

## CITY COUNCIL MEETING

August 11, 2014

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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 and Stevenson

ABSENT: Councillor Skamperle

Mayor Nelson presented the following City employees with NYCOM Public Service Certificates (copies to follow these minutes):

- Maureen Manke - 35 years of service
- Mark Jacobs - 30 years of service
- Philip Cosmo - 30 years of service

### PUBLIC HEARING

1. A public hearing regarding an ordinance amending Chapter 209, Section 209-40, Schedule III: "School Speed Limits" of the Code of the City of Ogdensburg, for the City of Ogdensburg was held.

Mayor Nelson said he has been contacted by a neighbor who is opposed to removing the reduced speed limits. City Manager John Pinkerton explained a school must exist to keep the 20 mph limit. Councillor Stevenson said we should look for an option to keep the reduced speed limit because the schools still have large play areas for children.

Judy Cyrus, 232 Washington Street, said she agreed with Councillor Stevenson.

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

PERSONAL APPEARANCE

1. Judy Cyrus, 232 Washington Street, thanked Council for installing no parking signs in front of Riverview Towers and also addressed the following:

- the speed limit in front of Riverview Towers and Centennial Terrace needs to be reduced
- kids gather in the mall parking lot at all hours
- requested that Recreation Director Matthew Curatolo address the senior citizens groups regarding senior activities and added the park concerts have been well attended
- obtaining taxi service on the first and third of the month is difficult and suggested the City provide a bus service

Councillor Ashley suggested the civic groups in the City may be willing to help fund activities for seniors.

Mayor Nelson said City Manager John Pinkerton will discuss these issues with City staff.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #14-2014 in the amount of \$1,126,765.57 and Library Fund Warrant #14-2014 in the amount of \$45,121.89 and Capital Fund Warrant #14-2014 in the amount of \$602,685.32 and Community Development Fund Warrant #14-2014 in the amount of \$2,222.44 and Community Renewal Fund Warrant #14-2014 in the amount of \$38,222.97 and HOME Fund Warrant #14-2014 in the amount of \$0.00 and AHC Funds Warrant #14-2014 in the amount of \$0.00, AHC Program Warrant #14-2014 in the

amount of \$0.00 and NSP Funds Warrant #14-2014 in the amount of \$0.00, as audited, be and the same are ordered paid and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

Mayor Nelson made a motion to adjourn to Executive Session to discuss the potential leasing of City-owned property, and Councillor Stevenson seconded the motion.

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

ITEMS FOR COUNCIL ACTION

1. Councillor Morley moved an ordinance amending Chapter 209, Section 209-40, Schedule III: "School Speed Limits", of the Ogdensburg Municipal Code, and Councillor Ashley seconded to wit:

ORDINANCE #\_ OF 2014

AN ORDINANCE AMENDING CHAPTER 209 ENTITLED  
"VEHICLES AND TRAFFIC"  
OF THE CODE OF THE CITY OF OGDENSBURG

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
OGDENSBURG, NEW YORK, AS FOLLOWS:

ITEM ONE:

That Section 209-40, Schedule III: "School Speed Limits" is hereby amended to delete the following:

<b>Name of Street</b>	<b>Speed limit (mph)</b>	<b>Location</b>
Gates Street	20	Adjacent to Ogdensburg Catholic Central School between Mansion Avenue and Albany Avenue
Jay Street	20	Adjacent to the Lincoln School Between Judson Street and South Rosseel Street
Judson Street	20	Adjacent to Lincoln School between Knox Street and Jay Street
Knox Street	20	Adjacent to Lincoln School between Judson Street and South Rosseel Street
Mansion Avenue	20	Adjacent to Ogdensburg Catholic Central School between Spring Street and Gates Street
South Rosseel Street	20	Adjacent to Lincoln School Between Knox Street and Jay Street

**ITEM TWO:**

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

Police Chief Richard Polniak said the New York State Vehicle & Traffic Law dictates speed limits. Chief Polniak explained if the properties are no longer schools, we cannot maintain the reduced speed limit in those areas. Chief Polniak said he will research the issue for possible alternatives.

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Councillor Morley asked about the playgrounds located at the closed schools and added the new owners of Sherman School have removed that playground. Councillor Stevenson explained she is against removing the reduced speed limit because we have no idea what the buildings will be used for in six months and wants to wait for options from Chief Polniak.

Councillor Ashley stated the police department cannot issue tickets for speed in a school zone when there is no functioning school in the area. Councillor Ashley suggested passing this ordinance and addressing the playground issue later. Chief Polniak explained it would be impossible to enforce the school zone speed limit because the buildings are no longer educational facilities or open schools.

