

## 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

There was a consensus of Council to move Personal Appearances to the end of the meeting.

City Manager John Pinkerton said Step By Step's PDD application is not on the agenda because there are a few issues to resolve before it is presented to Council for a vote. Mr. Pinkerton explained a special meeting may be required to address the PDD application as well as two bills being presented to the New York State Senate and New York State Assembly. Mr. Pinkerton said he would like to discuss a special meeting under Items for Discussion.

Councillor Morley asked when the 62 day time limit started on Step By Step's PDD application. Mr. Pinkerton said it began on the day the application was received complete. Councillor Morley said the Planning Board met last Tuesday and asked why a vote on the application is being delayed. Mr. Pinkerton explained the Planning Board meeting minutes needed to be prepared and forwarded to the City Attorney for review. Councillor Morley said the minutes should have been typed the next day and submitted to Council and the City Attorney.

Councillor Skamperle asked what will happen if the City does not meet the 62 day requirement. City Attorney Andy Silver said he needs to complete a thorough review. Councillor Morley asked if the application will be approved automatically if Council does not meet the time restriction. Attorney Silver said he will need to review the Municipal Code to confirm.

PROCLAMATION

1. Mayor Nelson read a proclamation declaring Sunday, June 7, 2015 National Cancer Survivors Day.

PUBLIC HEARING

1. A public hearing regarding an amendment to the Ogdensburg Municipal Code, Chapter 131 entitled Littering was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding an amendment to the Ogdensburg Municipal Code, Chapter 189 entitled Streets and Sidewalks was held. No one being present to speak, the hearing was declared closed.

3. A public hearing regarding an amendment to the Ogdensburg Municipal Code, Chapter 181 entitled Solid Waste was held.

The following people spoke:

a) Ken Loffler of 519 Ford Avenue said he has received two summonses regarding yard debris and a letter in today's mail regarding numerous violations. Mr. Loffler explained the first summons was for pet waste mixed with brush, and he invited Councillor Mitchell and Director of Public Works Scott Thornhill to his home to confirm that he had not even raked his yard. Mr. Loffler said the second summons was for placing his brush too close to a tree. Mr. Loffler explained he discussed this same issue with Mr. Thornhill last year because his area to place brush is limited. Mr. Loffler said he believes the summonses are ridiculous and a form of harassment. Councillor Mitchell confirmed that Mr. Loffler's yard had not been raked when he viewed the property.

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

CORRESPONDENCE

1. City Clerk Kathleen A. Bouchard read a letter from Richard Clouthier regarding the movement of Step by Step into Lincoln School. (A copy of the letter follows these minutes.)
2. City Clerk Kathleen A. Bouchard read a letter from Darren Colton, St. Lawrence County Real Property Tax Service Agency, regarding the Adaptive Reuse District. (A copy of the letter follows these minutes.)
3. City Clerk Kathleen A. Bouchard read a letter from Jeffrey Skelly regarding the planned renovations for the old Washington School. (A copy of the letter follows these minutes.)
4. Director of Planning and Development Andrea Smith read the 239m reports from the St. Lawrence County Planning Board regarding 214 Morris Street and 1515 Knox Street. (Copies of the letters follow these minutes.)

Councillor Morley asked if the County Planning Board approved the Adaptive Reuse District (ARD). Ms. Smith said yes, with conditions. Councillor Morley asked why a majority plus one vote is required. Ms. Smith explained a simple majority vote is required to deny the proposal while a majority plus one vote is required to override the recommendation of the County Planning Board. Mayor Nelson clarified the voting requirements and said Council is only voting on the creation of the ARD, not any specific projects. Mayor Nelson explained we can pass the original ARD proposal, written by City staff and amended following input from Council and the public, with a majority plus one vote.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #10-2015 in the amount of \$448,819.72 and Library Fund Warrant #10-2015 in the amount of \$20,310.97 and Capital Fund Warrant #10-2015 in the amount of \$161,012.94 and Community Development Fund Warrant #10-2015 in the amount of \$0.00 and Community Renewal Fund Warrant #10-2015 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

ITEMS FOR COUNCIL ACTION

1. Councillor Stevenson made a motion to take an ordinance to amend the Ogdensburg Municipal Code, Chapter 131 entitled Littering off the table, and Councillor Mitchell seconded to wit:

ORDINANCE #10 - 2015  
AN ORDINANCE AMENDING CHAPTER 131 ENTITLED LITTERING  
OF THE MUNICIPAL 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 Chapter 131 entitled Littering, §131-2. entitled  
“Depositing materials in streets and gutters” of the Code of the City of  
Ogdensburg, is hereby deleted in its entirety and replaced with the following:

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§ 131-2. Depositing materials in streets and gutters.

A. No person shall sweep, throw or deposit or cause to be swept, thrown or deposited any ashes, dirt, stone, brick, leaves, grass, weeds, brush or any other debris or rubbish of any kind or any water or liquid of any kind except for purposes of cleansing the same into any public highway, street, gutter or public place or upon any sidewalk within the city.

ITEM TWO: That Chapter 131 entitled Littering, §131-4. entitled “Penalties” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

§ 131-4. Penalties.

Failure to comply with this section by any person shall be an offense punishable as provided herein, and a conviction shall be a “violation” as defined by the Penal Law of the State of New York. Violations shall be punishable by a fine of up to \$100. Each 24 hours that a violation is continued shall be deemed a separate offense.

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

The vote to bring the ordinance off the table was:

AYES: Mayor Nelson, Councillors Ashley,  
Hosmer, Mitchell and Stevenson

NAYS: Councillors Morley and Skamperle

CARRIED, 5 TO 2

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Councillor Morley said a resident could be ticketed for washing his car if the water ran into the road pursuant to this ordinance. Mayor Nelson explained the language regarding water running into the street is already in the current Municipal Code. Councillor Mitchell said he believes the penalty for a violation is too high.

Councillor Morley made a motion to remove the word “water” from §131-2(a), and Councillor Skamperle seconded it. Police Chief Richard Polniak said certain laws are maintained on the books for law enforcement purposes. Chief Polniak explained if a violator won’t comply, we need a law on the books to take action, but his department uses enforcement discretion.

Councillor Morley withdrew his first motion and made a motion to amend the ordinance to include “that causes a hazardous condition” in §131-2(a), and Councillor Skamperle seconded it. There was no vote on this motion.

Councillor Ashley said §131-4 references “a fine up to \$100” which would be the judge’s discretion. Councillor Ashley said the actual fine could be as low as \$5 or up to \$100 depending upon the severity of the violation and other factors. Councillor Stevenson agreed and urged Council to maintain the proposed fine. Councillor Mitchell agreed.

Councillor Skamperle said he doesn’t like the clause indicating residents cannot place items in the street just prior to pick up. Mayor Nelson explained Council cannot create a law less stringent than New York State law. Councillor Ashley explained if we permit items to be placed in the street and an accident occurs, the City would be liable. Councillor Stevenson stated the law exists because leaf piles can create a hazard for cars and children too.

