

CITY COUNCIL MEETING

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Mayor Nelson called the meeting to order and asked the Clerk to call the roll:

PRESENT: Mayor Nelson, Councillors Ashley, Hosmer, Mitchell, Morley, Skamperle and Stevenson

ABSENT: None

PRESENTATION

1. Director of Planning & Development Andrea Smith made a presentation to Council on the Ogdensburg Growth Fund's parking lot located at 420 Ford Street. Ms. Smith said the parking lot was discussed during the February 12th Growth Fund meeting and the Growth Fund is reviewing its options. Ms. Smith said the Growth Fund wanted to know if the City has any interest in the parking lot. Ms. Smith explained there are potential easements for this particular parking lot because Dr. Sani did not want to purchase the entire parking lot when he purchased the building.

PUBLIC HEARING

1. A public hearing regarding an ordinance to amend Article XVIII, Application Fees of the City's Zoning Ordinance was held.

No one being present to speak, the hearing was declared closed.

PROCLAMATION

1. Mayor Nelson read a proclamation declaring April as Fair Housing Month.

PERSONAL APPEARANCE

1. Tim Winter, 521 Paterson Street, addressed Council regarding the Paterson Street reconstruction project. Mr. Winter said he is concerned that the City's cost for this project has substantially increased from the original proposal in 2010. Mr. Winter explained he is also concerned that once the street is widened there may not be enough space for residents to put snow. Mr. Winter asked if there will be a tax relief for the residents similar to the one given to Elizabeth Street residents a few years ago.

City Manager John Pinkerton said the State decided to change what is included in this project. Mr. Pinkerton explained any improvements above and beyond those that are necessary are betterments and are not covered by the State. Councillor Morley asked if Elizabeth Street residents received any tax relief. Mr. Pinkerton said he doesn't remember it but will check. Councillor Skamperle asked if snow removal will be an issue once the project is completed. Interim Director of Public Works Gregg Harland explained the street will be narrower for a time like most streets in the City when snowfall is heavy.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #6-2014 in the amount of \$561,205.99 and Library Fund Warrant #6-2014 in the amount of \$19,854.45 and Capital Fund Warrant #6-2014 in the amount of \$26,040.07 and Community Development Fund Warrant #6-2014 in the amount of \$3,872.50 and Community Renewal Fund Warrant #6-2014 in the amount of \$7,704.30 and HOME Fund Warrant #6-2014 in the amount of \$0.00 and AHC Funds Warrant #6-2014 in the amount of \$0.00 and NSP Funds Warrant #6-2014 in the amount of \$0.00 and Ogdensburg Growth Fund Warrant #6-2014 in the amount of \$961.30 as audited, be and the same are ordered paid and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Stevenson moved an ordinance to amend the fee schedule in Section 221-91 of the City's Zoning Ordinance, and Councillor Ashley seconded to wit:

ORDINANCE #4-2014

ORDINANCE AMENDING CHAPTER 221 ENTITLED "ZONING"
OF THE CITY OF OGDENSBURG MUNICIPAL CODE

BE IT ORDAINED AND ENACTED by the City Council of the City of Ogdensburg, New York, as follows:

SECTION ONE

That Section 221-91 entitled "Application Fees" is amended as follows:

Section A is amended to change Site plan review to Site plan review & Special Use Permit.

Section B is deleted in its entirety and replaced with the following:

- B. Application fees, for applications that require 239m or 239n review by the St. Lawrence County Planning Board, shall be the City's application fee stated in Section 221-91.A. plus the current County review fee for the type of application submitted.

SECTION TWO

This ordinance shall take effect ten (10) days after publication of a notice which shall give the title and describe same in summary form.

Councillor Skamperle asked if this change is being made to save paperwork when the County changes their fees. City Manager John Pinkerton said yes and added there will be no change to the City fees. Councillor Stevenson noted it also saves the City money since we won't have to cover those fee increases while waiting for the change to be approved on our end.