Mayor Nelson moved to table the ordinance and Councillor Stevenson seconded.

The vote to table the ordinance was:

CARRIED, AYES ALL

2. Mayor Nelson moved a resolution providing for public notice and public hearing with regard to an amendment to the Administrative Regulations of the Code of the City of Ogdensburg Article VI, Risk Management, Section AR-36, Assignment of Duties, Subsection C(1) and the appointment of Loss Prevention Coordinator, and Councillor Morley seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING  
AN AMENDMENT TO THE ADMINISTRATIVE REGULATIONS  
OF THE CODE OF THE CITY OF OGDENSBURG  
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED that the ordinance entitled "Ordinance To Amend the Administrative Regulations of the Code of the City of Ogdensburg Article VI, Risk Management, Section AR-36, Assignment of Duties, Subsection C(1), Loss Prevention Coordinator" be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

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 8<sup>th</sup> day of September, 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

3. Mayor Nelson moved a resolution supporting the International Joint Commissioner's Lake Ontario-St. Lawrence River "Plan 2014", as the new water level regulation plan for the Lake Ontario-St. Lawrence River system, and Councillor Stevenson seconded to wit:

RESOLUTION IN SUPPORT OF THE  
INTERNATIONAL JOINT COMMISSION'S  
LAKE ONTARIO-ST. LAWRENCE RIVER PLAN 2014

WHEREAS, the ecological health of Lake Ontario and the St. Lawrence River is paramount to the economy of the region, contributing billions through sectors including but not limited to tourism, commercial and recreational fishing, boating, shipping, and power generation; and

WHEREAS, landowners, public infrastructure, businesses, and communities are now threatened by erosion, and by a lack of coordination in management of the shoreline, and have experienced flooding in the past; and

WHEREAS, the levels and flows of Lake Ontario and the St. Lawrence River are regulated through a dam in the River in accordance with a regulation plan that is over 50 years old; and

WHEREAS, the current regulation plan "Plan 1958D" has proven inadequate to address unforeseen conditions, requiring frequent deviations attempting to stabilize the lake, and has caused clear environmental harm to wetlands, coastal habitats, and the myriad economically and environmentally important species of plants and animals they harbor, thereby degrading the quality of life for all citizens of the Lake Ontario-St. Lawrence River region; and

WHEREAS, the International Joint Commission has sponsored a 10-year, \$20 million process to develop a new regulation plan that addresses the concerns of all stakeholders in New York, Ontario, and Quebec; and

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WHEREAS, the International Joint Commission now proposes "Plan 2014" as the new regulation plan for the Lake Ontario – St. Lawrence River system; and

WHEREAS, Plan 2014 will increase production of hydropower by the dams in the St. Lawrence River, and maintain the benefits that regulation of the River and Lake has provided to international shipping; and

WHEREAS, by restoring some of the natural fluctuations in water levels, while avoiding extreme high and low levels, Plan 2014 will restore the plant and animal diversity of coastal wetlands *without public investment* and dramatically increase opportunities for hunting, fishing, and wildlife viewing.

NOW THEREFORE, BE IT RESOLVED, the City of Ogdensburg supports Plan 2014 and urges its swift adoption by the United States and Canadian federal governments.

Mayor Nelson said this plan was developed to return the river to a more natural state, provide tremendous environmental benefits and strengthen the fishery.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution authorizing the City Manager to enter into a contract with Computel to perform an audit of the City's cable franchise fees and municipal GRT (Gross Receipts Tax) payments, and Councillor Morley seconded to wit:



RESOLUTION  
AUTHORIZING THE CITY MANAGER TO ENTER INTO  
A CONTRACT WITH COMPUTEL CONSULTANTS TO PERFORM AN  
AUDIT OF THE CITY'S CABLE FRANCHISE FEES  
AND GRT PAYMENTS

WHEREAS, the City has received a proposal to perform an audit of the City's cable franchise fees and municipal GRT(Gross Receipts Tax) payments, and

WHEREAS, the City will not pay any fees unless there are actual errors or overcharges found, and

WHEREAS, as NYCOM members, our fee will be 40% of errors or overcharges found,

NOW THEREFORE BE IT RESOLVED, that the City Manager is authorized to enter into any required contracts with Computel Consultants of Earlville, New York to do said reviews.

City Manager John Pinkerton said Computel reviews our contracts for GRT errors on our bills. Mr. Pinkerton explained they did this last year for our AT&T bills. Mr. Pinkerton explained if they recover money the funds are split with 60% going to the City and 40% going to Computel.

