

CITY COUNCIL MEETING

April 14, 2014

Page 73

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

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

ABSENT: Councillor Skamperle

Mayor Nelson said Councillor Skamperle is on vacation with his family. There was a consensus of Council to excuse Councillor Skamperle.

PRESENTATION

1. Barbara O'Keefe, President of Fort la Presentation, updated Council on the interpretive waterfront trail and park. Mrs. O'Keefe said the Board is made up of strictly volunteers and there are no paid staff members. Mark Valley, Vice President of Fort la Presentation, explained the project goals. (A copy of the presentation material follows these minutes.)

Mayor Nelson said the City was an All American City finalist in 2006 and the Fort la Presentation efforts caught their attention. Mayor Nelson thanked the Fort and its volunteers for all of their work.

PUBLIC HEARING

1. A public hearing regarding a resolution supporting the proposed NYSDOT installation of three (3) way stop sign and no right turn on red traffic devices at Ford and State Street and Washington and State Street intersections was held.

CITY COUNCIL MEETING

April 14, 2014

Page 74

The following people spoke:

a) Wilma Nelson, 232 Washington Street, spoke in support of the resolution. Mrs. Nelson described an incident where an elderly woman was killed and other close calls with pedestrians and vehicles in the area.

b) Sandy Sanders, 232 Washington Street, explained that traffic is worse in the summer months and many drivers misinterpret the one way traffic signs. Ms. Sanders asked Council for help for the elderly people to cross safely and for more police presence in the area.

c) Judy Cyrus, 232 Washington Street, said the only speed limit signs on Washington Street are on the bridge approach where the speed limit changes to 40 mph. Ms. Cyrus urged Council to look at changing the speed limit in that area. Ms. Cyrus also stated the sidewalks are not being kept clear of snow in the winter months in that area. Ms. Cyrus said a City bus service would be very helpful to handicapped residents.

CORRESPONDENCE

1. City Clerk Kathleen Bouchard read a letter from the American Legion Post 69 requesting permission to hold the Memorial Day Parade and Ceremony on May 26, 2014. (A copy of the letter follows these minutes.) Mayor Nelson turned the matter over to the Police Department.

CITY COUNCIL MEETING

April 14, 2014

Page 75

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #7-2014 in the amount of \$780,481.26 and Library Fund Warrant #7-2014 in the amount of \$38,649.76 and Capital Fund Warrant #7-2014 in the amount of \$12,835.00 and Community Development Fund Warrant #7-2014 in the amount of \$3,240.00 and Community Renewal Fund Warrant #7-2014 in the amount of \$11,745.00 and HOME Fund Warrant #7-2014 in the amount of \$0.00 and AHC Funds Warrant #7-2014 in the amount of \$0.00, NSP Funds Warrant #7-2014 in the amount of \$0.00 and Ogdensburg Growth Fund Warrant #7-2014 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Ashley seconded the motion.

Councillor Morley asked if the Community Development Fund Warrant listed is for the receipt of a check or a payment. City Comptroller Philip Cosmo said he believes it is a payment.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Stevenson moved a resolution supporting the proposed NYSDOT installation of three (3) way stop and no right turn on red traffic devices at Ford and State Street and Washington and State Street intersections, and Councillor Ashley seconded to wit:

**RESOLUTION SUPPORTING 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**

CITY COUNCIL MEETING

April 14, 2014

Page 76

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 held a public hearing in the City Council Chambers at City Hall, on the 14th day of April, 2014; and

BE IT FURTHER RESOLVED, that the Ogdensburg City Council supports the 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 to protect handicapped and elderly pedestrians.

Councillor Hosmer asked where the State's responsibility begins to determine if we can place signs indicating pedestrians in crosswalk have the right of way. Interim Director of Public Works Gregg Harland said the State's responsibility begins 25 feet onto Washington Street. Councillor Stevenson said she wants additional information on why the speed limit on the bridge is 40 mph. City Manager John Pinkerton stated that concern has been brought to him, specifically regarding the base of the bridge heading east where the speed limit initially changes to 40 mph. Mr. Pinkerton explained this is the first element to make that area safer. Councillor Stevenson said she is hearing from residents that there is a problem with enforcement of the speed limit in that entire area. Councillor Ashley said he doesn't see any reason for an increase in the speed limit to 40 mph in a ½ mile stretch. Councillor Stevenson said the NYSDOT has solar powered signs that show a vehicles speed that we may be able to borrow to try to make drivers aware of their speed. Councillor Morley explained he supports the light change at the State and Washington Street intersection, but he is not

CITY COUNCIL MEETING

April 14, 2014

Page 77

sure there is a need for a no right turn on red at the Ford and State Streets intersection. Councillor Stevenson said the intersection at Ford and State Streets is a problem. Councillor Morley suggested Council look at the entire length of State Street including the Post Office area.

