approved a bid submitted by Bat-Con, Inc. of Marcellus, New York, in the amount of \$2,316,240 for the reconstruction of the J.B. Wise Parking Lot, and

WHEREAS on July 18, 2011, City Council approved Change Order No.1 to the Agreement in the amount of \$92,235.00, and

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

WHEREAS Change Order No. 2 results in an additional charge of \$38,162.37, bringing the final contract amount to \$2,450,637.37,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 2 to the contract with Bat-Con, Inc., for the reconstruction of the J.B. Wise Parking Lot, in the amount of \$38,162.37, a copy of which is attached and made a part of this resolution, and

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

Seconded by

Change Order

No. 2

Date of Issuance: August 28, 2012

Effective Date _____

Project: JB Wise Parking Lot Reconstruction	Owner: City of Watertown, NY	Owner's Contract No.:
Contract: JB Wise Parking Lot Reconstruction		Date of Contract:
Contractor: Bat-Con Construction, Inc., Marcellus, NY		Engineer's Project No.:

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

Description: Installation of a catch basin and storm water piping to collect water along the sidewalk at parcel 7-01-112.002 for the amount \$ 3,400.00. Extra work to frame and cover and finish the gable ends on the inside of the covered walkway for the amount of \$5,900. Extra work to frame in and trim light fixtures in the covered walkway for the amount of \$2,900. Replacing the Unit Price Items for the Bid Alternate No. 3, items 6.00.161 and 6.00.162 waste soil (\$234,000.00) with the time and material amount of \$261,661.20. \$9,697.10 for 2 street lights. Adjustment for actual final quantities (\$11,395.93).

Attachments: Letters dated December 21, 2011, August 28, 2012 from Bat-Con, Inc. & JB Wise MGP Status document

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:

Original Contract Times: x Working days Calendar days

\$ 2,316,240.00

Substantial completion (days or date): 120

Ready for final payment (days or date): _____

Increase from previously approved Change Orders

[Increase] [Decrease] from previously approved Change Orders

No. 1 to No. 1 :

No. _____ to No. _____ :

\$ 96,235.00

Substantial completion (days): _____

Ready for final payment (days): _____

Contract Price prior to this Change Order:

Contract Times prior to this Change Order:

\$ 2,412,475.00

Substantial completion (days or date): _____

Ready for final payment (days or date): _____

Increase of this Change Order:

[Increase] [Decrease] of this Change Order:

\$ 38,162.37

Substantial completion (days or date): _____

Ready for final payment (days or date): _____

Contract Price incorporating this Change Order:

Contract Times with all approved Change Orders:

\$ 2,450,637.37

Substantial completion (days or date): _____

Ready for final payment (days or date): _____

RECOMMENDED:

ACCEPTED:

ACCEPTED:

By: _____
Engineer (Authorized Signature)

By: _____
Owner (Authorized Signature)

By: _____
Contractor (Authorized Signature)

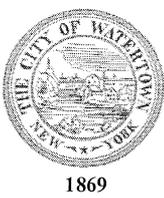
Date: _____

Date: _____

Date: _____

Approved by Funding Agency (if applicable): _____

Date: _____



CITY OF WATERTOWN
ENGINEERING DEPARTMENT
MEMORANDUM

DATE: 29 August 2012

TO: Sharon Addison, City Manager

FROM: Kurt Hauk, City Engineer

SUBJECT: Change Order #2 to J.B. Wise Parking Lot Reconstruction Project

Enclosed is Change Order #2 for the J.B. Wise Parking Lot Reconstruction Project in the amount of \$38,162.37. The final contract amount will now be \$2,450,637.37. This change order closes out the project and sets the final item quantities for overruns, under runs and additional work. The change order is required for six areas in the contract.

1. \$3,400 to extend storm water infrastructure.
2. \$5,900 to enclose the gable ends of the covered walkway.
3. \$2,900 to frame and trim the light fixtures on the covered walkway.
4. \$27,661.20 for additional MGP removal costs. This amount was reimbursed to the City by National Grid.
5. \$9,697.10 for 2ea additional street lights.
6. (\$11,395.93) in project underruns.

Change Order #1 for the amount of \$96,235 was previously approved by the Council in July 2011 to add storm water piping and certain fire services to the project.

Please prepare a resolution for Council consideration. A copy of Change Order #2 is enclosed. The originals are on file and will be forwarded for signature upon approval.

Cc Jim Mills, Comptroller

JB WISE PARKING LOT RECONSTRUCTION

DATE 29-Aug-12

Item No.	Description	Pay Unit	Installed Quantity	Bat-Con Unit Cost	Total Cost
1.00.00	Contractor Quality Control	LS	100%	\$29,000.00	\$29,000.00
1.01.00	Miscellaneous Work	LS	100%	\$21,000.00	\$21,000.00
1.01.01	Stakeout & Engineering	LS	100%	\$21,000.00	\$21,000.00
1.02.00	Maintenance and Protection of Traffic	LS	100%	\$16,000.00	\$16,000.00
1.02.01	Soil Erosion and Dust Control	LS	100%	\$11,000.00	\$11,000.00
1.03.00	Unclassified Excavation	CY	73.40	\$20.00	\$1,468.00
1.03.10	Select Granular Fill	CY	822.00	\$18.00	\$14,796.00
1.05.00	Tree and Stump Removal	EA	11.00	\$725.00	\$7,975.00
1.06.04	4" Concrete Sidewalk Construction	SF	10919.15	\$7.00	\$76,434.03
1.06.06	6" Concrete Sidewalk Construction	SF	3039.80	\$8.00	\$24,318.40
1.06.07	ADA Textured Pavers	SF	268.00	\$40.00	\$10,720.00
1.10.00	City Monument Construction or Replacement	EA	0.00	\$780.00	\$0.00
1.14.01	Site Restoration- Topsoil	CY	610.00	\$38.00	\$23,180.00
1.14.02	Site Restoration- Seeding	SY	3500.00	\$1.00	\$3,500.00
1.14.04	Site Restoration- Tree Planting	EA	76.00	\$250.00	\$19,000.00
1.14.10	Site Restoration- Mulch	CY	30.00	\$75.00	\$2,250.00
2.02.00	Rock Excavation Sanitary Sewer	CY	381.00	\$65.00	\$24,765.00
2.10.08	8" PVC SDR-35 Sanitary Sewer	LF	255.00	\$90.00	\$22,950.00
2.10.12	12" PVC SDR-35 Sanitary Sewer	LF	509.00	\$95.00	\$48,355.00
2.10.12.1	12" PVC SDR-35 Storm Sewer	LF	439.00	\$55.00	\$24,145.00
2.10.15	15" PVC SDR-35 Storm Sewer	LF	84.50	\$58.00	\$4,901.00
2.10.0806	8"x6" PVC SDR-35 Wye Fitting	EA	5.00	\$100.00	\$500.00
2.10.1206	12"x6" PVC SDR-35 Wye Fitting	EA	9.00	\$150.00	\$1,350.00
2.10.1506	15"x6" PVC SDR-35 Wye Fitting	EA	1.00	\$200.00	\$200.00
2.20.06	6" PVC SDR-35 Sewer Lateral Pipe	LF	244.50	\$50.00	\$12,225.00
2.21.04	PVC Sewer Cleanout	EA	13.00	\$175.00	\$2,275.00
2.50.04	4' Dia. Concrete Manhole	VF	77.99	\$325.00	\$25,346.75
2.50.05	5' Dia. Concrete Manhole	VF	0.00	\$380.00	\$0.00
2.51.00	Manhole Frame and Cover	EA	6.00	\$500.00	\$3,000.00
2.55.00	Alter Existing Manhole for all New Connections	EA	4.00	\$1,000.00	\$4,000.00
2.80.00	Testing Sanitary Sewer	LS	100%	\$1,500.00	\$1,500.00

3.12.12	12" HDPE Storm Sewer Pipe	LF	397.25	\$50.00	\$19,862.50
3.20.04	4" PVC Storm Sewer Lateral Pipe	LF	0.00	\$45.00	\$0.00
3.20.06	6" PVC Storm Sewer Lateral Pipe	LF	238.00	\$50.00	\$11,900.00
3.60.00	Concrete Drainage Structures	VF	73.53	\$400.00	\$29,412.00
3.61.00	Drainage Frames and Grates	EA	14.00	\$800.00	\$11,200.00
3.80.00	Testing Storm Sewer	LS	100%	\$1,000.00	\$1,000.00
4.04.00	Concrete Thrust Blocks	EA	9.00	\$95.00	\$855.00
4.04.05	Anchor Rodding and Accessories	EA	47.00	\$65.00	\$3,055.00
4.10.04	4" Ductile Iron Water Main	LF	48.00	\$62.00	\$2,976.00
4.10.06	6" Ductile Iron Water Main	LF	250.50	\$64.00	\$16,032.00
4.10.12	12" Ductile Iron Water Main	LF	1011.00	\$74.00	\$74,814.00
4.15.04	4" Gate Valve/Box and Cover	EA	1.00	\$850.00	\$850.00
4.15.06	6" Gate Valve/Box and Cover	EA	11.00	\$975.00	\$10,725.00
4.15.12	12" Gate Valve/Box and Cover	EA	5.00	\$2,100.00	\$10,500.00
4.30.00	Hydrant	EA	4.00	\$3,200.00	\$12,800.00
4.40.01	Service Tap and Connections	EA	3.00	\$500.00	\$1,500.00
4.40.02	1" Curb Stop with Box	EA	3.00	\$275.00	\$825.00
4.40.03	1" Copper Type K Service Line	LF	96.00	\$50.00	\$4,800.00
4.80.00	Testing and Sterilization of Water Main	LS	100%	\$2,500.00	\$2,500.00
5.00.01	Street Excavation & Foundation Material	CY	4748.00	\$34.00	\$161,432.00
5.03.00	Pavement Planning	SY	43.56	\$20.00	\$871.11
5.05.00	Preparing Fine Grade	SY	14593.00	\$1.00	\$14,593.00
5.06.00	Adjustment of Existing Utility Frames and Covers	EA	6.00	\$250.00	\$1,500.00
5.08.00	Concrete Curbing	LF	5876.00	\$19.00	\$111,644.00
5.09.03	Tack Coat	GAL	200.00	\$25.00	\$5,000.00
5.10.03	Asphalt Concrete Binder Course (Type 3)	TON	2225.57	\$78.00	\$173,594.46
5.10.07	Asphalt Concrete Top Course (Type 7)	TON	1099.42	\$82.00	\$90,152.44
5.11.01	Pavement Markings- Delineation	LF	10060.40	\$1.00	\$10,060.40
5.11.02	Pavement Markings- Characters, Arrows, & Handicap Symbols	EA	67.00	\$150.00	\$10,050.00
	Special Specifications				
6.00.01	Restroom	LS	100%	\$165,000.00	\$165,000.00
6.00.02	Covered Walkway	LS	100%	\$205,000.00	\$205,000.00
6.00.03	Stamped/Colored Concrete Sidewalk	SF	4450.42	\$10.00	\$44,504.23
6.00.041	Decorative Street Lighting and Foundation	EA	19.00	\$7,200.00	\$136,800.00
6.00.042	Existing Street Light Pole Removal	EA	12.00	\$375.00	\$4,500.00
6.00.051	Street Lighting Conduit	LF	2397.75	\$13.00	\$31,170.75
6.00.052	Pullboxes	EA	5.00	\$750.00	\$3,750.00
6.00.053	Street Lighting Wire	LF	15605.00	\$2.00	\$31,210.00
6.00.061	Bench	EA	6.00	\$1,700.00	\$10,200.00