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Councillor Hosmer asked how the City determines who placed brush in the street before a ticket is issued. City Manager John Pinkerton said if the pile is in front of your house, you will receive the ticket. Mr. Pinkerton explained unless we can catch the actual offender, it is the property owner's responsibility. Councillor Hosmer urged Department Heads to think long and hard before issuing tickets.

Councillor Morley said the new brush pickup system has caused problems since it was adopted. Mayor Nelson explained we have a limited pool of money and need the new system. Councillor Morley said in the past the City always had the manpower and funds to complete larger projects and still pickup brush. Director of Public Works Scott Thornhill explained over 500 pieces of educational material have been sent to residents, but there are only 16 repeat offenders. Mr. Thornhill said residents are beginning to understand the process, and City staff is doing a great job. Councillor Skamperle asked if the brush pickup procedure has been changed to avoid damage to residents' lawns. Mr. Thornhill said he has had lengthy discussions with his staff about this issue.

Mayor Nelson made a motion to amend the ordinance to include "that causes a hazardous condition" in §131-2(a), and Councillor Stevenson seconded.

The vote to amend the ordinance was:

CARRIED, AYES ALL

The vote on the amended ordinance was:

AYES: Mayor Nelson, Councillors Ashley,  
Hosmer, Mitchell and Stevenson

NAYS: Councillors Morley and Skamperle

CARRIED, 5 TO 2

The amended ordinance now reads:

ORDINANCE #10 - 2015  
AN ORDINANCE AMENDING CHAPTER 131 ENTITLED LITTERING  
OF THE MUNICIPAL 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 Chapter 131 entitled Littering, §131-2. entitled  
“Depositing materials in streets and gutters” of the Code of the City of  
Ogdensburg, is hereby deleted in its entirety and replaced with the following:

§ 131-2. Depositing materials in streets and gutters.

A. No person shall sweep, throw or deposit or cause to be swept, thrown or deposited any ashes, dirt, stone, brick, leaves, grass, weeds, brush or any other debris or rubbish of any kind or any water or liquid of any kind that causes a hazardous condition except for purposes of cleansing the same into any public highway, street, gutter or public place or upon any sidewalk within the city.

ITEM TWO: That Chapter 131 entitled Littering, §131-4. entitled “Penalties” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

§ 131-4. Penalties.

Failure to comply with this section by any person shall be an offense punishable as provided herein, and a conviction shall be a “violation” as defined by the Penal Law of the State of New York. Violations shall be punishable by a fine of up to \$100. Each 24 hours that a violation is continued shall be deemed a separate offense.

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

2. Councillor Morley made a motion to take an ordinance to amend the Ogdensburg Municipal Code, Chapter 189 entitled Streets and Sidewalks off the table, and Councillor Stevenson seconded to wit:

ORDINANCE #11 - 2015

AN ORDINANCE AMENDING CHAPTER 189 ENTITLED STREETS AND SIDEWALKS OF THE MUNICIPAL 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 Chapter 189 entitled Streets and Sidewalks, §189-1.1.(A) entitled “Placement of materials between developed or undeveloped sidewalks and curbs or on streets, highways or public places” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

§ 189-1.1. Placement of materials between developed or undeveloped sidewalks and curbs or on streets, highways or public places.

A. Except as herein provided, no person shall put, place or allow any structure, unregistered motor vehicle or trailer, rubbish or other material, temporarily or otherwise, between the developed or undeveloped sidewalk and the curb, or the city right-of-way should there be no sidewalk, or on the traveled portion of any street, sidewalk, highway or other public place. This prohibition shall not be applicable to garbage and trashcans placed in front of an owner or lessee's premises after dusk on the day before a regularly scheduled trash pickup. Further, this prohibition shall not be applicable to yard waste placed in a manner conforming to § 181-10 of Article III of Chapter 181 for collection pursuant to § 181-1 of Article I of Chapter 181 of the Municipal Code of the City of Ogdensburg. Further, this prohibition shall not be applicable to any structure for which a

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property owner or lessee holds a valid permit allowing the placement thereof.

ITEM TWO: That Chapter 189 entitled Streets and Sidewalks, §189-12 entitled "Penalties for offenses" of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

§189-12. Penalties for offenses.

Failure to comply with this section by any person shall be an offense punishable as provided herein, and a conviction shall be a "violation" as defined by the Penal Law of the State of New York. Violations shall be punishable by a fine of up to \$100. Each 24 hours that a violation is continued shall be deemed a separate offense.

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

The vote to bring the ordinance off the table was:

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

NAYS: Councillor Skamperle

CARRIED, 6 TO 1

Councillor Morley asked how strictly this ordinance will be enforced. Police Chief Richard Polniak explained there are many laws on the books that his department exercises discretion in enforcing. Chief Polniak said the law is needed on the books for cases of severe violation.

The vote on the ordinance was:

AYES: Mayor Nelson, Councillors Ashley, Hosmer,  
Mitchell and Stevenson

NAYS: Councillors Morley and Skamperle

CARRIED, 5 TO 2

3. Mayor Nelson moved an ordinance adding Article VII entitled “Adaptive Reuse District (ARD)” to the Ogdensburg Municipal Code, and Councillor Stevenson seconded to wit:

ORDINANCE #\_\_ - 2015  
ORDINANCE ADDING ARTICLE VII ENTITLED  
"ADAPTIVE REUSE DISTRICT (ARD)"  
TO THE CODE OF THE CITY OF OGDENSBURG

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

ITEM ONE

That Article VII entitled “Adaptive Reuse District (ARD)” is hereby added:

ARTICLE VII  
Adaptive Reuse District

§221-22. District and Map.

Ogdensburg’s Adaptive Reuse District is specifically mapped to include parcels that exhibit pre-existing nonconforming land use patterns customarily associated with public, quasi-public and institutional development across the City. The parcels that make up this district have property class codes 600’s (community service land uses) or 800’s (public service land uses). Over time, parcels may be

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added into or removed from this zoning district as necessary through the standard zoning map amendment process.

### §221-23. Purpose.

The purpose of this district is to recognize the public, quasi-public, and institutional nature of particular parcels of land and provide standards and guidelines for their continued use and future adaptive reuse; and to ensure that the developments within the district will be compatible with surrounding zoning districts and uses.

### §221-24. Submission and Review Procedure.

The following regulations shall apply to all land within the Adaptive Reuse District:

#### A. Applicability of regulations for Adaptive Reuse Districts (ARD).

- 1) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Adaptive Reuse Permit has been filed with and approved on behalf of the City Council; and Zoning Board of Appeals (“ZBA”) as hereinafter provided.
- 2) Such request shall be in the form of an application for an Adaptive Reuse Permit, following all requirements for plan submission and documentation of Article XV Site Plan Review including 239-m review when applicable.
- 3) All land use within the Adaptive Reuse District shall be limited to the use or uses existing on the effective date of this article or approved by the application for an Adaptive Reuse Permit.

A. Site and development plan consideration. Upon the application for such permit, the ZBA shall determine, after requesting and receiving within 30 days a report from the Planning Board, whether to approve, disapprove, or approve subject to any conditions, amendments or commitments, the proposed Adaptive Reuse Permit (ARP).