The vote was:

CARRIED, AYES ALL

2. Councillor Skamperle moved a resolution to approve the issuance of a Bond Ordinance in the amount of \$4,000,000 to cover the Paterson Street reconstruction project, including the water and sewer improvements, and Councillor Morley seconded to wit:

BOND ORDINANCE DATED MARCH 24, 2014.
AN ORDINANCE AUTHORIZING THE RECONSTRUCTION OF
PATERSON STREET, INCLUDING SEWER AND WATER
IMPROVEMENTS, IN AND FOR THE CITY OF OGDENSBURG, ST.
LAWRENCE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED
COST OF \$4,000,000, AND AUTHORIZING THE ISSUANCE OF
\$4,000,000 SERIAL BONDS OF SAID CITY, TO PAY THE COST
THEREOF.

BE IT RESOLVED, by the Common Council of the City of Ogdensburg, St. Lawrence County, New York, as follows:

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Section 1. The reconstruction of Paterson Street, including sewer and water improvements, in and for the City of Ogdensburg, St. Lawrence County, New York, is hereby authorized at an aggregate maximum estimated cost of \$4,000,000. Of such cost, \$172,000 is allocated to the water improvements and \$456,000 is allocated to sewer improvements.

Section 2. The plan for the financing thereof is by the issuance of \$4,000,000 serial bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, allocated as set forth in Section 1; provided, however, that the amount of serial bonds ultimately to be issued shall be reduced dollar for dollar by the amount of any state and/or federal monies received therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 91 (20(c), 4 and 1) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Ogdensburg, St. Lawrence County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Ogdensburg, St. Lawrence County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the City Comptroller shall deem best for the interests of the City.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

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Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

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

Section 10. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This ordinance, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

City Comptroller Philip Cosmo said the need for cash flow was discussed at the last meeting. Mr. Cosmo explained we will switch to permanent bonding for the actual amount we have to pay when the project is completed. Councillor Skamperle asked what the interest rate would be for this note. Mr. Cosmo said our last bond anticipation notes were below 2%. Mr. Cosmo explained the bond anticipation note is a one year note, and the rate may be higher for the permanent note because it is long term.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution to call for a public notice and public hearing to provide residents with an opportunity to discuss the proposed NYSDOT installation of 4 way stop and no right turn on red traffic devices at Ford and State Street and Washington and State Street intersections, and Councillor Morley seconded to wit:

RESOLUTION CALLING FOR A PUBLIC HEARING REGARDING
THE PROPOSED NYSDOT INSTALLATION OF THREE WAY
STOP AND NO RIGHT TURN ON RED TRAFFIC DEVICES
AT FORD AND STATE STREET AND
WASHINGTON AND STATE STREET INTERSECTIONS

WHEREAS, NYSDOT and the City of Ogdensburg have received numerous complaints regarding handicapped and elderly pedestrians having difficulties safely crossing at the Ford and State Street, and Washington and State Street intersections, and

WHEREAS, NYSDOT and the City of Ogdensburg would like to provide residents with an opportunity to discuss the proposed installation of three (3) way stop and no right turn on red traffic devices at the Ford and State Street and Washington and State Street intersections, and

WHEREAS, the City of Ogdensburg shall hold a public hearing in the City Council Chambers at City Hall, Ogdensburg, New York, on the 14th day of April, 2014, at 7:00 p.m.; and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearings by publication in the newspaper so designated by the City Council of the City of Ogdensburg for legal and public notices at least seven (7) days before the hearing dates setting forth the time and place.

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Councillor Morley said both intersections are already three way stops. City Manager John Pinkerton explained signs for no right turn on red are needed at these intersections. Mr. Pinkerton said only pedestrians actually in the crosswalk have the right of way when vehicles are permitted to turn right on red. Mr. Pinkerton explained residents at the towers requested that all traffic stop so they can cross safely. Councillor Morley said he is concerned about traffic backing up on State Street without a right turn on red. Councillor Ashley stated he believes it is a good idea because handicapped and elderly people move slower. Police Chief Richard Polniak said there is heavy pedestrian traffic in that area.