6.00.062	Bike Rack	EA	1.00	\$3,500.00	\$3,500.00
6.00.063	Trash Receptical	EA	2.00	\$500.00	\$1,000.00
6.00.064	Planter	EA	5.00	\$2,500.00	\$12,500.00
6.00.07	Boring with Steel Casing Pipe	LF	65.00	\$325.00	\$21,125.00
6.00.08	Street Signs and Posts	EA	72.00	\$190.00	\$13,680.00
6.00.09	Water Quality Basins	LF	603.00	\$36.00	\$21,708.00
6.00.10	Granite Curbung Type A	LF	181.00	\$30.00	\$5,430.00
6.00.11	Round Stone Cobble Mulch	CY	0.00	\$150.00	\$0.00
6.00.121	Site Restoration-Shrubs	EA	159.00	\$50.00	\$7,950.00
6.00.122	Site Restoration-Grasses	EA	576.00	\$25.00	\$14,400.00
6.00.13	Landscape Island at SMH #1	LS	100%	\$7,890.00	\$7,890.00
6.00.14	Patio Garden Wall	LS	100%	\$18,000.00	\$18,000.00
6.00.15	Tree Grates and Well	EA	8.00	\$1,493.00	\$11,944.00
6.00.161	Disposal of Contaminated Hazerdous Waste Soil	TON	100.00	\$150.00	\$15,000.00
6.00.162	Disposal of Contaminated Non-Hazerdous Waste Soil	TON	100.00	\$90.00	\$9,000.00
6.00.17	Stone Block Retaining Wall	LS	100%	\$16,000.00	\$16,000.00
	Bid Alternate No. 1				
6.00.20	Flexi Pave	SF	7981.00	\$4.00	\$31,924.00
5.10.03	Deduct Asphalt Binder Course Where Flexi Pave to be Used	TON	0.00	-\$78.00	\$0.00
5.10.07	Deduct Asphalt Top Course Where Flexi Pave to be Used	TON	0.00	-\$82.00	\$0.00
	Bid Alternate No. 3				
A3-1	MGP Investigation Area Requirements- See Appendix "A" Report	DC	100%	\$55,000	\$55,000.00
A3-2	Vapor/Dust/ Odor Supression- See Appendix "A" Report	DC	100%	\$9,000	\$9,000.00
A3-3	Community Air Monitoring Program- See Appendix "A" Report	DC	100%	\$13,000	\$13,000.00
1	Excav./Handling MGP- Related Materials	CY	1,000	\$35	\$35,000.00
2	Offsite Disposal Non-Hazerdous MGP-Related Materials to DANC Facility, Rodman NY	TON	1,500	\$55	\$82,500.00
3	Offsite Treatment/Disposal Hazerdous MGP-Related Material at ESMI in FT. Edwards, NY	TON	20	\$275	\$5,500.00
4	Managing Water on Site from or Associated with MGP Investigation Area	55/GAL Drum	2	\$3,000	\$6,000.00
5	Offsite Disposal Non-Hazerdous Water from or Associated with MGP Investigation Area	55/GAL Drum	2	\$2,000	\$4,000.00

Total Unit Cost	\$2,304,844.07
Original Contract	\$2,316,240.00
Qty. Over/Under	(\$11,395.93)
C.O. #1	\$96,235
C.O. #2	\$38,162
Total ProjectCost	\$2,439,241.44

JB Wise - MGP Status

\$	118,576.76	National Grid #1
\$	128,820.62	National Grid #2
\$	9,693.06	National Grid Telephone Conference
\$	257,090.44	Total National Grid Approved
\$	(3,220.51)	City's Portion
\$	253,869.93	Bat-Con/Optech Portion
\$	7,791.27	City Spill
\$	<u>261,661.20</u>	Total MGP Work

MH-11A Spill - City's

\$	1,976.45	Optech Labor
\$	1,116.60	Optech Disposal
\$	1,263.85	Optech - Life Science
\$	1,332.82	Bat-Con Labor
\$	1,883.70	Bat-Con Equipment
\$	217.85	5% markup on Optech
\$	<u>7,791.27</u>	

Bat-Con, Inc.

4277 Slate Hill Road
P.O. Box 155
Marcellus, New York 13108

Phone (315) 673-2031
Fax (315) 673-4509

August 28, 2012

City of Watertown
Department of Engineering
245 Washington Street, Room 305
Watertown, New York 13601

Attn: Mr. Thomas Maurer

Re: J.B. Wise Parking Lot Reconstruction Project

Dear Mr. Maurer,

Bat-Con, Inc. would like to request a change order to our J.B. Wise Parking Lot Reconstruction project for the addition of the following extra work performed:

Box In Lights on Covered Walkway:

1	LS	at	\$	2,900.00	=	\$	2,900.00	
							<u>\$</u>	<u>2,900.00</u>

If you have any questions please do not hesitate to call 315-673-2031.

Sincerely,


Jeffrey D. Chrysler,
Bat-Con, Inc.

Bat-Con, Inc.

4277 Slate Hill Road
P.O. Box 155
Marcellus, New York 13108

Phone (315) 673-2031
Fax (315) 673-4509

December 21, 2011

City of Watertown
Department of Engineering
245 Washington Street, Room 305
Watertown, New York 13601

Attn: Mr. Thomas Maurer

Re: J.B. Wise Parking Lot Reconstruction Project

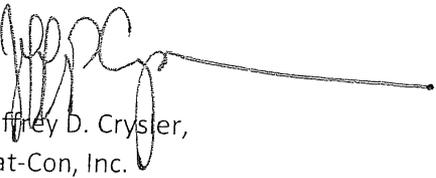
Dear Mr. Maurer,

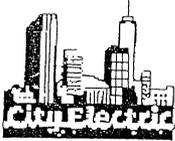
Bat-Con, Inc. would like to request a change order to our J.B. Wise Parking Lot Reconstruction project for the addition of the following extra work performed:

Installation of a Storm Line Extension on 09/18/11:	1	LS	at	\$	3,400.00	=	\$	3,400.00
Extra work for Covered Walkway Gable ends:	1	LS	at	\$	5,900.00	=	\$	<u>5,900.00</u>
							\$	<u><u>9,300.00</u></u>

If you have any questions please do not hesitate to call 315-673-2031.

Sincerely,


Jeffrey D. Crysler,
Bat-Con, Inc.



CITY ELECTRIC CO INC.
PO BOX 1018
SYRACUSE, NY 13201

Tel: 315-474-7841 Fax: 315-474-7838

INVOICE

INVOICE	1081731-00
INVOICE DATE	02/22/11
CUSTOMER NO.	19333
REMIT ADDRESS	
City Electric Co Inc P.O. Box 1018 Syracuse, NY 13201	

BILL TO:

SALESPERSON: 2850

SHIP TO:

S C SPENCER ELECTRIC INC
5940 SPENCER RD
CONSTABLEVILLE NY 13325

S C SPENCER ELECTRIC INC
C/O JB WISE PARKING LOT
CORNER OF MILL & CITY CTR PLZ
WATERTOWN NY 13601

W/ISE	ORDER DATE	SHIP DATE	CUSTOMER P.O.	SHIPPED	INSIDE SALESPERSON			
2	02/22/11	00/00/00	JB WISE		CHRIS H WILDER			
LINE	QTY ORDER	QTY SHIP	QTY B.O.	ITEM	DESCRIPTION	UNIT PRICE	U/M	EXTENSION
1	2	2		LOT DIRECT	LOT PRICING FOR DIRECTS	50909.780	E	101819.56
2	21	21		SCEISBNBP13DB	ISBNBP-13-DB NEWBURY 13" SLIP WOPEN CAP	.000	E	.00
3	21	21		SCESSH8SG17050014	SSH8S-G17-05.68-14.00-TN2.88/ 5.00-GFWI-DB	.000	E	.00
4	21	21		SCEAARLCH2S268050	AARLCH-2S-28-60.50-TN2.33/1.00 -DB	.000	E	.00
5	21	21		SCEALMRCMH175CV1	LECHMERE CROSSARM-TWIN-AL ALMDRC-MH175/QV1/SM-PLLS-PS-DB	.000	E	.00
6	84	84		SCE3232NW	DORCHESTER 175W MH QUAD WIRED PULSE START 323/2NW 3/4"DIAX24" LONG ANCHOR BOLT	.000	E	.00

TO RECEIVE INVOICES VIA EMAIL or FAX:
Contact Cherie @ 315 474-7841, Ext 1137 or E-mail cvanlengen@cityelectricweb.com
OR Sign up for Invoice Gateway @ <http://cityelectric.billtrust.com>
and use the Enrollment Code posted on the bottom of your invoice.