- i. Proposed Adaptive Reuse District uses.
- ii. Any existing uses, buildings, and structures.
- iii. Proposed buildings and structures. Off-street parking layout.
- iv. Vehicular entrances and exits and turnoff lanes.
- v. Setbacks.
- vi. Landscaping, screens, walls, fences.
- vii. Signs, including location, size and design thereof.
- viii. Storm drainage facilities.
- ix. Other utilities if aboveground facilities are needed.

2) Site and development requirements. Parcels in the Adaptive Reuse District are subject to the following site and development requirements. In review of the proposed ARP, the ZBA shall assess whether the site and development plan, proposed uses, buildings and structures shall:

- i. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan (LWRP) of the City of Ogdensburg, New York, including the applicable Brownfield Opportunity Area plan;
- ii. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Adaptive Reuse District and with adjacent uses;
- iii. Provide sufficient and adequate access, parking and loading areas as prescribed by Off-street parking, §221-41;

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- iv. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- v. Provide adequately for drainage and public utilities; and
- vi. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan (LWRP).
- vii. Provide sidewalks along public streets, and other full control of access frontages including, but not limited to, recreational trails as determined by the ZBA. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the ZBA shall be guided by the provisions of Chapter 189, Streets and Sidewalks and all relevant ADA accessibility requirements.

§221-25. Public Hearing. The ZBA shall schedule and hold both a public hearing on all adaptive reuse applications. The public hearing shall be held within 30 days of the receipt of a complete application submission or completion of the SEQR review and shall be advertised in the City's official newspaper at least ten (10) days before the public hearing. All property owners within a 400' radius of the parcel under review shall receive a direct mailing informing them of the request and meeting dates.

§221-26. Adaptive Reuse Permit requirements. No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in Ogdensburg's Adaptive Reuse District, without an Adaptive Reuse Permit, and such permit shall not be issued until the proposed request has been approved in accordance with this section.

§ 221-27. Zoning Board of Appeals review.

- A. The ZBA shall render its recommendation to City Council within 7 days prior to the date of the public hearing required by §221-28 A. The ZBA's final action, rendered in writing, shall consist of either:
- 1) Approval of the adaptive reuse permit based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this section;
  - 2) Disapproval of the adaptive reuse permit based upon a determination that the proposed project does not meet the standards for review set forth in this section, and stating such deficiencies; or
  - 3) Approval of the adaptive reuse permit subject to any conditions, modifications and restrictions as required by the ZBA which will ensure the project meets the standards for review.
- B. Notice of the ZBA's recommendation shall be given in writing to the applicant and City Council.

§221-28. City Council Action

- A. Prior to authorizing any Adaptive Reuse Permit, the City Council shall hold a public hearing within 62 days of receipt of a completed application in accordance with this chapter (see Article XVII) and consider the report and recommendation of the ZBA and all other relevant comments, reviews and statements.
- B. The City Council shall act to approve, disapprove or approve with modifications, the application for an Adaptive Reuse Permit and preliminary development plan by a majority vote of the full membership, and shall report its decision to the City's ZBA and Planning Board. Should the City Council wish to act contrary to any recommendation for disapproval or approval with modifications made by the City Zoning Board of Appeals or the County Planning Board under authority of § 239-m of the General Municipal Law, it may do so only with a majority plus one vote of its full membership.

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C. The City Council shall render a decision within 62 days following the completion of a public hearing for an adaptive reuse permit.

- 1) Upon approval of the adaptive reuse application and payment by the applicant of any and all fees due to the City, the Director of Planning and Development shall endorse the City Council approval by signing the ARP and forward copies to the applicant and Code Enforcement Officer.
- 2) Upon disapproval of the adaptive reuse permit application, the Director of Planning and Development shall so inform the Code Enforcement Officer, and the Code Enforcement Officer shall deny a building permit to the applicant. The Director shall also notify the applicant in writing of the decision and reasons for disapproval. The Director shall copy all correspondence to the chairperson of both the Zoning Board of Appeals and Planning Board.

D. The time within which a decision must be rendered may be extended by mutual consent of the City Council and the Applicant.

E. Upon the approval of an Adaptive Reuse Permit a final development plan, consistent with any required modifications, shall be submitted to the Planning Board for site plan review prior to issuance of a building permit. Procedures under Article XV, Site Plan Review, shall be followed for the review of proposed development within the ARD.

F. Final as-built site plan. A building permit may be issued by the Code Enforcement Officer only after final as-built site plans have been found complete and approved by the Planning Board.

§221-29. Appeals. Any person aggrieved by any decision of the City Council may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after filing of a decision in the office of the City Clerk.

ITEM TWO

That the existing Article VIII – Industrial and Institutional District (I/I) to Article XXI – Adult Entertainment Uses and all existing subsections and references thereto be renumbered as follows:

ARTICLE VIII - Industrial and Institutional District (I/I)

- §221-30. Purpose
- §221-31. Permitted uses
- §221-32. Special Permit Uses
- §221-33. Prohibited uses

ARTICLE IX - Mobile Home District (MH)

- §221-34. Purpose.
- §221-35. Permitted Uses.
- §221-36. Prohibited Uses

ARTICLE X - Planned Development District (PDD)

- §221-37. Purpose.
- §221-38. Minimum standards.
- §221-39. Submission and review procedure.
- §221-40. Expiration of permit.

ARTICLE XI - Waterfront Overlay District (W)

- §221-41. Purpose.
- §221-42. Permitted uses.
- §221-43. Prohibited uses.

ARTICLE XII - Determination of Use

- §221-44. Determination of use.

ARTICLE XIII - Dimensional Regulations

- §221-45. Dimensional regulations.

ARTICLE XIV - Regulations Applicable to All Districts

- §221-46. Accessory uses and structures.
- §221-47. Open storage of inoperative or unregistered motor vehicles.
- §221-48. Public garages and gasoline filling stations.

- §221-49. Outdoor vending machines; outdoor Sales.
- §221-50. Off-street parking and loading.
- §221-51. Signs.
- §221-52. Usable open space.
- §221-53. Temporary uses and structures.
- §221-54. Nonconforming lots, uses and structures.

ARTICLE XV - Environmental Quality Review

- §221-55. Purpose.
- §221-56. Process completion required.
- §221-57. Applicability.
- §221-58. Classification of action.
- §221-59. Environmental assessment forms.
- §221-60. Lead agency.
- §221-61. Determinations of significance.
- §221-62. Acceptance of draft environmental impact statement.
- §221-63. Public comment period.
- §221-64. Public hearing.
- §221-65. Preparation of final environmental impact statement.
- §221-66. Notice of completion of final environmental impact statement.
- §221-67. Findings statement.

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## ARTICLE XVI - Site Plan Review

- §221-68. Legislative Authority.
- §221-69. Purpose.
- §221-70. Sketch plan conference.
- §221-71. Applications for site plan approval.
- §221-72. Application acceptance; referral to Planning Board.
- §221-73. Public Hearing
- §221-74. Referral to County Planning Board.
- §221-75. Planning Board decisions.
- §221-76. Standards for review.
- §221-77. Enforcement; inspections.
- §221-78. Amendment to approved plans.
- §221-79. Appeals.