The vote was:

CARRIED, AYES ALL

5. Councillor Ashley moved a resolution authorizing the City Manager to sign a Solar Project Purchase Power Agreement and Site Lease Agreement, and Councillor Hosmer seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO  
SIGN A POWER PURCHASE AGREEMENT AND  
SITE LEASE AGREEMENT BETWEEN THE CITY  
AND NEE SOLAR INVESTMENT 7, LLC

WHEREAS, the City and NEE Solar Investment 7, LLC, wish to enter into a Purchase Power Agreement and Site Lease Agreement, to set up the terms of a Solar Project, and

NOW, THEREFORE, BE IT RESOLVED that the City Manager, John M. Pinkerton, is hereby authorized and directed to sign the attached Solar Project Purchase Power Agreement and Site Lease Agreement.

City Manager John Pinkerton said by placing the solar array at the City landfill it will be a \$2.6 million investment. Mr. Pinkerton said we expect an anticipated savings of \$2.2 million over 25 years, and it will decrease our cost for power at our municipal buildings by 35%. Mr. Pinkerton added this project is contingent upon a NYSERDA grant. Mayor Nelson said the solar array is taxable so we will not only save money on our energy use, but also increase our tax base.

The vote was:

CARRIED, AYES ALL

6. Councillor Stevenson moved a resolution requesting that the Secretary of State designate Ogdensburg's downtown Waterfront Core as a brownfield opportunity area pursuant to §970-r of the General Municipal Law, and Councillor Mitchell seconded to wit:

RESOLUTION REQUESTING FOR DESIGNATION  
OF A BROWNFIELD OPPORTUNITY AREA

Brownfield Opportunity Area Name: Ogdensburg Downtown Waterfront Core, BOA

Resolution requesting that the Secretary of State designate Ogdensburg's Downtown Waterfront Core as a brownfield opportunity area pursuant to §970-r of the General Municipal Law.

WHEREAS, the City of Ogdensburg has received State assistance through the BOA program grants by means of a State Assistance Contract to complete a BOA nomination and other designation supporting documents pursuant to §970-r of the General Municipal Law, and

WHEREAS, Ogdensburg has satisfactorily completed the required components of §970-r of the General Municipal Law; and

WHEREAS, designation of the Brownfield Opportunity Area, to the extent authorized by law, will provide priority and preference when projects are considered for financial assistance pursuant to Articles 54 and 56 of the Environmental Conservation Law, and any other State, Federal, or local law; and

WHEREAS, the Ogdensburg City Council deems it to be in the public interest and benefit under this law to seek designation; and

WHEREAS, designation of the BOA will make available an additional 2% tax credit to eligible projects entering the Brownfield Cleanup Program;

NOW BE IT THEREFORE RESOLVED, that the Ogdensburg City Council does hereby request official designation of the Ogdensburg Downtown Waterfront Core Brownfield Opportunity Area from New York State, Secretary of State pursuant to §970-r of the General Municipal Law, and that this resolution take effect immediately.

The vote was:

CARRIED, AYES ALL

7. Councillor Mitchell moved a resolution authorizing the City Manager to sell City-owned property identified as Tax Map #59.030-3-5 being an Oak Street vacant lot for \$1,300.00 subject to City Attorney's review and approval of sales documents, and Councillor Hosmer seconded to wit:

RESOLUTION TO APPROVE THE SALE OF  
TAX PARCEL # 59.030-3-5 TO RUTH BUSHEY

WHEREAS, Ruth Bushey has made a purchase offer for City-owned property identified as Tax Parcel # 59.030-3-5 being an Oak Street vacant lot obtained by the City under Real Property Tax Sale Law, Article 11, Foreclosure Proceedings, and

WHEREAS, New York State Real Property Tax Law §1166 states that:

1. Whenever any tax district shall become vested with the title to real property by virtue of a foreclosure proceeding brought pursuant to the provisions of this article, such tax district is hereby authorized to sell and convey the real property so acquired, either with or without advertising for bids, notwithstanding the provisions of any general, special or local law.
2. No such sale shall be effective unless and until such sale shall have been approved and confirmed by a majority vote of the governing body of the tax district, except that no such approval shall be required when the property is sold at public auction to the highest bidder; and

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WHEREAS, Ruth Bushey has agreed to combine this parcel with her existing parcel located at 418 Oak Street; and

WHEREAS, this parcel will be transferred by Quit Claim Deed, as-is, with no warranties; and

WHEREAS the appraised value of this vacant lot is \$1,280.00; and

NOW BE IT THEREFORE RESOLVED, that the City Council in accordance with New York State Real Property Tax Law § 1166, hereby authorizes the City Manager to sell Tax Parcel # 59.030-3-5 to Ruth Bushey for \$1,300.00, subject to City Attorney's review and approval of sales documents.