IF PAID ON BEFORE	YOU SAVE	AND PAY ONLY	TOTAL DUE	101,819.58
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TERMS: N/30 FROM INV DATE

No merchandise may be returned without permission. Specialty ordered merchandise and cut wire are not returnable. All returned merchandise is subject to a handling charge. A service charge of 1.5% per month or 18% per annum of the unpaid balance will be added to past due accounts. All returned merchandise must be accompanied by our invoice number.

TO VIEW AND PAY ONLINE GO TO: <http://cityelectric.billtrust.com> USE THIS ENROLLMENT CODE: PMS 0MM FPK

Watertown 23783 NYS Rt 12 Watertown, NY 13601 315-782-0704	Onida 212 Farmer Avenue Onida, NY 13421 315-281-4149	Ogdensburg 1110 Champlain Street Ogdensburg, NY 13699 315-394-0878	Oswego 27 W Ulica Street Oswego, NY 13128 315-343-2739	Rochester 58 Hanway Circle Rochester, NY 14624 566-247-3160
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\$4,840.55 ea.
X2 \$9,697.10

Res No. 6

August 27, 2012

To: The Honorable Mayor and City Council

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

Subject: Finding That the Approval of an Ordinance Changing the Approved Zoning Classification of a Portion of 473 Eastern Boulevard, Parcel 5-26-103.004, from Residence B to Light Industrial Will Not Have a Significant Impact on the Environment

At its August 7, 2012 meeting the City Planning Board recommended approval of the above subject zone change. The City Council has scheduled a public hearing on the request for Tuesday, September 4, 2012 at 7:30 PM.

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

RESOLUTION

Page 1 of 2

Finding That the Approval of an Ordinance Changing the Approved Zoning Classification of a Portion of 473 Eastern Boulevard, Parcel 5-26-103.004, from Residence B to Light Industrial Will Not Have a Significant Impact on the Environment

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

Total

YEA	NAY

Introduced by

WHEREAS the City Council of the City of Watertown, New York, has before it an Ordinance changing the approved zoning classification of 473 Eastern Boulevard, parcel 5-26-103.004, from Residence B to Light Industrial, 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 adoption of the proposed Ordinance would constitute such an "Action," and

WHEREAS the City Council has determined that re-zoning 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 by the applicant, 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.

September 4, 2012

RESOLUTION

Page 2 of 2

Finding That the Approval of an Ordinance Changing the Approved Zoning Classification of a Portion of 473 Eastern Boulevard, Parcel 5-26-103.004, from Residence B to Light Industrial Will Not Have a Significant Impact on the Environment

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

Total

YEA	NAY

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.

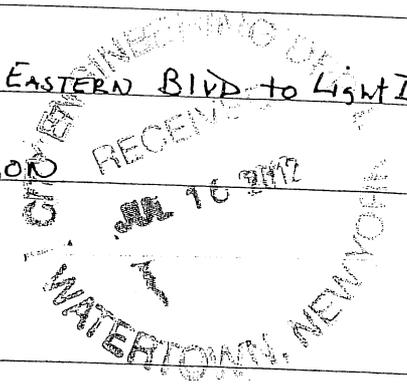
Seconded by

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

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

1. APPLICANT/SPONSOR STEBBINS ENGINEERING	2. PROJECT NAME REZONE 473 EASTERN BLVD to Light Ind.
3. PROJECT LOCATION: Municipality WATERTOWN County JEFFERSON	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 473 EASTERN BOULEVARD WATERTOWN, N.Y. 13601	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration ZONING CHANGE	
6. DESCRIBE PROJECT BRIEFLY: connecting newly acquired Property (WRC) with existing facility (Stebbins Eng.)	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately 1.84 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: MAJORITY OF PROPERTY ADJOINING THIS PARCEL IS ZONED LIGHT INDUSTRIAL	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
12. AS A RESULT OF PROPOSED ACTION, WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: STEBBINS ENGINEERING Date: 7/13/12 Signature: Dan J. Wise	



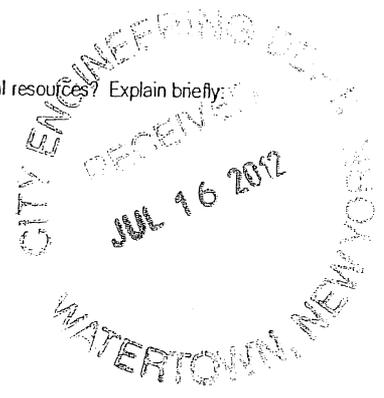
If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.67 If NO, a negative declaration may be superseded by another involved agency.
 Yes No

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

- C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
- C2. Aesthetic agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
- C3. Vegetation or fauna, fish shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
- C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
- C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.
- C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.
- C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.



D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?
 Yes No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If yes, explain briefly

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

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

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

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

Public Hearing – 7:30 p.m.

August 29, 2012

To: The Honorable Mayor and City Council

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

Subject: Special Use Permit Request to Operate an Automobile Detailing Business in a Neighborhood Business District at 804 State Street, Parcel 12-06-322

The City Council has set a public hearing on the above subject request for Tuesday, September 4, 2012 at 7:30 pm.

The Planning Board reviewed the request at its August 7, 2012 meeting and adopted a motion recommending that Council approve the Special Use Permit with the three conditions listed in the attached resolution.

As of August 29, 2012, the parking lot has been paved as stipulated in Condition #3 listed in the resolution. The applicant has indicated that the fence repair and landscaping stipulated in Condition #1 have been contracted and will be underway soon. The applicant has stated that meeting Condition #2 will be problematic because it would require removing existing asphalt.

Attached are the report prepared for the Planning Board and an excerpt from its minutes.

The public hearing must be held and the City Council must respond to the questions in Part II, and Part III if necessary, of the Short Environmental Assessment Form before it may vote on the resolution. The resolution finds that the project will not have a negative environmental impact, and approves the Special Use Permit with three conditions listed therein.

RESOLUTION

Page 1 of 2

Approving a Special Use Permit Request to Operate an Automobile Detailing Business in a Neighborhood Business District at 804 State Street, Parcel 12-06-322

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

YEA	NAY

Introduced by

Council Member Roxanne M. Burns

WHEREAS Stan Layo has made an application for a Special Use Permit to operate an automobile detailing business in a Neighborhood Business District at 804 State Street, parcel 12-06-322, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on August 7, 2012, and recommended that the City Council of the City of Watertown approve the request with the following conditions

1. The applicant shall repair the fence along the rear yard property line, and install landscaping alongside in conformance with the Landscaping and Buffer Zone Guidelines.
2. The applicant shall install a minimum 5 foot wide landscaped buffer between the sidewalk and the parking lot along the north and west edges.
3. The applicant shall pave the northern and western parking areas.

And,

WHEREAS a public hearing was held on the proposed Special Use Permit on Tuesday, September 4, 2012, after due public notice, and

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

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed Special Use Permit to allow automobile detailing at 804 State Street is an Unlisted Action for the purposes of SEQRA and hereby determines that the

RESOLUTION

Page 2 of 2

Approving a Special Use Permit Request to Operate an Automobile Detailing Business in a Neighborhood Business District at 804 State Street, Parcel 12-06-322

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

YEA	NAY

Total

project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that a Special Use Permit is hereby granted to Stan Layo to operate an automobile detailing business at 804 State Street, parcel 12-06-322, contingent upon the applicant meeting the conditions listed above.

Seconded by Council Member Teresa R. Macaluso





MEMORANDUM

City of Watertown Planning Office

245 Washington Street, Room 304

Watertown, New York 13601

315-785-7730

Fax: 315-782-9014

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

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

SUBJECT: Special Use Permit Approval – 804 State Street, Parcel Number 12-06-322

DATE: July 19, 2012

Request: Special Use Permit request to operate an automobile detailing business in a Neighborhood Business District at 804 State Street, parcel 12-06-322

Applicant: Stan Layo

Proposed Use: Auto Detailing (Car Wash)

Property Owner: Mark Bonner

Submitted:

8 ½" x 11" Copy of Parcel Map: Yes A Sketch of the Site to Scale: No

Completed Part I of an Environmental Assessment Form: Yes SEQRA: Unlisted Action

County Planning Board Review Required: No

Comments: A Special Use Permit allowing for auto sales, detailing, and repair was previously approved by City Council on September 19, 2011. That approval carried three conditions: repair of the fence along the rear property line, installation of a landscaped buffer along the north and west property lines, and paving of the north and west parking areas.

Prior to any of those conditions being met, the previous applicants vacated the premises, and provided the Code Enforcement Bureau with a letter informing them that the special use had ceased. Thus, the previous SUP has expired.

No apparent effort has been made to improve the conditions of the site in the intervening time. The fence has fallen into further disrepair, and full sections are now missing.

Staff still recommends that the fence along the rear yard be repaired, and landscaping be installed in conformance with the Landscaping and Buffer Zone Guidelines. Likewise, installing landscaping between the parking areas and sidewalk is still recommended.

Repaving the parking areas may no longer be urgent. The parking load induced by the detailing business is much lower than the previous combination of detailing, sales, and repair. At a site visit on Thursday, July 19, 2012 at roughly 11:00 am, only three cars were present in the lot.