## ARTICLE XVII - Administration and Enforcement

- §221-80. Code Enforcement Officer and Zoning Administration Officer.
- §221-81. Planning Board.
- §221-82. Zoning Board of Appeals; appeals procedure.
- §221-83. Standards for granting variances.
- §221-84. (Reserved)
- §221-85. Building permit required.
- §221-86. Applications.
- §221-87. Issuance or denial of building permit.
- §221-88. (Reserved)

- §221-89. Certificates of occupancy and certificates of compliance.
- §221-90. Appeals.
- §221-91. Complaints; investigation.
- §221-92. Stop-work orders.
- §221-93. Revocation of permits.
- §221-94. Judicial review.

## ARTICLE XVIII - Amendments

- §221-95. Legislative Authority.
- §221-96. Referral to Planning Board.
- §221-97. Referral to County Planning Board.
- §221-98. Public notice and hearing.
- §221-99. City Council vote; protests.

## ARTICLE XIX - Application Fees

- §221-100. Application fees.

## ARTICLE XX - Penalties for Offenses

- §221-101. Penalties for Offenses.
- §221-102. (Reserved)

## ARTICLE XXI - Adult Entertainment Uses

- §221-103. Purpose.
- §221-104. Definitions.
- §221-105. Location; signs; blockage of view from public places; establishment of business.
- §221-106. Measurement of distances.
- §221-107. Penalties for offenses.
- §221-108. Severability.
- §221-109. When effective

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### ITEM THREE

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

City Manager John Pinkerton said the County Planning Board was concerned about the time required to process an application. Mr. Pinkerton explained City staff prefers that two public hearings be held and recommends Council override the County Planning Board.

Councillor Hosmer asked what happens when an ARD property is sold. Director of Planning and Development Andrea Smith explained an application is not necessary if the new owner intends to use the property for the same purpose; however if the use changes, the new owner would need to complete the application process.

Councillor Morley said parcels should only be added to the ARD by application, and all ARD parcels should be taxed. Mr. Pinkerton explained that approval of this ordinance creates an ARD zoning district; it does not rezone property. Mr. Pinkerton said anyone can apply to be included or removed from the ARD. Ms. Smith said the PDD will still exist, and the ARD would simply be an additional tool. Councillor Morley asked if 1515 Knox Street is part of the ARD. Ms. Smith said yes. Councillor Morley asked if Step By Step's application for Lincoln School will be approved if Council approves the formation of the ARD. Ms. Smith said no because Council would only be adopting a new district, and Step By Step would then need to apply. Councillor Stevenson asked if being included in the ARD would negatively impact property owners as long as they do not change the use of their property. Ms. Smith said no. Ms. Smith added she has met with representatives from the churches to answer questions and they are grateful for the options provided by the ARD. Mayor Nelson said Council is not approving any specific projects and is only making the process available to property owners as a tool. Ms. Smith explained the owner of a property included in the ARD would need to apply for a specific use. Mayor Nelson said City staff and Council have invested a great deal of time to create a good district. Councillor Skamperle asked if the owner of the

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Washington School property can apply for a PDD. Ms. Smith explained that property does not meet the PDD requirements.

Councillor Stevenson said twenty years ago no one could foresee several buildings empty in our City. Councillor Stevenson explained this is a tool for those properties to be used again, and she is in favor of the ARD. Councillor Stevenson said there are no negative consequences for the properties included in the district, and property owners can apply to be excluded. Councillor Mitchell asked if there are other options available to property owners for the rezoning of these properties. Ms. Smith said the property owners could apply for a Use Variance.

Councillor Morley read an excerpt from the September 8, 2014 Council Meeting. It read: "Ms. Smith stated this new district will cover all parcels categorized under the property class code 600 or 800 that are presently in a SFR and are less than 2 acres in size." Ms. Smith explained the proposal initially did not contain parcels of two acres or more, but those parcels were later added through a series of Council amendments.

Councillor Skamperle moved to amend §221-28(b) to a simple majority vote, and Councillor Morley seconded the motion. City Manager John Pinkerton and Mayor Nelson explained Council cannot change or create a law in violation of New York State Law. Councillor Stevenson questioned what attempts Councillors Morley and Skamperle have made to change the voting requirements of the State of New York if they have known since September that they disagree with the same. Mayor Nelson said we have spent a great deal of time talking about the ARD. Councillor Ashley said we have debated this proposal for almost nine months, and we need this tool to get things moving. Councillor Ashley explained Council will have the final approval, and we cannot keep this issue unresolved for another six months. Councillor Mitchell agreed. Mayor Nelson explained Council has the final vote and no project can be started until approved by Council. Mayor Nelson said this is the document we crafted as a tool. Councillor Skamperle withdrew his motion.

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Councillor Morley said we can still amend the proposal and make property owners apply to be included in the ARD. Councillor Morley said we need to get properties back on the tax roll. Councillor Ashley asked if the ARD can be written so that property owners must apply to be included. Ms. Smith said yes, but we would need to establish qualification criteria.

Councillor Morley made a motion to amend the ordinance to include a requirement that property owners must apply to be included in the ARD. Councillor Stevenson asked how much extra time this change would add to the application process. Ms. Smith estimated it would add an additional 124 days to the 169 days already required for ARD approval. Mayor Nelson read the section of the ARD proposal confirming Council has the final approval of all projects. The motion died for the lack of a second.

Councillor Hosmer made a motion to amend the ordinance to include “and are under two acres” to §221-22, and Councillor Morley seconded the motion.

Ms. Smith cautioned Council that the PDD application process that parcels two acres or more would need to use has fewer public input opportunities than the ARD. Ms. Smith explained the PDD only requires one public hearing and notification to neighbors within only 300 feet of the subject parcel. Councillor Skamperle said there is more protection for the neighborhood with the ARD.

The vote to amend the ordinance was:

AYES: Councillors Ashley, Hosmer, Mitchell and Morley

NAYS: Mayor Nelson, Councillors Skamperle and Stevenson

CARRIED, 4 TO 3

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City Attorney Andy Silver said although only minor language changes are being made to the ordinance, a large number of properties would be affected and recommended Council hold another public hearing.

Councillor Morley made a motion to table the ordinance, and Councillor Ashley seconded it.

The vote to table the ordinance was:

CARRIED, AYES ALL

4. Councillor Morley moved an ordinance to amend Chapter 221 entitled “Zoning”, specifically to rezone the old Bishop Conroy school from Single-Family Residential (SFR) to Residential Business (R/B) under the provisions of Article XV11), and Councillor Ashley seconded to wit:

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:

ITEM ONE

That the Official Zoning Map referenced in Section 221-8 be amended as follows:

That Section No. 48.071, Block No. 4, Lot No. 1.1, consisting of approximately .619 acres, being bounded by Washington, and Morris Streets in the City of Ogdensburg, is hereby rezoned from Single-Family Residential (SFR) to a Residential/Business (R/B).

