

## CITY COUNCIL MEETING

January 25, 2016

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

PRESENT: Deputy Mayor Morley, Councillors Davis,  
Mitchell, Price, Skamperle and Stevenson

ABSENT: Mayor Ashley

Deputy Mayor Morley said Mayor Ashley was unable to stay for this meeting as he became ill. There was a consensus of Council to excuse Mayor Ashley.

### PRESENTATION

1. Director of Planning and Development Andrea Smith announced the Blueway Trail plan has been completed. Ms. Smith said it is a multi-community project, and access to the plan will be available through our City website. Ms. Smith noted the plan will not be adopted at a local or State level. Ms. Smith explained it is recommended that the municipalities enter into an Inter-municipal Memorandum of Agreement which will be presented to Council on February 11, 2016. Councillor Skamperle said Ms. Smith has done a great job with the program. Councillor Skamperle asked if each location has control of their section of the Oswegatchie River, and Ms. Smith said yes. Councillor Skamperle asked if the Black Bridge will be rehabilitated. Ms. Smith explained we were broad on our application so that as projects arise, we can address them. Ms. Smith said the Black Bridge will qualify as an approved project because it is a trail connection. Councillor Skamperle asked if there is local control over boating access. Ms. Smith said the Blueway Trail plan is not a regulatory document regarding the use of water, but it does recognize existing regulations.

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2. Paul Hetzler, Cornell Cooperative Extension Arborist, John Tenbusch, St. Lawrence County Planning Office and Don O'Shea, Ogdensburg Tree Commission, made a presentation to Council regarding the effect of Emerald Ash Borer (EAB) on the City's Ash trees and ways to alleviate their impact. (A copy of their presentation material follows these minutes.) Mr. Hetzler played a video for Council which provided details on the EAB. Councillor Skamperle asked if federal grant funds are available to assist communities with this problem. Mr. Tenbusch said he has no knowledge of any federal funding and is only aware of DEC funding for inventory and preparedness. Councillor Skamperle asked if National Grid is making any contribution to addressing this problem. City Manager Sarah Purdy said she will contact National Grid to inquire. Mr. O'Shea said there are 169 Ash trees on municipal property in the City, and 153 have been recommended for treatment. Mr. O'Shea explained there are 16 trees which are not recommended for treatment because they are in poor condition. Mr. O'Shea suggested those trees be removed by our DPW staff now.

3. Kevin Feuka, Capital Consultants Architecture and Engineering (C2AE) made a presentation to Council regarding Wastewater Treatment Plant updates and financing. Mr. Feuka explained the grant was not awarded, but the City did receive hardship funding. Mr. Feuka said he plans to attend the February 11, 2016 Council Meeting to explain and summarize the SEQR process.

## PUBLIC HEARING

1. A public hearing regarding a Local Law to amend Chapter 33 of the Ogdensburg Municipal Code, entitled Health Officer; Board of Health was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding the sale of City-owned property at 1106 New York Avenue was held.

Ron Lesperance, 317 Deviler Street, said he submitted a letter of intent regarding this property and would like to make it his home.

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Mr. Lesperance said his only concern is liens against the property, and he does not want to acquire someone else's debt. City Comptroller Phil Cosmo said the property is being sold "as is/where is" and was acquired through tax sale. Mr. Cosmo said the City did a search for lienholders when we acquired the property, but potential buyers should perform their own lien search with the St. Lawrence County Clerk's Office.

City Clerk Kathleen Bouchard read a letter from Everett Wells. (A copy of the letter follows these minutes.)

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

3. A public hearing regarding an ordinance amending Chapter 209, entitled "Vehicles and Traffic"; Section 209-52, Schedule XV, entitled "No Stopping Certain Hours" of the Code of the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

4. A public hearing regarding the sale of City-owned property being a portion of tax map #59.022-4-58, approximately 35' wide by 138' long located west of 16 Rensselaer Avenue was held. No one being present to speak, the hearing was declared closed.

### PERSONAL APPEARANCE

1. Chris Lalone, 1228 Pickering Street, addressed Council regarding setback requirements for accessory buildings. Mr. Lalone said he has lived at that address with his family for sixteen years, is a disabled veteran and serves as an alternate on the City's Zoning Board. Mr. Lalone explained he does not believe the setback requirements for accessory buildings should determine where a homeowner places a storage building. Mr. Lalone said he spoke with his neighbors before he placed his storage building, and the neighbors consented to the building being placed on the property line. Mr. Lalone said he previously had a storage building placed on the property line for fourteen years.

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Mr. Lalone explained he would lose half of his yard by meeting the setback requirements, and placing the building in the center of his yard. Mr. Lalone agreed that buildings do not need to be placed on top of one another, but said he has seen other City parcels with accessory structures that are currently in violation of the setback requirements. Mr. Lalone asked Council to review the setback requirements.

Councillor Skamperle asked Mr. Lalone for his recommendation. Mr. Lalone said we should use common sense and questioned the purpose of the setback requirement if all of the neighbors agree.

Director of Planning and Development Andrea Smith said Mr. Lalone has not applied to the Zoning Board of Appeals or filed for a building permit. Mr. Lalone said he was initially given the wrong measurements and has now accurately completed his application. Deputy Mayor Morley suggested Mr. Lalone obtain a building permit, apply for a variance and see if it is denied. Councillor Skamperle asked if the setback requirements are a State law and if Council can make changes. Ms. Smith said she is prepared to discuss this issue under Items for Discussion.