City Assessor Bruce Green presented a map to Council depicting this parcel and adjacent properties. Councillor Morley asked how the parcel will be accessed and who will pay the survey fee. City Manager John Pinkerton said it is a non-conforming, landlocked lot and the buyer will pay for the survey. Mr. Green explained we received one response to the canvas letter regarding the property. Councillor Morley asked if this parcel is NSP property. Director of Planning and Development Andrea Smith stated it started out in the NSP program but was eliminated and never acted on.

The vote was:

CARRIED, AYES ALL

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### OLD BUSINESS

1. Councillor Morley said Council previously discussed making traffic changes on Lake Street near the Spring Street Bridge. Councillor Morley explained they want to make Upper Lake Street one way going south for one block off of the Spring Street Bridge and direct traffic north on Lake Street under the Spring Street Bridge to access lower Lake Street. City Manager John Pinkerton said he will speak with City staff about this change.

2. Councillor Morley said paper Hamilton Street connects to Arnold Street behind the Bowling Alley and he wants the City to maintain that area. Councillor Stevenson said she wants clarification on how the City handles paper streets.

3. Councillor Morley requested updates on the Cheese Plant, Co-Gen Plant and power dam.

4. Councillor Morley asked when the fire damaged properties at 427 Park Street and 501 Albany Avenue will be cleaned up. City Manager John Pinkerton said those parcels do not belong to the City, but he will discuss this with City staff.

5. Councillor Morley said he spoke with a Morris Street resident who requested more police patrols on Morris Street and a Neighborhood Watch Program for that area. Councillor Stevenson said Patrolman Hart, Neighborhood Watch Program Coordinator, will return from vacation on August 20, 2014.

6. Councillor Morley stated he received a request from the property owner at 509 Morris Street to remove a dead tree which is located between the sidewalk and curb in front of that property. City Manager John Pinkerton said he will discuss this with staff.

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Councillor Ashley asked who owns and maintains the trees located on City property, when trees hang over the sidewalk and residents are forced to walk in the road. City Manager John Pinkerton said it is the homeowner's responsibility to maintain the trees. Councillor Stevenson said the Department of Public Works trims branches that are blocking street signs. Mr. Pinkerton explained trimming branches so someone can walk down the sidewalk should be the responsibility of the property owner. Mayor Nelson said the City has never maintained private trees. Councillor Hosmer suggested we get clarification from the City attorney.

7. Councillor Ashley asked when the Bjork Park dedication ceremony will be held. City Manager John Pinkerton said the project wasn't completed but we are very close to being ready for a ceremony.

8. Councillor Hosmer said he read in the update that some City-owned properties are for sale and questioned if sale prices have been determined. City Manager John Pinkerton said no but we are sending out informational letters to interested parties and adjacent property owners with a response deadline. Councillor Hosmer asked if an auction will be held for the remaining City-owned properties available for sale. Mr. Pinkerton said he wants to see how successful we are with these initial properties.

9. Councillor Hosmer said he received a brush complaint from a homeowner who has no curbside space to pile his brush for pickup. City Manager John Pinkerton asked Councillor Hosmer to provide him with the property address and he will take care of the matter.

10. Councillor Mitchell asked for an update regarding the movement of the school zone light from Sherman School to Madill School. City Manager John Pinkerton said we will move the light if Madill School agrees to pay the \$25.00 per month electric charge.

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11. Councillor Stevenson said a Time Warner presentation was planned for a St. Lawrence County Conference of Mayors meeting last winter, but the meeting was cancelled due to inclement weather. Councillor Stevenson asked if Time Warner could be invited to make a presentation at a Council Meeting. City Manager John Pinkerton said he will contact Time Warner and invite them to address the September 8<sup>th</sup> meeting.

12. Councillor Stevenson said the street paving looks great and she has received a lot of compliments on our crews. Mayor Nelson said the Paterson and Ford Street intersection was left unsafe by the Paterson Street contractors before the Seaway Festival Parade and thanked our DPW and Rec crews for cleaning up the area by midnight for the parade. Mayor Nelson said kudos to City staff as the City streets and park areas were cleaned up immediately after the Seaway Festival events.

### NEW BUSINESS

1. Councillor Morley asked if there is air conditioning at City Hall. City Manager John Pinkerton said no.

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