ITEM 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 Ashley said the residents of the neighborhood seem pleased with this proposal. Councillor Morley said he will support this ordinance and asked if the parcel will be removed from the ARD. Councillor Hosmer said the parcel can be zoned Residential/Business and included in the ARD.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved an ordinance to amend the Ogdensburg Municipal Code, Chapter 181 entitled Solid Waste, and Councillor Stevenson seconded to wit:

ORDINANCE # - 2015  
AN ORDINANCE AMENDING CHAPTER 181 ENTITLED SOLID WASTE  
OF THE MUNICIPAL 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 Chapter 81 entitled Solid Waste of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:



HISTORY: Adopted by the City Council of the City of Ogdensburg as indicated in article histories. Amendments noted where applicable.]

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#### GENERAL REFERENCES

Brush, grass and weeds -- See Ch. 83.  
Housing -- See Ch. 117.  
Junkyards and junk dealers -- See Ch. 125.

Littering -- See Ch. 131.  
Vehicles and traffic -- See Ch. 209.

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### ARTICLE I Seasonal Cleanup [Adopted 4-10-1989]

§ 181-1. Collection of yard waste.

The following policy shall be established by the City Council for the collection of yard waste:

A. A spring and fall cleanup for yard waste shall be completed by the Department of Public Works (DPW) on an annual basis. The Director of Public Works shall ensure that the dates for the cleanups are publicized in advance and done on an area-by-area basis.

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In the spring, yard waste may be placed on the home owners' property between the edge of the street and the sidewalk or along the edge of the street if no sidewalk exists as soon as weather permits. Yard waste cannot be placed in the street. Collection will start no later than May 1 of each year and will run through the beginning of the regularly scheduled collection dates. There will be no penalties for putting out yard waste early during this cleanup cycle.

The fall cleanup will commence with the completion of the last scheduled pickup in late October. As with the spring cleanup, yard waste may be placed between the edge of the street and the sidewalk or along the edge of the street if no sidewalk exists on the home owners' property. Yard waste cannot be placed in the street. DPW will continue the fall collection process until late November or until weather no longer permits.

Free, year-around drop off of yard waste and other acceptable items is available to all City residents at the City's land clearing debris landfill located on outer Champlain Street during DPW's regular business hours Monday through Friday.

B. "Yard waste" shall be defined as:

- (1) Leaves
- (2) Brush
- (3) Small branches, sticks and twigs cut to manageable sizes.
- (4) Tree limbs and small trees less than six (6) inches in diameter. They must be cut into sections less than six (6) feet in length.

Note: Larger trees and limbs taken down by the home owner or a contractor may be dropped off at no charge at the City's land clearing debris landfill located on outer Champlain Street during DPW's regular business hours Monday through Friday. The City will not pick up trees taken down by a contractor.

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### C. Scheduled Yard Waste Collection Process

- (1) Scheduled collections will commence on or about June 1 of each year. The schedule for the season will be publicized in advance and followed without exception.
- (2) The scheduled pickup week and day will correspond to the ward number. For example, the first ward will be picked up on the first Monday of the month; the second ward will be picked up the second Monday of the month, etc. The Proctor Avenue area will be picked up with the first ward.
- (3) Yard waste shall be placed on the home owners' property at the street's edge, between the street and sidewalk, if a sidewalk exists, no sooner than the Saturday just before the scheduled pick up date.
- (4) Lanes and alleys will be treated the same as a street.
- (5) Placing items out early, once spring cleanup has been completed, is prohibited.
- (6) Placing items in the street is prohibited by State and local code.
- (7) Placing items in contact with stationary objects like trees, poles and fences is prohibited.
- (8) Piles or materials must not block fire hydrants.
- (9) Prohibited materials include:
  - (a) Debris from tree removal or land clearing performed by the home owner or a contractor.
  - (b) Oversized limbs and trees greater than six (6) inches in diameter.
  - (c) Pet waste
  - (d) Construction and Demolition Debris (C&D). This includes lumber, pallets, rock, stone, brick, concrete and any other building supplies.
  - (e) Trash, furniture, tires, recyclables and any other items defined by the NYS DEC as solid waste.
  - (f) Absolutely no bags or containers of any kind.

Note: Larger trees and limbs taken down by the home owner or a contractor may be dropped off at no charge at the City's land clearing debris landfill located on outer Champlain Street during DPW's regular business hours Monday through Friday.

D. Prohibited materials, prohibited activities clearly identified in this section and other solid waste left at curbside and for which a complaint has been filed by a neighbor or a city official shall be subject to enforcement as a violation of the City or State Housing Code. After due notice to the property owner, the DPW may be assigned to perform such pickup at full cost to the property owner. Such cost shall include city labor, equipment, applicable tipping fee and fines as defined in City Municipal Code later in this chapter.

ARTICLE II  
Waste Haulers  
[Adopted 1-28-1991 by L.L. No. 1-1991  
(Ch. 48 of the 1975 Ogdensburg Municipal Code)]

§ 181-2. Intent.

The City Council of the City of Ogdensburg hereby determines it appropriate to promote the separation and recovery of reusable and recyclable materials from the waste stream to the extent that economic markets or alternate uses exist. Further the City Council is desirous of complying with the provisions of New York State General Municipal Law § 120-aa and any local laws enacted by St. Lawrence County.

§ 181-3. Definitions.

As used in this article, the following terms shall have the following meanings:

CITY -- The territory within the incorporated boundaries of the City of Ogdensburg.

CITY COLLECTION -- The seasonal collection of yard waste (leaves, brush and tree limbs less than six inches in diameter) by City Department of Public Works crews as advertised in the official newspaper of the City.

CITY COUNCIL -- The City Council of the City of Ogdensburg.

**COMMINGLED WASTE** -- The presence of solid waste and recyclables in same bag or container.

**COMPOSTABLE** -- A form of recycling where vegetable and other organic materials are biologically decomposed under conditions which discourage nuisance odors, vermin and/or litter to produce humus, a valuable soil additive.<sup>1</sup>

**PERSON** -- Any individual, head of household, landlord, tenant, chief executive person, owner or manager of a commercial or industrial establishment or institution which generates or collects and transports solid waste, and any other generator of solid waste as defined herein.

**RECYCLABLES** -- Any material that after having served its intended specific purpose still has useful or physical or chemical properties that enables it to be feasibly separated, recovered, processed, marketed and/or reused. "Feasibly recovered" shall mean that an "economic market" as defined in the General Municipal Law, § 120-aa exists for a material that is recyclable.

**REUSABLES** -- Any item which has been discarded by an owner but has an effective life and use for another person.

**SOLID WASTE** -- All non-recyclable materials or substances discharged or rejected as being spent, useless or worthless to the owners at the time of such discard or rejection or as being accumulated, stored or physically, chemically and biologically treated prior to being discarded or rejected having served their intended use in having no economic reuse as measured by the cost of processing such waste for reuse as compared to the cost of discarding said waste in landfills, storage or incinerators. "Solid wastes" are, in addition, all portions of the waste stream which do not have "economic markets" as defined in the General Municipal Law § 120-aa. The medical waste is hereby excluded from this definition.