A copy of the staff report for the 2011 SUP is attached for your review.

Summary:

1. The applicant shall repair the fence along the rear yard property line, and install landscaping alongside in conformance with the Landscaping and Buffer Zone Guidelines.
2. The applicant shall install a minimum 5 foot wide landscaped buffer between the sidewalk and the parking lot along the north and west edges.
3. The applicant shall pave the northern and western parking areas.

cc: Planning Board Members
City Council Members
Robert J. Slye, City Attorney
Justin Wood, Civil Engineer II
Stan Layo, 123 Pleasant St. N.
Mark Bonner, 261 Franklin St.



CITY OF WATERTOWN, NEW YORK

245 Washington Street, Watertown, NY 13601
Office: (315) 785-7730 - Fax: (315) 782-9014

Special Use Permit Application

APPLICANT INFORMATION

Name: STAN LAYO

Mailing Address: 804 STATE ST / 123 N. PIGASANT STREET (HOME ADDRESS)

Phone Number: (315) 955-3306

Email: Tammy Layo @ Yahoo.com

PROPERTY INFORMATION

Property Address: 804 STATE ST WATERTOWN, New York 13601

Tax Parcel Number(s): 12 - 06 - 322

Property Owner (if not applicant): MARK BONNER

If applicant is not owner or owner's representative, indicate interest in the property:

- Signed Purchase Agreement (attach)
 Signed Lease (attach)
 None yet

Zoning District: Neighborhood Business

Required Attachments:

- 8.5x11 parcel map with property outlined with heavy black ink
- Sketch of the site drawn to an engineering scale (e.g. 1"=20')
- Completed Part I of the Environmental Assessment Form (SEQR)

REQUEST DETAILS

Proposed Use: Detail Shop

Explain proposal (use additional 8.5x11 sheets if necessary):

Washing / Waxing / Detailing cars - only doing cars
not selling any cars.

676670
6/27/12

I certify that the information provided in this application is true to the best of my knowledge.

Signature: Stanley Layo

Date: 6/15/12

RUTLAND STREET NORTH

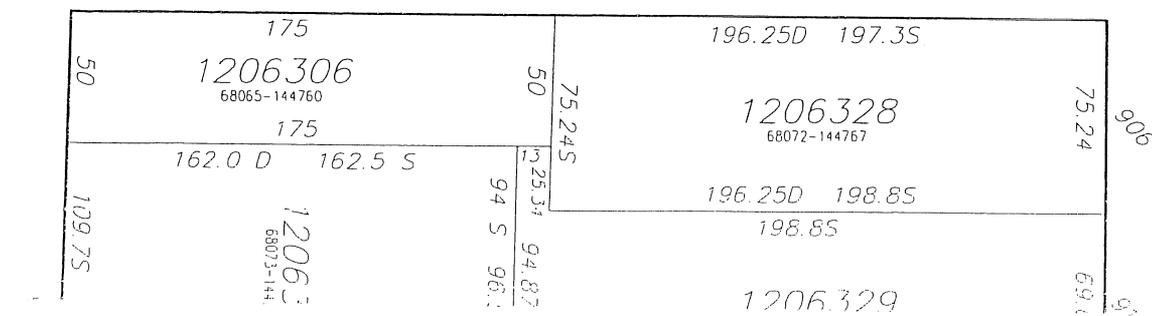
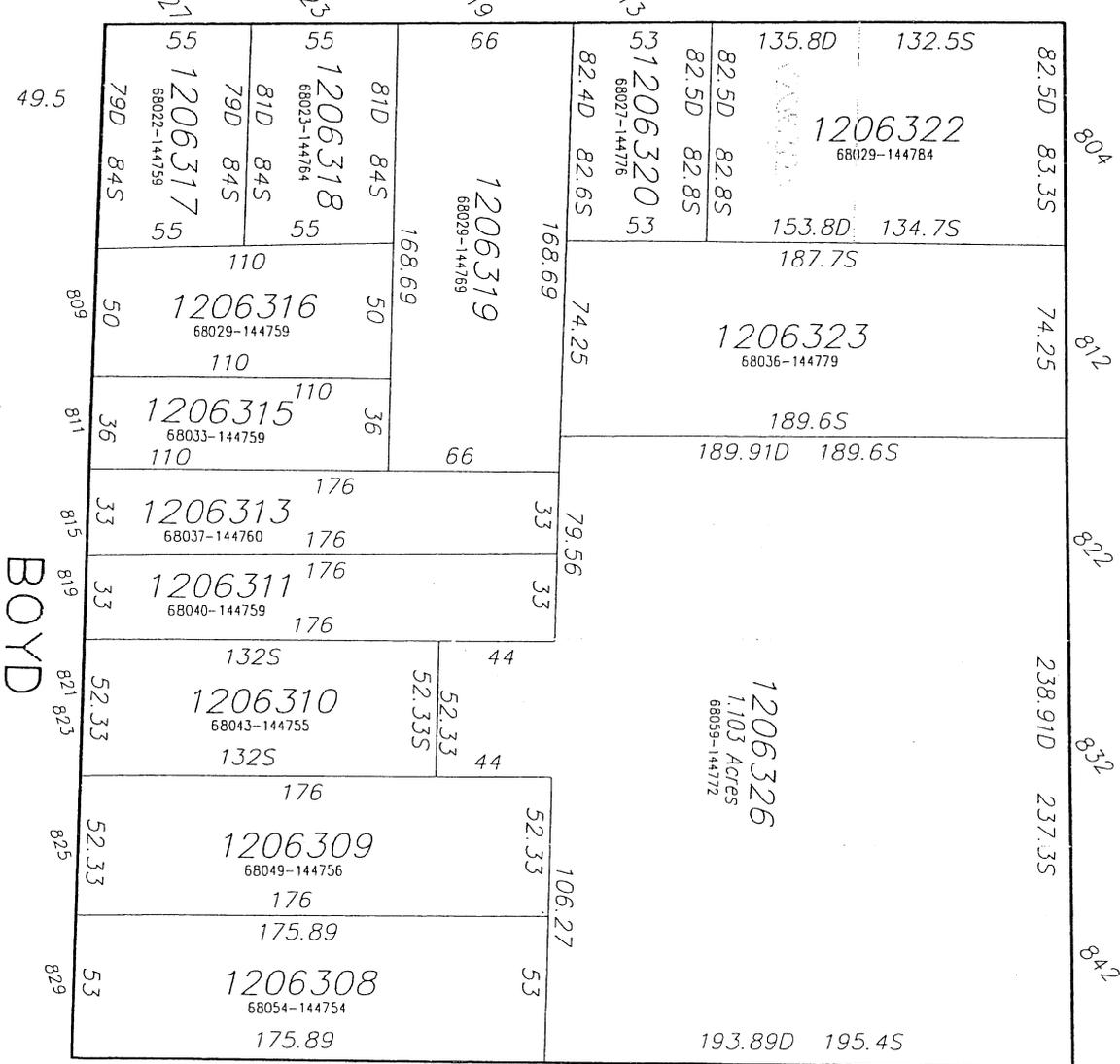
CENTRAL STREET

6-9

STATE

STREET SOUTH

STREET



**SPECIAL USE PERMIT – AUTO DETAILING
804 STATE STREET – 12-06-322**

The Board then considered a request submitted by Stan Layo to operate an automobile detailing business in a Neighborhood Business District at 804 State Street, parcel 12-06-322.

Mr. Layo was not present to describe the project.

The Board discussed the history of the property, and whether the three conditions imposed on the most recent Special Use Permit were still appropriate.

Mr. Katzman mentioned that he would like to see three conditions completed before the permit is issued.

Mr. Davis stated that there should be some mechanism to force the applicant to do the work. Giving them too long of a time frame just allows them to procrastinate.

Mr. Mix stated that the Code Enforcement Bureau could use their discretion to allow a reasonable amount of time to meet the conditions before closing the business.

Mr. Katzman moved to recommend that City Council approve the Special Use Permit request submitted by Stan Layo to operate an automobile detailing business in a Neighborhood Business District at 804 State Street, parcel 12-06-322, with the following conditions:

1. The applicant shall repair the fence along the rear yard property line, and install landscaping alongside in conformance with the Landscaping and Buffer Zone Guidelines.
2. The applicant shall install a minimum 5 foot wide landscaped buffer between the sidewalk and the parking lot along the north and west edges.
3. The applicant shall pave the northern and western parking areas.

Mr. Fontana seconded the motion, all voted in favor.

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

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

1. APPLICANT/SPONSOR: <i>S&S Auto Detailing / Stan Layo</i>	2. PROJECT NAME <i>Detailing Shop</i>
3. PROJECT LOCATION: <i>804 STATE STREET</i> Municipality _____ County <i>JEFFERSON</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map): <i>804 STATE ST (intersections - S. Rutland St.)</i>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Auto detailing shop - Detail cars.</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>1/2</i> acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: <i>Residential neighborhood</i>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals <i>DBA/EIN #</i>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals <i>DBA/EIN #</i>	
12. AS A RESULT OF PROPOSED ACTION, WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <i>Stanley Layo</i> Date: <i>6/15/12</i> Signature: <i>Stanley Layo</i>	

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

Yes No

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

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.12? If NO, a negative declaration may be superseded by another involved agency.

Yes No

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

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

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

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

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

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

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

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

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

Yes No

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

Yes No If yes, explain briefly

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

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

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

Public Hearing – 7:30 pm

August 27, 1012

To: The Honorable Mayor and City Council

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

Subject: Changing the Approved Zoning Classification of a Portion of 473 Eastern Boulevard, Parcel 5-26-103.004, from Residence B to Light Industrial

The City Council has set a public hearing on the above subject request for Tuesday, September 4, 2012 at 7:30 pm.

The City Planning Board reviewed the request at its August 7, 2012 meeting and passed a motion recommending that the City Council approve the zone change request. The County Planning Board reviewed the request at its July 31, 2012 meeting and determined that the project is of local concern only.