The vote was:

CARRIED, AYES ALL

4. Councillor Ashley moved a resolution to authorize the City Manager to sign a St. Lawrence County Hazmat Team Inter-municipal Agreement, and Councillor Morley seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO SIGN A ST. LAWRENCE COUNTY HAZMAT TEAM
INTER-MUNICIPAL AGREEMENT

WHEREAS, General Municipal Law, Section 209, authorizes counties to establish a County hazardous materials emergency response team, and

WHEREAS, it is in the best interests of the people of St. Lawrence County to have a qualified, trained and properly equipped hazardous materials emergency response team available to respond to the site of a hazardous material spill or other emergency incidents involving the release of or exposure to hazardous materials, and

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WHEREAS, the St. Lawrence County Board of Legislators have by resolution authorized the establishment of a St. Lawrence County hazardous materials emergency response team, and

WHEREAS, the St. Lawrence County Board of Legislators and the Ogdensburg City Council have determined that joint action and cooperation between the County and City in the operation of a County hazardous materials emergency response team is in their best interests and will benefit their respective citizens, and

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized by the Ogdensburg City Council to execute the attached St. Lawrence County Hazmat Team Inter-Municipal Agreement.

Councillor Stevenson asked if we anticipate our expenses to be covered by the \$17,500 disbursement and how that amount was determined. City Manager John Pinkerton said City Comptroller Philip Cosmo based it on the average of the last three years. Councillor Morley asked if we are reimbursed if we exceed the limit. Mr. Pinkerton said the rates are set for 2014, but we will have the opportunity to back out of the program next year if the County doesn't make an adjustment to cover our excess charges. Councillor Ashley said the City already has a significant investment and many qualified people in the program. Mr. Pinkerton said we are guaranteed 12 members but we actually have 18 people available. Mr. Pinkerton explained the County needs Ogdensburg involved in the program because the majority of the members are from Ogdensburg. Councillor Morley asked if these services will comply with the Governor's proposal of shared services. Mr. Pinkerton said we will certainly take that approach. Councillor Stevenson asked if the \$17,500 includes anticipated overtime. Mr. Pinkerton said yes, and explained we get reimbursed as we respond after the County is reimbursed. Mr. Pinkerton stated all of our members have already been trained.

The vote was:

CARRIED, AYES ALL

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OLD BUSINESS

1. Councillor Skamperle said he has heard Blue Way means “paddle” trail. City Manager John Pinkerton said that is not a correct description and noted there are several ways to negotiate the river. Mr. Pinkerton explained each community on the Oswegatchie will have a steering committee, and each committee will decide what it means for their community to be on the Blue Way Trail. Mr. Pinkerton said there is no way Ogdensburg will be a motor-less voting member of the Blue Way Trail. Mr. Pinkerton explained areas within the Adirondacks definitely do not allow motors. Mr. Pinkerton said we will bring items to Council as we go. Director of Planning & Development Andrea Smith said community meetings will be held and she recommended Council members attend those meetings and give feedback. Councillor Skamperle said the Black River Corridor is used as an example for the Blue Way Trail and asked if it is motor-less. Councillor Hosmer said some portions are motor-less but not all of it. Ms. Smith said usually portions of the river become motor-less based on river conditions in areas that are not suitable for motorboats. Councillor Morley said many lakes in the Adirondacks are motor-less. Ms. Smith said the Adirondacks have their own set of rules. Ms. Smith added she has not heard anyone advocating against motorboats.

2. City Manager John Pinkerton said there has been some discussion about combining contiguous lots in the City. Mr. Pinkerton said Council was concerned about people being required to have a survey done and hire an attorney. Mr. Pinkerton explained the County says it is not necessary to do a survey. City Assessor Bruce Green said the City combined six City-owned lots into three larger lots and the process was simple. Mr. Green said we prepared the deeds and took the paperwork to Canton for St. Lawrence County Real Property to review. Mr. Green said the transfer was recorded in the County Clerk’s Office, and it cost about \$300 for each transfer. Mr. Green explained in the future we could do something like this if needed, but a more complicated transfer may require a survey or an attorney.