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<sup>1</sup> Editor's Note: The former definition of "permit," which immediately followed this definition, was repealed 1-24-2000 by Ord. No. 00-1.

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**SOURCE SEPARATION** -- The segregation of reusable and/or recyclable materials at the point of generation for separate collection, sale or other disposition.

§ 181-4. Restrictions. [Amended 1-24-2000 by Ord. No. 1-2000]

A. Hours of collection. It shall be unlawful and a violation of this article to make any collection within the City of Ogdensburg prior to 5:00 a.m. and after 7:00 p.m., Monday through Saturday, or at any time on Sunday.

B. Standards for recycling.

(1) All solid waste haulers conducting business within the City of Ogdensburg shall provide a source separation system designed to achieve maximum on-site recovery of reusable or recyclable materials specified herein and shall collect and transport said materials directly to market or to resource recycling facilities in compliance with the laws of the State of New York and regulations implementing those laws. A copy of the acceptable recyclables list, sorting and handling requirements, and best practices is available through the St Lawrence County Solid Waste Department or North Country Recycles.

§ 181-5. Transportation of waste. [Amended 1-24-2000 by Ord. No. 1-2000]

All persons, firms or corporations who carry or transport solid waste shall when so carrying said items over the city streets in the City of Ogdensburg, New York, cover such solid waste with a tarpaulin or other material or shall carry such solid waste in containers so as to prevent such material in being bounced, jarred or blown off from the transporting vehicle. No person, firms or corporations who carry or transport solid waste over the city streets in the City of Ogdensburg shall operate in any manner which violates the Vehicle and Traffic Law of the State of New York or unreasonably endangers the safety of passengers in the vehicle carrying waste or other persons on the city streets in the City of Ogdensburg, New York.

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§ 181-6. Source-separation of wastes. [Amended 1-24-2000 by Ord. No. 1-2000]

A. No person shall dispose of solid waste, including recyclable materials, in the City of Ogdensburg unless the solid waste is picked up by a hauler or self-transported to an approved County or private transfer station. A person may engage in composting within the City of Ogdensburg, provided that composting meets all applicable state laws and regulations. Composting on home grounds shall be permitted provided that:

- (1) The composting process is carried out within a bin or other suitable aboveground enclosure.
- (2) The compost pile is turned or otherwise aerated as required to prevent nuisance odors from developing.
- (3) Fresh kitchen or garden wastes that could attract vermin are buried within the pile.

B. No person shall bring solid wastes into the City of Ogdensburg for the purpose of disposing of them unless all solid wastes are source-separated as defined in this article and unless those solid wastes are destined to be delivered to a solid waste management facility as defined in Part 360 of the regulations of the Department of Environmental Conservation. A person shall be permitted to dispose of solid waste and recyclable materials or reusable materials by transferring or selling those materials to a hauler or to another person for that person's use or by transporting them to a "solid waste management facility" as defined in Part 360 of the regulations of the Department of Environmental Conservation of the State of New York, provided that the solid waste management facility is designed to accept the materials so delivered. A person within the City of Ogdensburg shall be in violation of this article by disposing of solid waste or recyclable materials in any other manner.

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C. The hauler shall prohibit residential customers from using opaque or translucent plastic bags for the disposal of solid waste or recyclables at curbside. Transparent plastic bags are acceptable. Haulers who collect opaque or translucent plastic bags or transparent bags with commingled waste that is not separated shall be subject to the enforcement penalties noted in § 181-7.

§ 181-7. Enforcement; penalties for offenses. [Amended 1-24-2000 by Ord. No. 1-2000]

A. All provisions of this article shall be enforced by the City of Ogdensburg.

B. Failure to comply with this article by any person or hauler shall be an offense punishable as provided herein and shall be treated as a "violation" as it relates to this chapter.

C. Maximum penalties for the violation of the provisions of this chapter shall be:

(1) A first offense of any violation of this chapter shall be punishable by a maximum fine of \$25, a charge to the violator for all costs incurred by the City of Ogdensburg in removing the yard waste, prohibited yard waste materials, solid waste and/or recyclables which caused the violation and a ten (10%) percent administration fee and shall be payable upon demand of the City of Ogdensburg.

(2) A second offense within one year of the first violation of this chapter shall be punishable by a fine of not more than \$85, all removal costs incurred by the City of Ogdensburg in removing the yard waste, prohibited yard waste materials, solid wastes and/or recyclables which caused the violation and a ten (10%) percent administration fee and shall be payable upon demand of the City of Ogdensburg.

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(3) Subsequent violations within a year of the date of the first violation of this chapter shall be punishable by a fine of not more than \$500, a charge for all costs incurred by the City of Ogdensburg in removing the yard waste, prohibited yard waste materials, solid wastes and/or recyclables which caused the violation and a ten (10%) percent administration fee and shall be payable upon demand of the City of Ogdensburg.

### § 181-8. Exemptions.

The removal of building demolition debris shall be exempt from the provisions of this article where the hauler is in possession of a valid demolition permit from the City of Ogdensburg Code Enforcement Office.

### § 181-9. Unlawful acts. [Amended 4-26-2010 by Ord. No. 5-2010]

No person shall drop, deposit or otherwise dispose of any solid waste or recyclables within the boundaries of any street, road, highway or public place of said City of Ogdensburg or upon any private property adjacent to any such street, road, highway or public place except as permitted by this article. No person shall allow, permit or cause to exist any unsanitary or filthy condition in or about any premises owned, used or occupied by said persons. No person shall ignite or burn or cause to be ignited or burned within the City of Ogdensburg any solid waste or recyclables unless permitted by this article and unless those wastes are placed in an incinerator constructed for such purpose and properly installed and equipped in conformity with all laws, rules and regulations pertaining thereto. No person shall bury on private property any solid waste, garbage, whole or portions of buildings with the exception of foundation walls consisting of stone, brick or masonry. This section may be enforced by either the City of Ogdensburg Police Department or the Code Enforcement Division of the Ogdensburg Fire Department.

ARTICLE III  
Placement for Collection  
[Adopted 12-7-1992 by L.L. No. 3-1992]

§ 181-10. Placement for collection; disposal.

All items intended for disposal are to be placed on the city's right-of-way, immediately adjacent to, but not on or obstructing public streets, alleys, lanes, fire hydrants, sewers, catch basins, sidewalks or walkways, in a neat and orderly manner. Items may be placed immediately in front of the property from which the debris or other materials is taken, and on no other location or property. It is the property owner's responsibility to arrange for the proper and prompt disposal of these items from the appropriate disposing entity.

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.

Councillor Morley protested the elimination of branches over 6" in diameter. Councillor Ashley said he believes the hours of collection should not begin prior to 7:00 a.m., and Councillor Stevenson agreed. Councillor Stevenson suggested adding the term "mulch" to §181-1(b).

Director of Public Works Scott Thornhill said he is trying to restrict the size of branches so the debris is reused. Councillor Morley asked what happens with the branches over 6" in diameter delivered to the landfill by contractors. Mr. Thornhill said those branches are separated and sold. Mr. Thornhill said the company that takes the smaller branches asked that we keep them under 6" in diameter. Mr. Thornhill explained the number of completed paving projects has increased each year because of the streamlined brush pickup schedule. Councillor Skamperle asked if residents are still able to drop brush at the Water Filtration Plant on Saturday mornings. Mr. Thornhill explained very few residents used that drop off location last year so he adjusted the employees' hours at the Water Filtration Plant to save money.