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

The City Council must hold the public hearing and vote on the SEQRA resolution before voting on this ordinance.

ORDINANCE

Page 1 of 1

Changing the Approved Zoning Classification of a Portion of 473 Eastern Boulevard, Parcel 5-26-103.004, from Residence B to Light Industrial

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

YEA	NAY

Total

Introduced by

Council Member Jeffrey M. Smith

BE IT ORDAINED where David Wise of Stebbins Engineering has submitted a request to change the approved zoning classification of the rear portion of 473 Eastern Boulevard, parcel 5-26-103.004, from Residence B District to Light Industrial District, and

WHEREAS the Planning Board of Jefferson County reviewed the request at its meeting held on July 31, 2012, pursuant to General Municipal Law Section 239-m, and adopted a motion that the project does not have any significant county-wide or inter-municipal issues and is of local concern only, and

WHEREAS the Planning Board of the City of Watertown considered the zone change at its meeting held on August 7, 2012, and adopted a motion recommending that the City Council approve the zone change as requested, and

WHEREAS a public hearing was held on the proposed zone change on September 4, 2012, 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

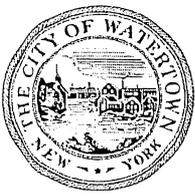
WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested zone change,

NOW THEREFORE BE IT ORDAINED that the approved zoning classification of the rear portion of 473 Eastern Boulevard, parcel 5-26-103.004, is hereby changed to Light Industrial 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 printed as the City Manager directs.

Seconded by Council Member Joseph M. Butler Jr.



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 – 473 Eastern Boulevard, Parcel 5-26-103.004 *KAM*

DATE: July 19, 2012

Request: To change the approved zoning classification of a portion of 473 Eastern Boulevard, parcel 5-26-103.004, from Residence B to Light Industry

Applicant: David Wise, Stebbins Engineering

Owner: Stebbins Eng/Manf Co

SEQRA: Unlisted

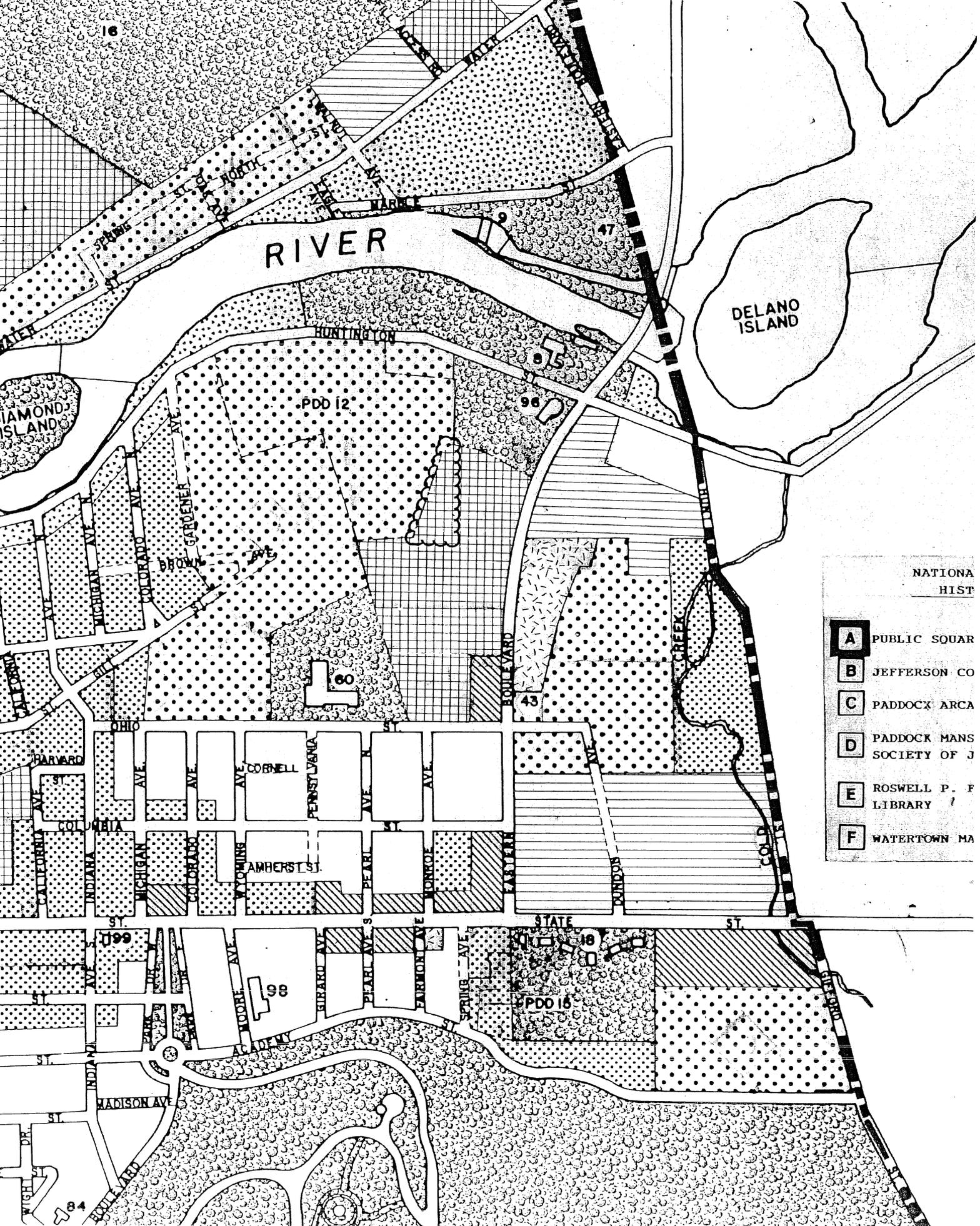
County review: Required – July 31, 2012 meeting

Comments: The applicant recently purchased the former Watertown Racquet Club property on Eastern Boulevard. The developed portion of this property is in a Light Industrial District, but the vegetated area at the rear of the lot is zoned Residence B. The applicant has made this request so that the racquet club can be connected to their primary property to the south via a gravel driveway (which has already been constructed).

The neighboring property is part of Planned Development District #12, a multi-family housing development. The closest residential building is approximately 50 feet from the boundary of the proposed Light Industrial zone, and over 200 feet from the existing building.

This property is designated for industrial use in the adopted Land Use Plan.

cc: City Council Members
Robert J. Slye, City Attorney
Justin Wood, Civil Engineer II
David Wise, 363 Eastern Blvd, Watertown 13601

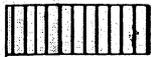


NATIONAL HIST

- A** PUBLIC SQUARE
- B** JEFFERSON CO
- C** PADDOCK ARCA
- D** PADDOCK MANS SOCIETY OF J
- E** ROSWELL P. F LIBRARY
- F** WATERTOWN MA

LAND USE OBJECTIVES

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



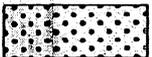
CITY CENTER: HIGH DENSITY CONCENTRATION OF SHOPPING, SERVICE, OFFICE, CULTURAL, RESIDENTIAL, AND RELATED USES APPROPRIATE AND NECESSARY TO SERVE THE COMMUNITY AND REGION. PROMOTES RETAIL AND FOOD SERVICE USES ON GROUND FLOOR WITH OTHER SERVICE, OFFICE AND RESIDENTIAL USES IN UPPER FLOORS.



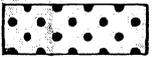
PUBLIC AND INSTITUTIONAL SERVICES INCLUDING PARK AND OTHER OPEN SPACE: ADMINISTRATIVE, EDUCATIONAL, RELIGIOUS, RECREATIONAL, CULTURAL, AND RELATED SERVICE FACILITIES. SUCH USES ARE DETERMINED BY GOVERNMENT AND OTHER SPONSORS, MAY GENERALLY BE LOCATED IN ANY OTHER LAND USE AREAS, AND ARE SUBJECT TO EXPANSION,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



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



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



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



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



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



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



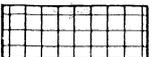
NEIGHBORHOOD BUSINESS: HIGH DENSITY CONCENTRATION OF LOCAL SHOPPING, SERVICE AND OFFICE USES TO SERVE IMMEDIATE NEIGHBORHOODS.



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



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



INDUSTRY: PERMITTED MANUFACTURING AND OTHER INDUSTRIAL USES.



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

THE

STEBBINS

ENGINEERING AND MANUFACTURING COMPANY

363 Eastern Boulevard
Watertown, New York USA 13601-3194
<http://www.StebbinsEng.com>

Telephone: (315) 782-3000
Telecopier: (315) 782-0481
E-Mail: info@StebbinsEng.com

July 13, 2012

City Engineering Office
Room 305, City Hall
245 Washington Street
Watertown, NY 13601



Reference: Zoning Change for Parcel 5-26-103.004
363 Eastern Boulevard
Watertown, NY

Dear Honorable Mayor and City Council,

STEBBINS has recently purchased the Watertown Racquet Club at 473 Eastern Boulevard with the understanding, at the time of the transaction, that the property we were buying was zoned Light Industrial. We were unaware that the rear third of the parcel was zoned Residential B and not Light Industrial as is the balance of the property.

Please accept our request for a Zoning Change for parcel 5-26-103.004 at STEBBINS Engineering, 473 Eastern Boulevard, Watertown, New York 13601. We propose changing the portion of the parcel that is presently zoned Residential B to Light Industrial to match the zoning classification of our other parcels at the Eastern Boulevard facility. It is our intent to connect our newly acquired property with our existing facility.

Enclosed are our completed application and the applicable tax map showing the parcel to be changed.

If you require any additional information, please contact me at 315-782-3000 ext. 2914 or at 783-7781.

Thank you for your assistance in this matter.