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Mr. Green explained there is no charge for the Real Property Office to review the paperwork and show you how to make corrections if needed. Councillor Stevenson asked if the City could help someone who purchases a lot from the City or if they would have to do their own paperwork. Mr. Green said his office can supply the person with the tax map number, help get them started and share our knowledge of the process. Councillor Morley asked if a reassessment is done once parcels are combined. Mr. Green said yes and one tax bill will be produced. Mayor Nelson thanked Mr. Green for looking at the issue. Mayor Nelson said there is now a workable process available. Mr. Pinkerton said it is also a less costly option.

3. Councillor Ashley said there are two parties interested in running the Dobisky Center concession area and asked for an update. City Manager John Pinkerton said we will call for a Public Hearing to recommend one party at the next Council meeting. Mr. Pinkerton said Recreation Director Matt Curatolo worked hard on this project.

NEW BUSINESS

1. Councillor Stevenson asked who represents the City on the County Housing Board. City Manager John Pinkerton said he will find out. Director of Planning & Development Andrea Smith said she believes it is in her job description but wasn't aware of it until recently. Councillor Stevenson said there hasn't been a County Housing Board meeting in quite some time.

2. Councillor Stevenson said March 29th is Vietnam Veteran's Day and asked everyone to remember veterans on that day. Councillor Stevenson thanked all veterans for their service.

3. Councillor Stevenson said she has been requesting the City host a tenant/landlord session since October and asked for an update. City Manager John Pinkerton apologized for the delay and said he will provide Council with an update next week.

ITEMS FOR DISCUSSION

1. City Manager John Pinkerton said Interim Director of Public Works Gregg Harland completed a study to find alternative ways to pick up brush. Mr. Harland explained the City used 3,184 hours last year for brush pickup. Mr. Pinkerton said they have discussed various options including every other week pickup, once a month pickup or a central location in each block for pickup. Mr. Pinkerton suggested we try the once every other week for one season. Mr. Pinkerton said we could then mail the residents a survey explaining what was saved and what work was accomplished instead of constant brush pickup. Mr. Harland explained that tree contractors could take their brush to the yard themselves instead of putting it in front of the property for DPW to pick up. Mr. Harland said he surveyed surrounding communities and found that Canton only picks up in spring and fall; Massena and Heuvelton pick up year round; and, Watertown picks up year round but has forty employees. Mr. Harland explained Syracuse broke their City into quadrants and provided residents with specific dates for pickup which allows residents to move brush to the edge of the road prior to pick up. Mr. Harland said residents are required to leave brush in their yard until their pick up date or they are ticketed. Mr. Harland said all City streets will need to be milled and with brush pickup, milling could take until the end of the summer to complete. Mr. Harland explained his department now has 23 people instead of 29 and they are doing more work with less people. Councillor Stevenson said residents don't know that they can take their own brush to the yard on Champlain Street. Mr. Harland explained we are required by the DEC to have a man at that site every day so people can bring their brush anytime. Mr. Harland said one big problem is tree contractors bringing their brush back from jobs outside the City and putting in front of their house for the City crews to pick up. Mayor Nelson said we need a brainstorming session because change is needed. Mayor Nelson stated the City looked terrible when we previously tried pickup every other week. Mayor Nelson said tree contractors should be fined if they are bringing brush into our City for our crews to dispose of, and we need to change the Municipal Code so tree contractors cannot do that.

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Mr. Harland said a community pile in each block is a good idea if neighbors can agree. Councillor Mitchell asked about brush pickup after a storm. Mr. Harland said storm damage is picked up first. Mr. Harland said during Seaway Festival the DPW crews pickup every day to make sure the City looks good. Councillor Stevenson thanked Mr. Harland for the work on this project.