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Councillor Mitchell asked if DPW workers will pick up brush if it contains pet waste. Mr. Thornhill explained workers will pick up if they do not see it, but large amounts of pet waste will be refused. Mr. Thornhill explained he spoke with Mr. Loffler about the pet waste and ashes. Mr. Thornhill said Mr. Loffler indicated he would speak with his neighbor and wanted no assistance from the City. Councillor Mitchell asked what will happen if this ordinance is not approved. Mr. Thornhill explained we will have to follow the current Municipal Code. Councillor Morley asked for a copy of the NYSDEC leaf bagging restriction. Mr. Thornhill said he will provide that information to Council.

Councillor Stevenson made a motion to amend §181-1(b) to include “mulch”, and Councillor Hosmer seconded the motion.

The vote to amend the ordinance was:

CARRIED, AYES ALL

Councillor Ashley made a motion to amend §181-4(a) to change the beginning pickup time from 5:00 a.m. to 7:00 a.m., and Councillor Skamperle seconded the motion.

The vote to amend the ordinance was:

CARRIED, AYES ALL

Councillor Skamperle made a motion to amend §181-1(b) to include branches over 6” in diameter, and Councillor Morley seconded the motion.

The vote to amend the ordinance was:

AYES: Councillors Ashley, Mitchell, Morley and Stevenson

NAYS: Mayor Nelson, Councillors Hosmer and Skamperle

CARRIED, 4 TO 3

Councillor Ashley withdrew his motion to amend §181-4(a) to change the beginning pickup time from 5:00 a.m. to 7:00 a.m. Councillor Ashley made a motion to amend §181-4(a) to change the beginning pickup time from 5:00 a.m. to 6:30 a.m., and Councillor Stevenson seconded the motion.

The vote to amend the ordinance was:

AYES: Councillors Ashley, Mitchell, Morley and Stevenson

NAYS: Mayor Nelson, Councillors Hosmer and Skamperle

CARRIED, 4 TO 3

The vote on the amended ordinance was:

AYES: Councillors Ashley, Mitchell and Morley

NAYS: Mayor Nelson, Councillors Hosmer,  
Skamperle and Stevenson

DEFEATED, 3 TO 4

Councillor Stevenson made a motion to vote on the original ordinance without any amendments, and Councillor Hosmer seconded.

The vote on the original ordinance was:

AYES: Mayor Nelson, Councillors Hosmer and Stevenson

NAYS: Councillors Ashley, Mitchell, Morley and Skamperle

DEFEATED, 3 TO 4

There was a consensus of Council for City Manager John Pinkerton to review the proposed ordinance with City staff and prepare an amended version for Council review.

7. Councillor Stevenson moved a resolution urging the Governor, the New York State Assembly and the New York State Senate to promptly enact the “Abandoned Property Neighborhood Relief Act of 2015”, and Councillor Hosmer seconded to wit:

RESOLUTION OF THE OGDENSBURG CITY COUNCIL  
CALLING ON THE GOVERNOR, THE NEW YORK STATE ASSEMBLY  
AND THE NEW YORK STATE SENATE TO ENACT  
THE “ABANDONED PROPERTY NEIGHBORHOOD RELIEF ACT OF 2015”

WHEREAS, in the wake of the financial crisis of 2008, there has been a marked increase in New York State in the incidence of vacant and abandoned residential properties securing delinquent mortgages, which properties frequently fall into disrepair, thus devaluing neighboring properties and harming the larger community; and

WHEREAS, these vacant and abandoned residential properties have become a blight in the City of Ogdensburg and in many similarly situated neighborhoods across New York State because the properties are often boarded up, dilapidated, unsafe, inhabited by squatters or used for criminal purposes; and

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WHEREAS, an accumulation in a community of vacant and abandoned residential properties that are not properly secured or maintained for extended periods can cause a marked decline in that community's real estate market and the state's property tax base; and

WHEREAS, there are documented instances of such properties being used by criminals to manufacture and/or distribute illegal drugs, thus leading to an increased likelihood of crime in and around the property and neighboring community; and

WHEREAS, the City of Ogdensburg and similarly situated municipalities across New York State are often forced to expend taxpayer funds to prevent vacant and abandoned residential properties from becoming a public hazard, thereby depleting limited local resources; and

WHEREAS, the City of Ogdensburg and similarly situated municipalities across New York State are often forced to expend taxpayer funds to investigate and determine the ownership, occupancy and foreclosure status of vacant and abandoned residential properties in order to ensure that, where applicable, the mortgagee is complying with current obligations under Federal, State and/or local law to secure and maintain the property, thereby further depleting limited local resources; and

WHEREAS, relevant provisions of existing State law, enacted in 2009, governing the maintenance of abandoned residential properties impose a duty on plaintiff-mortgagees to maintain vacant residential properties only *after* a judgment of foreclosure and sale has been entered by a court; and

WHEREAS, this recent State law has in many instances proven inadequate to address the growing number of vacant and abandoned properties falling into disrepair in the City of Ogdensburg and in many similarly situated municipalities across New York State because many such properties are not subject to a pending foreclosure action, and many that are subject to a pending foreclosure have not proceeded, and will not in the foreseeable future proceed, to a court judgment of foreclosure and sale; and

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WHEREAS, there is evidence showing that many current and former New York homeowners have been misled into believing they need to leave their homes earlier in the foreclosure process than the law actually requires, thus resulting in even more vacant and abandoned residential properties throughout our communities; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2015” (A. 06932, S.04781) would help the City of Ogdensburg and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by creating a statewide registry of such properties that can be electronically accessed by such municipalities; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2015” would help the City of Ogdensburg and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by imposing a duty on mortgagees and their loan servicing agents to promptly report these properties to the statewide registry and take earlier, *pre*-foreclosure, action to identify, secure and maintain such vacant and abandoned properties; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2015” would help the City of Ogdensburg and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by providing a much needed and readily available source of information on vacant and abandoned residential properties to local officials throughout the State; and

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WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2015” would help the City of Ogdensburg and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by establishing an “Abandoned Property Neighborhood Relief Fund,” comprised of civil penalties collected by the Attorney General in enforcement actions under the Act, which Neighborhood Relief Fund monies would be expended by the Attorney General in the form of Enforcement Assistance Grants to counties, cities, towns and villages to assist localities across the State in their own enforcement efforts under the Act; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2015” would help the City of Ogdensburg and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by also establishing a statewide toll-free hotline that community residents can use to report suspected vacant and abandoned properties to the Attorney General and receive information regarding the status of registered properties, including the identity of the mortgagee or agent responsible for maintaining them; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2015” would help the City of Ogdensburg and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by ensuring that homeowners are provided with clear and early notice that they are legally entitled to remain in their homes until ordered to leave by a court;

NOW THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council by this Resolution hereby calls on the Governor, the New York State Assembly and the New York State Senate to promptly enact the “Abandoned Property Neighborhood Relief Act of 2015;” and

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BE IT FURTHER RESOLVED, that the Ogdensburg City Clerk is hereby directed to transmit certified copies of this Resolution to the Governor of the State of New York, Senator Patty Ritchie, Senator Joseph Griffo, Senator Elizabeth Little, Assemblyman Ken Blankenbush, Assemblyman Marc Butler, Assemblywoman Addie Russell and Assemblywoman Janet Duprey.