Regards,

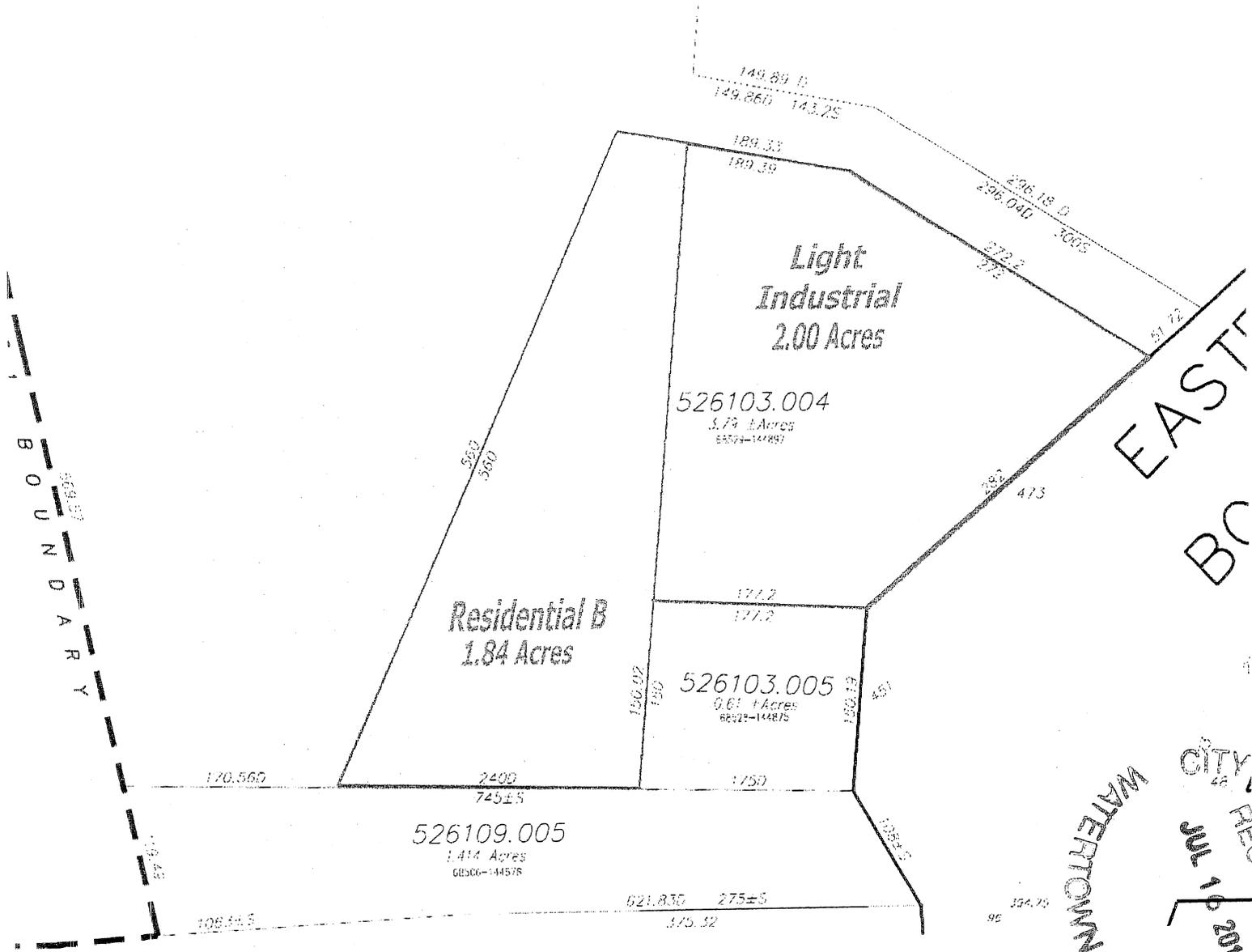
THE STEBBINS ENGINEERING
AND MANUFACTURING COMPANY

A handwritten signature in cursive script that reads "David Wise".

David Wise
Manager of Shop Operations

/cm

Attachments: Application and Applicable Tax Map



Current Zoning of Parcel 526103.004

WATERLOO, ONTARIO
CITY ENGINEERING
RECEIVED
JUL 19 2012
NEW YORK

**ZONE CHANGE REQUEST – STEBBINS ENGINEERING
473 EASTERN BLVD – PARCEL 5-26-103.004**

The Planning Board then considered a request submitted by David Wise of Stebbins Engineering to change the approved zoning classification of a portion of 473 Eastern Boulevard, parcel 5-26-103.004, from Residence B to Light Industrial.

Mr. Wise approached the Board and explained his request. He noted that when the property was purchased, it was listed as Light Industrial. They were unaware that a portion of the lot was still in a residential district. He explained that they will need to pass through this Residential B area in order to connect to their new building via a gravel driveway.

Mr. Katzman asked what the nearby buildings were.

Mr. Wise explained that they are an 801 housing development, and there is a substantial vegetated buffer in between. Mr. Mix clarified that it is the Huntington Heights apartment complex, and that this is a good chance to clean up some split zoning.

Mrs. Freda noted that the Land Use Plan shows the area as industrial, and so she is in favor of the request.

Mr. Katzman made a motion to recommend that City Council approve the request submitted by David Wise of Stebbins Engineering to change the approved zoning classification of a portion of 473 Eastern Boulevard, parcel 5-26-103.004 from Residence B to Light Industrial, as submitted.

Mr. Davis seconded, all voted in favor.



Department of Planning
175 Arsenal Street
Watertown, NY 13601



Donald R. Canfield
Director of Planning

(315) 785-3144
(315) 785-5092 (Fax)

August 2, 2012

Andrew Nichols, Planner
City of Watertown
245 Washington Street, Suite 304
Watertown, NY 13601

Re: David Wise, Stebbins Engineering, Zoning Map Amendment
JCDP File # C 7 - 12

Dear Andrew:

On July 31, 2012, the Jefferson County Planning Board reviewed the above referenced project, referred pursuant to General Municipal Law, Section 239m.

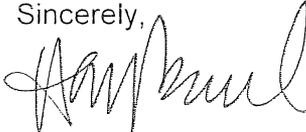
The Board adopted a motion that the project does not have any significant County-wide or intermunicipal issues and is of local concern only.

During the review the County Planning Board determined that the local board should ensure that this amendment is consistent with current plans and the vision for the City.

Please note that the advisory comment is not a condition of the County Planning Board's action. It is listed to assist the local board in its review of the project. The local board is free to make its final decision.

General Municipal Law, Section 239m requires the local board to notify the County of its action on this matter within thirty (30) days after taking a final action.

Thank you.

Sincerely,


E. Hartley Bonisteel
Community Development Coordinator

EHB

August 29, 2012

To: The Honorable Mayor and City Council
From: James E. Mills, City Comptroller
Subject: Disposal of City Properties

The City of Watertown foreclosed on seven houses, two non-residential properties and one vacant lot this past June for non-payment of taxes. Staff is requesting City Council direction on its interest to participate in the NDC (Neighbors of Watertown / DANC / City of Watertown) program, and additionally, on how it wants to dispose of 753 Rear West Main Street.

The NDC Rehabilitation Program was set up as a partnership between Neighbors of Watertown, Inc., the Development Authority of the North Country and the City (NDC) to rehabilitate properties that the City acquires through tax foreclosure and then sells them to first time homebuyers. The City receives up to the amount owed in back taxes upon the sale to the new homeowner, if the project can financially support it. Ten projects have been completed to date and the City has received \$67,663 for the properties. So far, only one project has not supported the full payment of the back taxes by \$1,585.

753 Rear West Main Street is composed of two parcels that are not contiguous. One of them, Parcel Number 1-14-301, is a narrow strip along the river bank. Kenneth Mix, Planning & Community Development Coordinator is suggesting that the City retain ownership of that Parcel Number 1-14-301 for future river development.

Shawn McWayne, Code Enforcement Supervisor, recommends that 606 Factory Street and 123 Lynde Street East be demolished.

1407 State Street

<u>Parcel #</u>	<u>Property Class</u>	<u>Lot size</u>	<u>Zoning</u>	<u>Assessed Value</u>	<u>Back Taxes</u>
05-01-103.000	Single Family	65' x 120'	Residential C	\$63,300	\$3,783.29



606 Factory Street

<u>Parcel #</u>	<u>Property Class</u>	<u>Lot size</u>	<u>Zoning</u>	<u>Assessed Value</u>	<u>Back Taxes</u>
06-06-315.000	Detached Row Building	56' x 175'	Neighborhood Business	\$69,000	\$6,372.01



660 Huntington Street

<u>Parcel #</u>	<u>Property Class</u>	<u>Lot size</u>	<u>Zoning</u>	<u>Assessed Value</u>	<u>Back Taxes</u>
06-06-321.000	Three Family	54' x 180'	Neighborhood Business	\$37,400	\$3,537.98



753 Rear Main Street West

<u>Parcel #</u>	<u>Property Class</u>	<u>Lot size</u>	<u>Zoning</u>	<u>Assessed Value</u>	<u>Back Taxes</u>
01-14-201.000	Manufacturing	Waterfront – 114' x 420'; Rear – 280' x 40'	Heavy Industry	\$205,700	\$16,117.65



611 Olive Street

<u>Parcel #</u>	<u>Property Class</u>	<u>Lot size</u>	<u>Zoning</u>	<u>Assessed Value</u>	<u>Back Taxes</u>
06-07-217.000	Two Family	50' x 102'	Residential C	\$51,500	\$5,805.61



221 Rutland Street South

<u>Parcel #</u>	<u>Property Class</u>	<u>Lot size</u>	<u>Zoning</u>	<u>Assessed Value</u>	<u>Back Taxes</u>
12-06-208.000	Two Family	55' x 110'	Residential B	\$50,600	\$6,471.97