The vote was:

CARRIED, AYES ALL

2. Councillor Hosmer moved a resolution to authorize the City Manager to sign a Memorandum of Understanding between the City and the Ogdensburg Growth Fund to provide the framework for a formal agreement regarding the development of a portion of the Diamond National property, and Councillor Stevenson seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO SIGN A MOU BETWEEN THE CITY
AND OGDENSBURG GROWTH FUND

WHEREAS, the City and Ogdensburg Growth Fund Development Corporation wish to enter into a Memorandum of Understanding (“MoU”), setting out the general terms of a working agreement necessary to complete the development of a portion of the Diamond National property, and

NOW, THEREFORE, BE IT RESOLVED that the City Manager, John M. Pinkerton, is hereby authorized and directed to sign the attached Memorandum of Understanding.

Mayor Nelson said this is a product of the work session between City Council and the Growth Fund.

CITY COUNCIL MEETING

April 14, 2014

Page 78

The vote was:

AYES: Councillors Ashley, Hosmer, Mitchell,
Morley and Stevenson

NAYS: None

ABSTAIN: Mayor Nelson

CARRIED, 5 TO 0

3. Councillor Morley moved a resolution to approve the 2014 Tax Warrant, and Councillor Ashley seconded to wit:

WHEREAS, the Tax Roll of the City of Ogdensburg, for the fiscal year January 1, 2014 through December 31, 2014, has been completed, and,

WHEREAS, Section C70 of the City Charter directs that when the tax rolls have thus been completed, a warrant signed by the City Manager and the City Clerk shall be attached hereto directing the Comptroller to collect from the persons named in the rolls the sum specified as levied against the parcels as owned by them, and

WHEREAS, the tax was computed on the taxable valuation of \$271,792,216 and the tax rate is \$16.7374 per thousand for the General City Tax and the taxable valuation of \$272,052,299 and the tax rate is \$9.740153 per thousand for the General County Tax for the fiscal year January 1, 2014 through December 31, 2014 and the tax roll will produce the following:

CITY AND COUNTY TAX	\$	7,198,926.53
DUE WATER ACCOUNT		164,356.47
DUE SEWER ACCOUNT		173,833.31
DUE MISCELLANEOUS ACCOUNT		<u>14,563.55</u>
TOTAL	\$	<u>7,551,679.86</u>

NOW THEREFORE, pursuant to Section C70 of the City Charter, the Tax Roll of the fiscal year 2014 is confirmed and the warrant in the sum of \$7,551,679.86 annexed thereto and be signed for the collections of all taxes in two installments; the first installment commencing April 15, 2014 and the second installment commencing July 15, 2014, and that all taxes shall be liens on the real property against which the sum levied is superior to all other liens and encumbrances from the date of signing of said warrant.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution providing for public notice and public hearing with regard to an amendment to Chapter 209 entitled "Vehicles and Traffic", and Councillor Morley seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING
AN AMENDMENT TO CHAPTER 209 – VEHICLES AND TRAFFIC
OF THE CODE OF THE CITY OF OGDENSBURG
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED that the ordinance entitled "Ordinance Amending Chapter 209 Entitled 'Vehicles and Traffic' of the Code of the City of Ogdensburg" be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

CITY COUNCIL MEETING

April 14, 2014

Page 80

BE IT FURTHER RESOLVED that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid ordinance to be held in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York, on Monday the 28th day of April, 2014, at 7:00 p.m., and

BE IT FURTHER RESOLVED that the City Clerk give notice of such public hearing by publication, in the official newspaper, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed ordinance in summary form.

The vote was:

CARRIED, AYES ALL

5. Councillor Mitchell moved a resolution authorizing the City Manager to execute a supplemental agreement which will increase the total funding for the Paterson Street project from \$1,042,845 to \$7,516,145, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A STANDARD FEDERAL-AID HIGHWAY AND MARCHISELLI-AID
LOCAL PROJECT AGREEMENT FOR \$7,516,145 TO FUND THE
PATERSON STREET RECONSTRUCTION PROJECT

Authorizing Master Federal/Local Aid Agreement,
Paterson St. Reconstruction, PIN 775299
Preliminary Engineering, Right-of-Way Incidentals and Final Design

WHEREAS, a project for the reconstruction of Paterson Street, PIN 775229 (the "Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, the City of Ogdensburg desires to advance the project by making a commitment of 100% of the federal and non-federal share of the