Councillor Morley asked if the City must take possession of all abandoned properties. City Manager John Pinkerton said no, but the mortgage holder will often pay the taxes and just let the property go into disrepair. Mr. Pinkerton explained this legislation will allow the City to notify the mortgage holder of code violations. Mr. Pinkerton said the Attorney General will fine the mortgage holder for unresolved issues and create a fund for communities to seek reimbursement from for costs associated with demolition, snow removal, lawn maintenance, water turn off service, etc.

The vote was:

CARRIED, AYES ALL

8. Mayor Nelson moved a resolution to approve the sale of 505 New York Avenue to William M. and Mary E. Taylor, and Councillor Hosmer seconded to wit:

RESOLUTION TO APPROVE THE SALE OF  
TAX PARCEL #59.022-8-7 TO WILLIAM M. AND MARY E. TAYLOR

WHEREAS, William M. and Mary E. Taylor have made a purchase offer for City-owned property located at 505 New York Avenue identified as Tax Parcel #59.022-8-7 as 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:

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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

WHEREAS, the redevelopment of this property is consistent with the Goals of the Strategic Management Plan, particularly the Goals for a Balanced, Sustainable Local Economy and Revitalizing Aging Neighborhoods and Commercial Areas; and

WHEREAS the City Manager has negotiated a sale price of \$8,250.00(amount includes estimated \$400. Attorney fee & \$350. SLC Recording Fee);

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 #59.022-8-7 to William M. and Mary E. Taylor for \$8,250.00., subject to City Attorney's review and approval of sales documents.

Councilor Ashley asked if this parcel was previously part of the NSP. City Manager John Pinkerton said yes, but less than \$25,000 of NSP funds were expended on the project so there are no sale restrictions.

The vote was:

CARRIED, AYES ALL

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9. Mayor Nelson moved a resolution introducing an ordinance and providing for public notice and public hearing with regard to the sale of City-owned properties located at 18-20 Mill Street and vacant Mill Street lot, and Councillor Hosmer seconded to wit:

RESOLUTION OF CITY COUNCIL INTRODUCING AN ORDINANCE  
AND PROVIDING FOR PUBLIC NOTICE  
AND PUBLIC HEARING

BE IT RESOLVED, that Ordinance No.       entitled "An Ordinance to Offer for Sale at Public Auction City-Owned Property " 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 at the Council Chambers in the City of Ogdensburg, New York, on the 8th day of June, 2015, 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 (7) days before the hearing date of a notice setting forth the time and place and describing the proposed ordinance in summary form.

Councillor Morley asked if this sale would block the City's only access to the riverfront off Mill Street. City Manager John Pinkerton said no.

The vote was:

CARRIED, AYES ALL

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### OLD BUSINESS

1. Councillor Ashley asked for an update on the paper streets near Fort de la Presentation. City Manager John Pinkerton said Council should have received an email today with an update. City Attorney Andy Silver explained he needs to review the agreement, and Councillor Skamperle had asked for a title review. Attorney Silver said once he is able to review everything thoroughly, he will be ready to answer questions from Council. Attorney Silver explained some Fort representatives believe their grant funding is in jeopardy, but addressing this matter at the June 8, 2015 Council Meeting will not be too late. Councillor Morley asked if a resolution was reached regarding the Roethel property. Attorney Silver said the agreement will not curtail any of their rights to the property.

2. Councillor Morley said the street repair following the February water main break at Morris and Green Street has still not been completed, and neighbors are dealing with high levels of dust in that area. Councillor Stevenson said the neighbors were notified the street will be milled and paved soon. Councillor Skamperle said the intersection of New York Avenue and Grove Street has the same issue.

3. Councillor Skamperle asked if the City plans to apply sealant to the Maple City Trail this year. City Manager John Pinkerton said he believes it is included in this year's budget, but he will confirm and advise Council. Councillor Morley said there is a hazardous area within 100 yards of the Black Bridge that should be addressed. Mr. Pinkerton said he would advise City staff of the hazard.

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4. Councillor Skamperle asked if the new concrete apron in front of the Fire Station was completed under budget. Director of Public Works Scott Thornhill said the project was finished a week ago Monday, and the budget was \$14,000. Mr. Thornhill explained he is waiting for a roll of mesh to be replaced, but he believes the project will still be under budget. Councillor Stevenson asked if there was a huge difference in the cost of paving versus concrete. Mr. Thornhill explained asphalt work would require a larger crew and the cost of a substantial base fill could make it more expensive. Mr. Thornhill said the concrete is a true 6" and some stone was added to the base.

5. Councillor Skamperle said he will be out of town for the August 10, 2015 Council meeting.

6. Councillor Stevenson asked for an update on the City's handicap parking spots at the next regular Council meeting.

### NEW BUSINESS

1. Councillor Ashley said a group of approximately 20 volunteers removed about 8 trailer loads of brush from lower Lake Street this past Sunday. Mayor Nelson commended the volunteers who worked on the project. Councillor Ashley explained there is a 15-20 foot drop on Lincoln Avenue headed east. Councillor Ashley suggested this area be barricaded since it is City-owned property. City Manager John Pinkerton said he would have City staff review the area.

2. Councillor Stevenson said there will be a chicken barbeque fundraiser sponsored by the Rotary Club at the Freight House on Sunday, May 31<sup>st</sup> beginning at noon to benefit the Snack Pack Program.

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3. Councillor Stevenson said Mayor Nelson did a wonderful job with his last Memorial Day ceremony yesterday. Councillor Stevenson thanked the American Legion, Amvets and other volunteer groups for organizing the parade and the gathering at the Amvets afterwards. Mayor Nelson recommended residents visit the cemetery to view the 2,300 flags placed on the veterans' plots.

### ITEMS FOR DISCUSSION

1. City Manager John Pinkerton said Council should hold a Special Meeting to address a request for a Home Rule regarding the water front property known as Parcel B at the St. Lawrence Psychiatric Center. Mr. Pinkerton explained the legislature is coming to a close, and he just received the information on Friday and the required paperwork today.

Councillor Ashley made a motion to call for a Special Meeting on Thursday, May 28, 2015 at 8:00 p.m., and Councillor Hosmer seconded the motion. Mr. Pinkerton explained if a PDD vote is required before June 8, 2015, this item will also be included on the agenda.

### PERSONAL APPEARANCE

1. Ed Dana of 2127 Ford Street addressed Council to express his opposition to Step By Step's move to Lincoln School.

2. The following people spoke in opposition to the ARD:

- a) Bridget Bice of 512 Seymour Street
- b) Suellen Piercey of 1407 Knox Street

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