507 Holcomb Street

<u>Parcel #</u>	<u>Property Class</u>	<u>Lot size</u>	<u>Zoning</u>	<u>Assessed Value</u>	<u>Back Taxes</u>
10-17-116.000	Two Family	51' x 79'	Residential A	\$77,500	\$13,535.55



259 Seymour Street

<u>Parcel #</u>	<u>Property Class</u>	<u>Lot size</u>	<u>Zoning</u>	<u>Assessed Value</u>	<u>Back Taxes</u>
03-09-303.000	Single Family	50' x 100'	Residential A	\$56,300	\$5,527.88



123 Lynde Street East

<u>Parcel #</u>	<u>Property Class</u>	<u>Lot size</u>	<u>Zoning</u>	<u>Assessed Value</u>	<u>Back Taxes</u>
03-04-201.000	Three Family	86' x 73'	Residential C	\$71,300	\$7,924.39



729 Morrison Street

<u>Parcel #</u>	<u>Property Class</u>	<u>Lot size</u>	<u>Zoning</u>	<u>Assessed Value</u>	<u>Back Taxes</u>
01-03-105.000	Vacant Lot with improvement	66' x 100'	Neighborhood Business	\$10,000	\$25,215.50





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

TO: James Mills, City Comptroller
DATE: August 28, 2012
FROM: Shawn R. McWayne, Code Enforcement Supervisor
SUBJECT: City Owned Property

1407 STATE ST. – This structure can be sold. The building is structurally sound but needs repairs (See attached photos). I did not enter the attic area due to bird infestation. The attics entry door has carcasses and a large volume of feces. The area should be properly cleaned by certified person prior to any open house activities.

259 SEYMOUR ST. – This structure can be sold. Building is structurally sound but needs repairs (See attached photos). As the photos indicate, there is water damage due to needed roof repairs.

660 HUNTINGTON ST. – This structure could be sold. Appears sound but will require extreme repairs (See attached photos).

221 RUTLAND ST. S. – This structure can be sold. It is structurally sound and requires repairs. The garage located in the rear is in very rough shape and contains asbestos material (See attached photos).

611-13 OLIVE ST. – Structure can be sold. Requires repairs (See attached photos).

507 HOLCOMB ST. – This structure can be sold. Needs repairs (See attached photos).

753 MAIN ST. W. – This can be sold. If the property is not sold prior to the Fall season, arrangements will need to be made to protect the required sprinkler system.

606 FACTORY ST. – This structure is in very rough shape and the cost to bring it into a useable condition will be high. As the photos indicate, the repairs required are extensive. I recommend demolition for this property.

123 LYNDE ST. E. – This property has lost its non-conforming use status. It was a three (3) family unit and now it can only be used as a two (2) family unit. This property has been a problem property for years. As the photos indicate, the foundation is deteriorating as well as rotted sill plates and walls. The cost of conversion and the restoration to bring this property into compliance could easily reach six (6) figures. I recommend demolition for this property.

The above structures, with the exception of Lynde St. E. and Factory St., are some of the best the City has taken for taxes.