CITY COUNCIL MEETING

April 14, 2014

Page 81

costs of the Preliminary Engineering, Final Design, Right-of-Way (incidentals & acquisitions), and Construction/CI/CS in the amount of \$7,516,145.;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Ogdensburg hereby authorizes the City Comptroller to pay in the first instance 100% of the federal and non-federal share of the costs of Preliminary Engineering, Final Design, Right-of-Way (incidentals & acquisitions), and Construction/CI/CS for the project; and

BE IT FURTHER RESOLVED, that the sum of \$7,516,145 is hereby appropriated from the City of Ogdensburg Capital budget and/or consolidated improvement program funding and made available to cover the cost of participation in the above phase of the project; and

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

BE IT FURTHER RESOLVED, that the City Manager of the City of Ogdensburg is hereby authorized and directed to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Ogdensburg with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the municipality's first instance funding of project costs and permanent funding for the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations that are not so eligible; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the project.

CITY COUNCIL MEETING

April 14, 2014

Page 82

Councillor Morley said he is confused about the City's share of this project. City Manager John Pinkerton explained the quotes come in on April 16th and the figures will be finalized afterwards. Councillor Morley said he would like that information emailed to Council.

The vote was:

CARRIED, AYES ALL

6. Councillor Ashley moved a resolution appropriating \$616,340 for betterments for the Paterson Street Reconstruction Project, and Councillor Mitchell seconded to wit:

RESOLUTION APPROPRIATING FUNDS FOR
PATERSON STREET RECONSTRUCTION PROJECT BETTERMENTS

WHEREAS, the City desires to upgrade portions of the water and sewer lines as part of the Paterson Street Reconstruction Project which will not be reimbursable as part of the Federal Aid Highway Project; and

WHEREAS, the cost of these betterments is estimated at \$616,340 and will be completed as part of the construction contract for the project;

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$616,340 is hereby appropriated from the City of Ogdensburg Capital budget and/or consolidated improvement program funding and made available to cover the cost of betterments in the Paterson Street Reconstruction Project.

Councillor Stevenson said she is disappointed in the State regarding the betterments, adding we could have been better informed. Councillor Morley said he agrees but the State did us a favor by building the road. Councillor Morley stated it will be a major improvement for the residents on Paterson Street. Mayor Nelson said the City lobbied for seven years to do this street along with OBPA. Mayor Nelson explained it is an \$8 million project that

CITY COUNCIL MEETING

April 14, 2014

Page 83

we are paying less than \$1 million to have completed. Mayor Nelson said there are always infrastructure issues.

The vote was:

CARRIED, AYES ALL

7. Councillor Hosmer moved a resolution authorizing the City Manager to execute Addendum No. 3 in the amount of \$963,000 to the Agreement for Engineering Services between the City of Ogdensburg and Barton & Loguidice in connection with the Paterson Street Reconstruction Project, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING ADDENDUM NO. 3 TO THE
AGREEMENT BETWEEN THE CITY OF OGDENSBURG AND
BARTON & LOGUIDICE FOR ENGINEERING SERVICES IN
CONNECTION WITH THE PATERSON STREET
RECONSTRUCTION PROJECT

WHEREAS, the City of Ogdensburg has executed an Agreement and Addendums totaling \$892,100 with the firm of Barton & Loguidice (B&L) for the Paterson Street Reconstruction Project; and

WHEREAS, additional services will be required for the construction phase of the project, for an estimated total project cost of \$1,855,100.;

NOW, THEREFORE BE IT RESOLVED, that the City Manager is hereby authorized to execute Addendum No. 3, in the amount of \$963,000., to the Agreement for Engineering Services between the City of Ogdensburg and Barton & Loguidice in connection with the Paterson Street Reconstruction Project, and;

BE IT FURTHER RESOLVED, that funding for this project will come from Capital Fund H5110.518.

CITY COUNCIL MEETING

April 14, 2014

Page 84

Councillor Ashley asked why the additional services were not covered by the first agreement. City Manager John Pinkerton explained this is now the construction phase, adding the first phase was only the planning phase.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Ashley said the light at the intersection of New York Avenue and Spring Street has a sign indicating no right turn on red Monday through Friday 7am to 4pm, and he would like to eliminate this sign. City Manager John Pinkerton explained the change could be made with a consensus of Council. Councillor Morley said that light does not work properly and the time change needs to be looked at. Councillor Stevenson said she would like a Public Hearing held. There was a consensus of Council to look at the matter.