2. Director of Planning & Development Andrea Smith said the Growth Fund is considering their options on a portion of the parking lot at 420 Ford Street. Councillor Hosmer said he served on the Planning Board when this issue came up. Councillor Hosmer explained the County recommended combining the lots, but the former Director of Planning & Development assured the Planning Board that an easement would be done. Councillor Hosmer added that if someone else buys this portion of the parking lot, Dr. Sani's property will not have an exit. Councillor Hosmer said he does not believe an easement was ever done. Ms. Smith provided a time line of events concerning this property and the Growth Fund:

- 4/22/2010 First time the Growth Fund discussed the possible sale of the 420 Ford Street property in Executive Session and there was no action
- 6/17/2010 Growth Fund accepted a Purchase/Sale Agreement from Dr. Sani to acquire a portion of the property, including the building and the parking lot east of the guardrail
- 8/26/2010 Department of Planning & Development site plan evaluation
- 9/21/2010 Planning Board voted on preliminary approval and forwarded the proposal to the County for required review
- 10/19/2010 Final approval granted by City Planning Board with conditions and parking space limit

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10/25/2010 Former Director of Planning & Development provided Council with an update

10/26/2010 Memo sent by the former Director of Planning & Development to the former City Manager addressing raised concerns

Ms. Smith explained she has reviewed the Growth Fund minutes and the matter was not brought up for action or discussion. Ms. Smith said there was no Growth Fund action and no easement has been done to date. Ms. Smith explained the Planning Board cannot put conditions on a parcel not under site plan review. Councillor Hosmer said the former Director of Planning & Development said an easement would be given to allow an exit. Ms. Smith said the entrance is 20 feet wide so a variance might be an option. Councillor Stevenson asked if the Growth Fund has approached Dr. Sani. Ms. Smith said the Growth Fund's first interest is the City. Ms. Smith explained if they decide to sell the property all adjacent property owners will be contacted. Councillor Stevenson asked if the Center for Sight clears its own lot of snow. Ms. Smith said yes, and the Growth Fund will now need a maintenance agreement to clear that parking lot since the City will no longer be doing it. Ms. Smith explained although not required, the Growth Fund elects to pay taxes and will now also have the expense of snow removal. Councillor Skamperle asked for the current value of the parking lot. Ms. Smith said the assessed value is \$22,000. Councillor Morley asked if the City has been removing snow from that parking lot. Interim Director of Public Works Gregg Harland said the City had removed some snow when it caused a blockage, but will no longer be handling snow removal in that parking lot. Councillor Skamperle asked if people going to City Hall use that parking lot. Mayor Nelson said yes. Ms. Smith said the parking lot at the rear of City Hall provides ample parking for employees.

There was a consensus of Council that the City has no interest in a municipal owned parking lot and wants to keep the property on the tax roll.

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3. City Manager John Pinkerton said there is an asphalt pad in the Greenbelt area across the street from the old Rescue Squad. Mr. Pinkerton explained because a vendor was using the area and tearing up the grass the City put in an asphalt pad and electricity. Mr. Pinkerton said he believes it is unfair to offer that area to just one person without charging a fee. Mr. Pinkerton suggested we determine if other vendors are interested in the use of this area, set a lease fee and offer it to all vendors. Councillor Morley asked if more than one party has asked to use the spot. Mr. Pinkerton said no. Mayor Nelson asked if we plan to put it out to lease. Mr. Pinkerton said yes and he plans to meet with City staff to come up with a fee. Mayor Nelson said we are not permitted to gift any City property. Councillor Hosmer asked if this is the only City owned site where a vendor has set up and Mr. Pinkerton said yes. Mr. Pinkerton explained anyone can have a vendor permit but cannot set up on City property with that permit. City Comptroller Philip Cosmo said the City charges the Seaway Festival \$25 per day during the nine days of the festival. Mr. Cosmo explained he is unsure how the Seaway Festival licenses their vendors during that nine day period, but it has nothing to do with the City.

Mr. Pinkerton asked Deputy City Clerk Cathy Jock for details about vendor permits. Mrs. Jock explained the permits are valid for a calendar year and specifically exclude the Seaway Festival. Mrs. Jock said vendors must work directly with the Seaway Festival Committee for permission to vend during that time. Councillor Stevenson asked if we bill \$25 per day for electricity during the Seaway Festival. Mr. Cosmo said the price is negotiated with the Seaway Festival to cover all vendors who plug in. Mr. Pinkerton said it is not fair to other vendors if we allow one to use the asphalt area in the Greenbelt at no charge.

On a motion duly made and seconded, the meeting was adjourned.