1407 Slate St.













259 Seymour St.







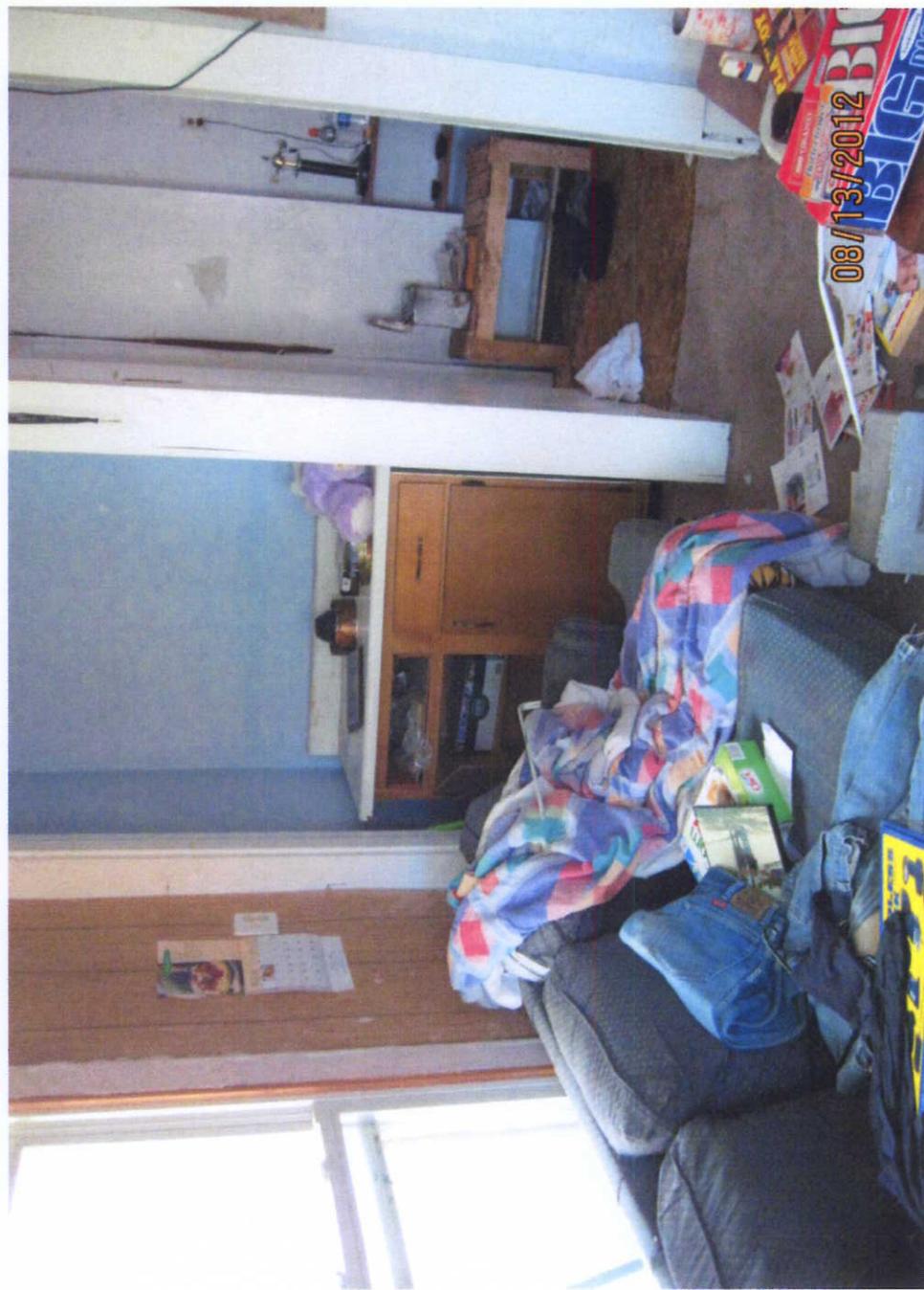


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660 Huntington St



08/24/2012

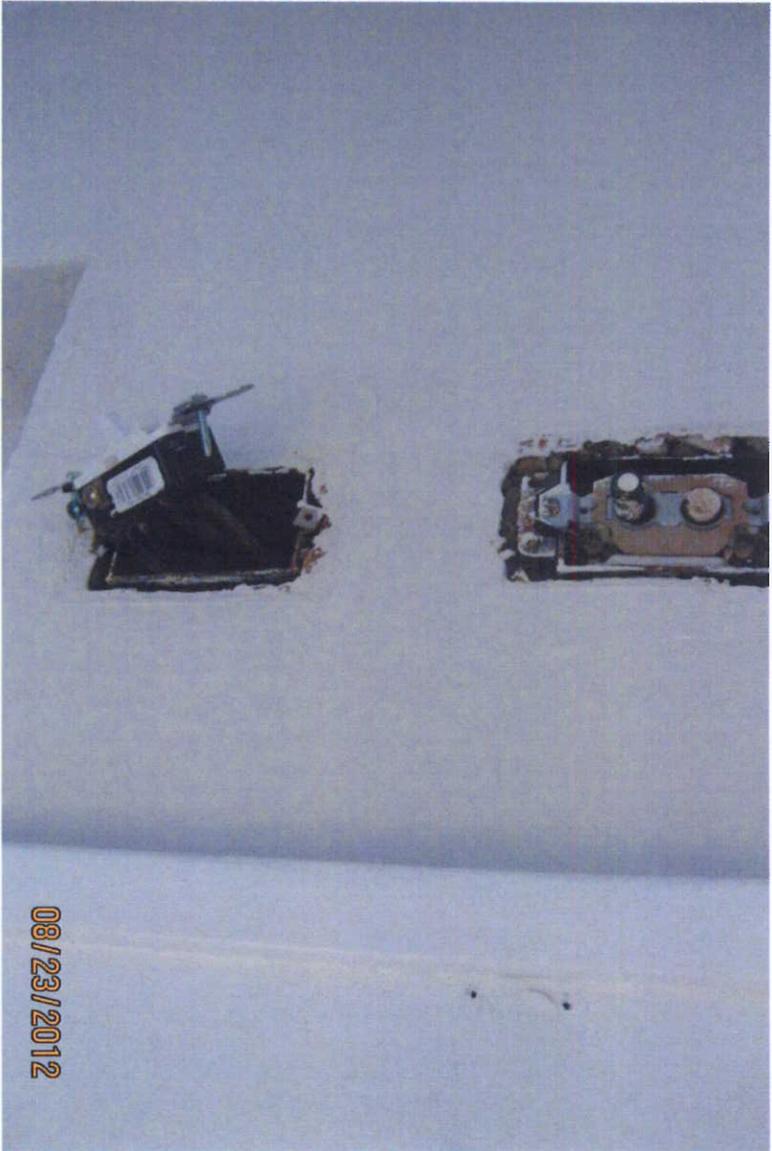


660 Huntington upper unit - bdrm rear right



660 Huntington upper unit





221 S. RUTLAND ST
1ST STORY





221 O. KUTLAND GARAGE



08/23/2012

221 S. KUTLAND ST
EXTERIOR





08/23/2012

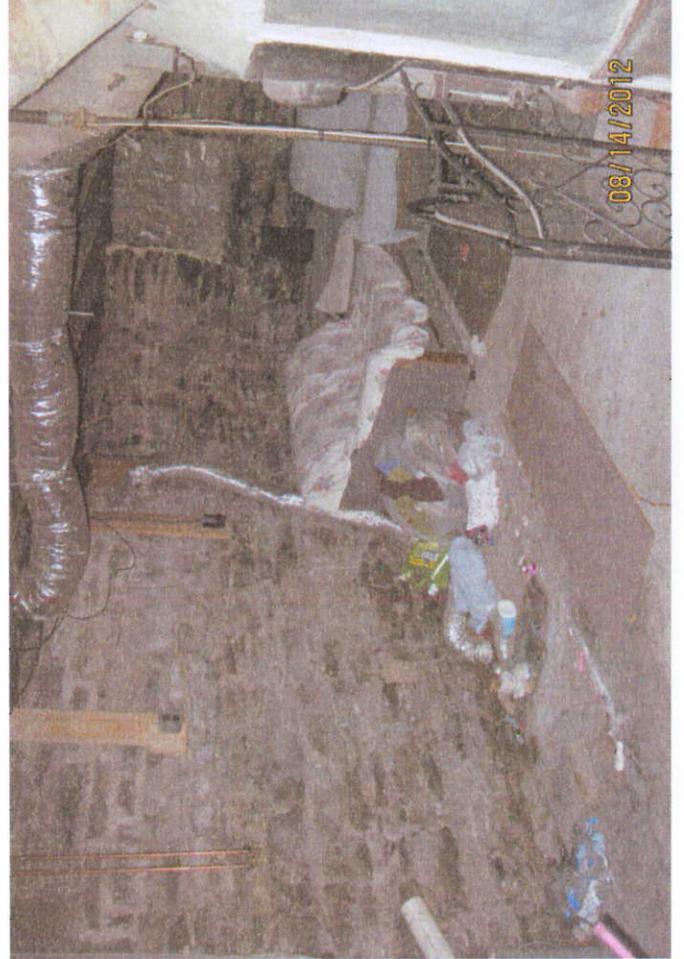
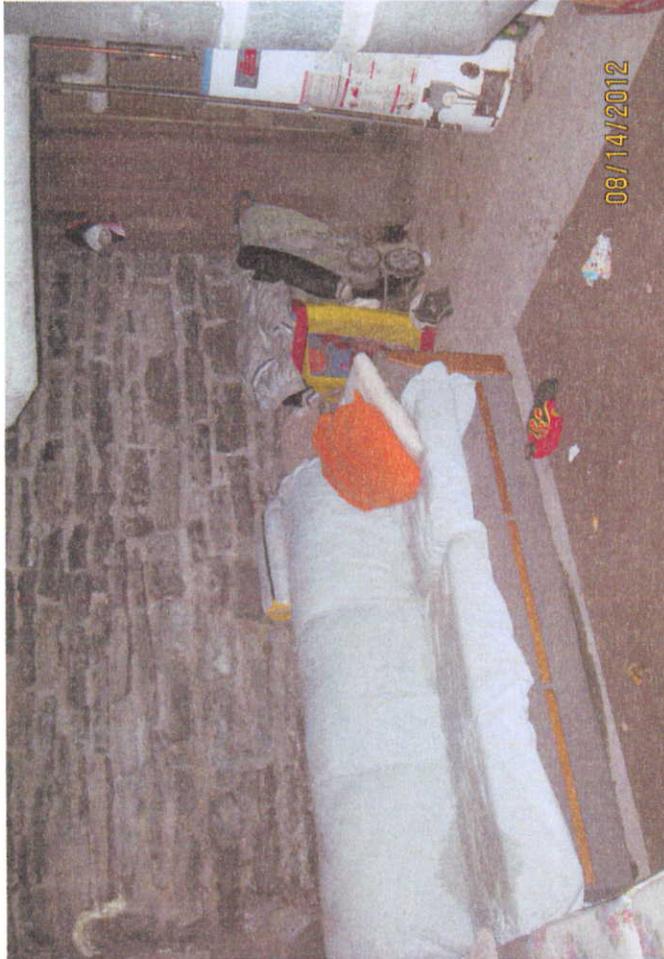
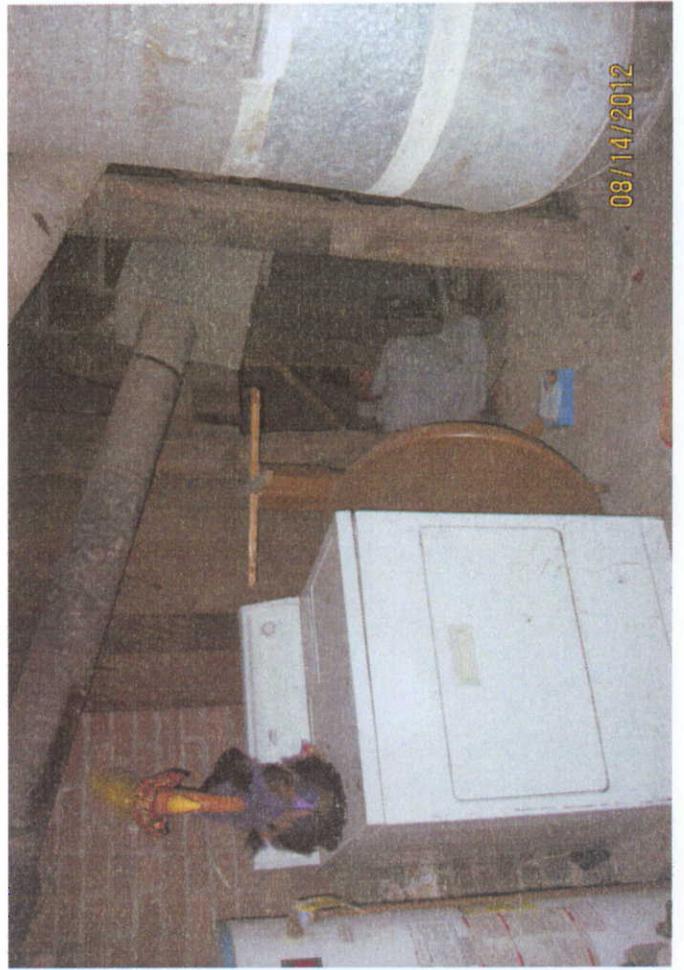
611-13 Olive St.

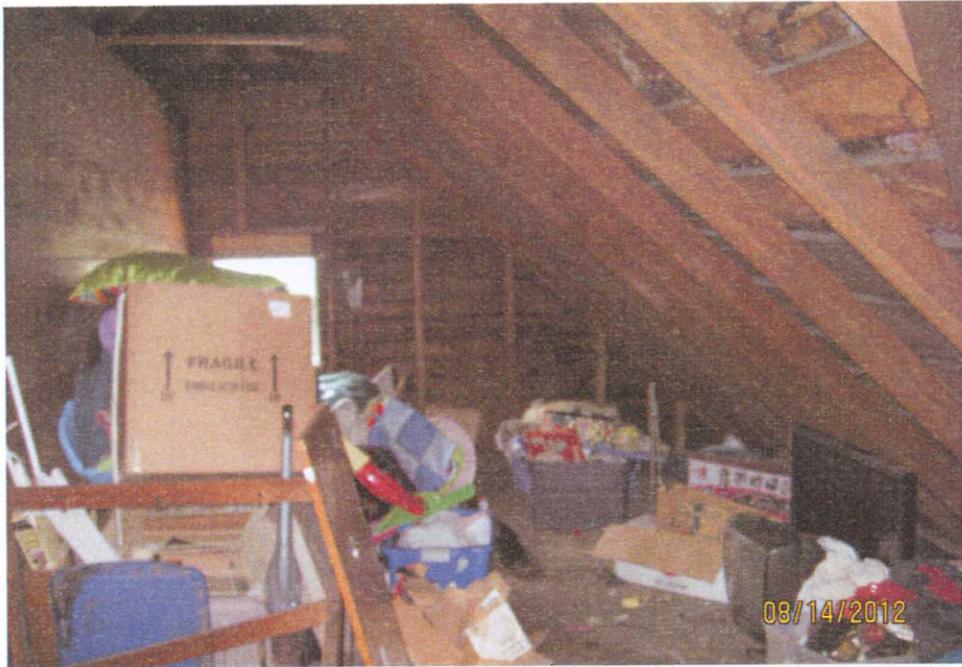


08/24/2012









507-509 Holcomb St



08/13/2012

507-509 Holcomb St



08/13/2012

507-509 Holcomb St under front porch



507-509 Holcomb St



507-509 Holcomb St



08/13/2012

507-509 Holcomb St



08/13/2012

606 Factory Street
1ST STORY



08/13/2012



08/13/2012

BASEMENT
606 FACTORY ST



08/23/2012

08/23/2012



123 → 271 E. LYNDEN

HOLE IS OPEN TO
3RD LEVEL OF 127
UNIT



08/24/2012

129 - 21 E. Lynne



08/24/2012



08/24/2012

163 B 67 NUB

08/24/2012



August 30, 2012

To: The Honorable Mayor and City Council
From: Sharon Addison, City Manager
Subject: Fairfield Inn – Ribbon Cutting

There will be a ribbon-cutting event on Wednesday, September 5, 2012, at 4:00 p.m. as the Fairfield Inn on Commerce Park Drive is officially opened. The Mayor will be there to cut the ribbon and all Council Members are invited to join, if available.