2. Councillor Morley said he is concerned about the flooding of the Oswegatchie River. City Manager John Pinkerton explained we have been visiting shoreline residents and advised that the Department of Public Works has sub pumps available if needed. Interim Director of Public Works Gregg Harland said he has received one call from a South Water Street resident asking for sandbags. Mr. Pinkerton said there is extraordinary flooding and the Police Department is policing the area. Mr. Pinkerton said no trespassing signs will be placed tomorrow on the snow fences to keep people out of the area. Councillor Stevenson said St. Lawrence County Emergency Services has sandbags available. Councillor Hosmer asked if State or Federal funds will be available if we declare a State of Emergency. Mr. Pinkerton explained the State has to declare a State of Emergency, but we are not at that threshold yet as a County. Mr. Pinkerton said City Comptroller Philip Cosmo has contacted our insurance carrier regarding the

CITY COUNCIL MEETING

April 14, 2014

Page 85

damage to the Maple City Trail. Mr. Pinkerton explained he is concerned about erosion, and we will inspect the damage when the water recedes.

4. Councillor Hosmer asked about the lease of the concession stand at the Dobisky Center. City Manager John Pinkerton said we selected someone, but they declined so we have offered it to the second applicant.

NEW BUSINESS

1. Councillor Mitchell said he has been contacted by a resident asking if the no parking signs near Sherman School can be removed so residents can park in front of their homes since the school has been sold. City Manager John Pinkerton said he had requested that the flashing school zone lights be placed in front of Madill School. There was a consensus of Council to look at the parking and speed zone signs near Sherman School.

ITEMS FOR DISCUSSION

1. City Manager John Pinkerton said Interim Director of Public Works Gregg Harland looked at local communities around us to compare their brush pickup routines. Mr. Pinkerton explained the Syracuse model broke their City into wards, and this approach was more effective and efficient. Mr. Pinkerton said residents will not be permitted to put out their brush until the Saturday or Sunday before their scheduled pickup date. Mr. Pinkerton explained residents will also have the option of bringing their brush to the landfill. Mr. Pinkerton added if there is a bad storm they will do a City-wide pickup. Councillor Morley asked about tree removal. City Manager John Pinkerton said it will be the contractor's responsibility to dispose of the brush when a tree is removed. Councillor Stevenson said currently residents don't call for brush pickup and this approach makes more sense. Councillor Stevenson explained residents could just keep a barrel to fill with brush and move it to the edge of the road at the appropriate time. Interim Director of Public Works said the public

CITY COUNCIL MEETING

April 14, 2014

Page 86

will be permitted to use the landfill Monday through Friday, and this approach will prevent the City from having brush piled up in every neighborhood. Councillor Hosmer asked what the repercussions will be if a resident puts brush out too early. Mr. Pinkerton said we will initially ask residents to comply, and in the future summons will be issued. Mayor Nelson said brush pickup is a constant problem and this approach may make the City look better. Mayor Nelson suggested contacting contractors as well. Mr. Harland said he plans to advertise in the newspaper and on the City website. Mr. Pinkerton said if we get complaints we will deal them for the season. There was a consensus of Council to proceed with the new brush pickup schedule.

2. Mayor Nelson made a motion to move to Executive Session, and Councillor Hosmer seconded.

The vote was:

CARRIED, AYES ALL

Upon returning from Executive Session, all members of Council were still present.

Mayor Nelson moved a resolution authorizing the City Manager to execute a labor contract with the Police Supervisory Unit for 2014-2016, and Councillor Morley seconded to wit:

**RESOLUTION TO AUTHORIZE
THE CITY MANAGER TO EXECUTE A LABOR CONTRACT
WITH THE POLICE SUPERVISORY UNIT
FOR 2014-2016**

WHEREAS, a tentative labor contract has been negotiated between the City Manager and representatives of the Police Supervisory Unit for 2014 through 2016, and

CITY COUNCIL MEETING

April 14, 2014

Page 87

WHEREAS, said agreement has been authorized by the membership of the Police Supervisory Unit,

NOW THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute said labor contract with the Police Supervisory Unit, as negotiated in the tentative agreement.

Councillor Ashley said the contract is fair to both sides.

The vote was:

CARRIED, AYES ALL

3. Councillor Stevenson congratulated the Fire Chief Michael Farrell, Assistant Fire Chief Kenneth Stull, Fire Captain John Robinson and firefighter Patrick Leclair on their recent appointments.

4. Mayor Nelson said the United Helpers Spring Fling will be held in Canton at The Club next Tuesday, April 27th, at 5:30 p.m.

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