### CONSENT AGENDA

Deputy Mayor Morley moved that the claims as enumerated in General Fund Warrant #2-2016 in the amount of \$580,104.71 and Library Fund Warrant #2-2016 in the amount of \$19,453.01 and Capital Fund Warrant #2-2016 in the amount of \$187,536.84 and Community Development Fund Warrant #2-2016 in the amount of \$0.00 and Community Renewal Fund Warrant #2-2016 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Mitchell seconded the motion.

The vote was:

CARRIED, AYES ALL

CORRESPONDENCE

1. City Clerk Kathleen Bouchard read an email message from Kelly O'Neill, A.W. Collins Corp., concerning amusement fees. (A copy of the email message follows these minutes.)

ITEMS FOR COUNCIL ACTION

1. Councillor Mitchell moved a Local Law to amend Chapter 33 of the Ogdensburg Municipal Code, entitled Health Officer; Board of Health, and Councillor Stevenson seconded to wit:

LOCAL LAW # 1 of 2016

A LOCAL LAW TO AMEND CHAPTER 33 OF THE OGDENSBURG  
MUNICIPAL CODE ENTITLED HEALTH OFFICER; BOARD OF HEALTH

A Local Law providing for changes in the Ogdensburg Municipal Code, Section 33 entitled Health Officer; Board of Health as requested by the Ogdensburg City Council.

Be it enacted by the City Council of the City of Ogdensburg as follows:

SECTION ONE: Chapter 33, § 33-2. of the Ogdensburg Municipal Code of the City of Ogdensburg entitled Duties of Health Officer, be and the same is amended as follows:

§ 33-2. Duties of Health Officer.

The Health Officer of the City of Ogdensburg shall be hereby abolished.

SECTION TWO: Chapter 33, § 33-3. of the Ogdensburg Municipal Code of the City of Ogdensburg entitled Appointment and removal of Health Officer, be and the same is amended as follows:

§ 33-3. Countywide Health District and County Health Director.

The Countywide Health District and County Health Director of St. Lawrence County shall be responsible for all the duties of the former Board of Health and Health Officer.

SECTION THREE: Effective Date: This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

Councillor Skamperle asked if our Code Enforcement Officer is comfortable with making this change. City Manager Sarah Purdy said yes. Deputy Mayor Morley asked if the Countywide Health Officer will be available for our Code Enforcement Officer on Friday afternoons or Saturdays. Ms. Purdy explained the Countywide Health Officer will be available for emergencies, and response to non-emergencies will not change. Ms. Purdy said part of the agreement is that she will be a member of the Board of Directors for the Countywide Health District.

The vote was:

CARRIED, AYES ALL

2. Councillor Skamperle moved an ordinance to sell City-owned property located at 1106 New York Avenue, and Councillor Price seconded to wit:

ORDINANCE #\_\_ of 2016  
AN ORDINANCE TO OFFER FOR SALE AT PUBLIC AUCTION  
CITY-OWNED PROPERTY

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

SECTION ONE:

The following properties shall be offered for sale at public auction by the City of Ogdensburg:

<u>TAX MAP #</u>	<u>LOCATION</u>	<u>MINIMUM PURCHASE PRICE</u>	<u>RESTRICTION(S)</u>
59.031-3-16	1106 New York Avenue	\$3,250. (includes estimated \$400. Attorney & \$350. SLC recording fee)	None

SECTION TWO: The City does not guarantee clear property title in the transfer of properties by auction and conveyance will be made by Quit Claim Deed. The City Council reserves the right to reject any or all bids or to withdraw any parcel from sale.

SECTION THREE: This ordinance shall become effective after public notice has been published at least once each week for three weeks in the official City newspaper.

City Manager Sarah Purdy said the public auction will be held on Wednesday, February 10, 2016 at 2:00pm.

The vote was:

CARRIED, AYES ALL

3. Councillor Stevenson moved an ordinance amending Chapter 209, entitled "Vehicles and Traffic"; Section 209-52, Schedule XV, entitled "No Stopping Certain Hours" of the Code of the City of Ogdensburg, and Councillor Skamperle seconded to wit:

ORDINANCE #\_\_ OF 2016

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 209-52, Schedule XV, entitled "No Stopping Certain Hours" is amended by deleting the following:

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
Jefferson Avenue	East	7:00 a.m. to 4:00 p.m./Monday through Friday	From a point 282 feet north of the north curblineline of Pine Street, to a point 88 feet north therefrom
Pine Street	North	7:00 a.m. to 4:00 p.m./Monday through Friday	From the east curblineline of Jefferson Avenue to a point 88 feet east therefrom

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.

The vote was:

CARRIED, AYES ALL

4. Councillor Mitchell moved an ordinance to sell City-owned property, being a portion of tax map #59.022-4-58 approximately 35' wide by 138' long located west of 16 Rensselaer Avenue, and Councillor Skamperle seconded to wit:

ORDINANCE # of 2016  
AN ORDINANCE TO OFFER FOR SALE AT PUBLIC AUCTION  
CITY-OWNED PROPERTY

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

SECTION ONE:

The following properties shall be offered for sale at public auction by the City of Ogdensburg:

<u>TAX MAP #</u>	<u>LOCATION</u>	<u>MINIMUM PURCHASE PRICE</u>	<u>RESTRICTION(S)</u>
#59.022-4-58	approximately 35' wide by 138' long located west of 16 Rensselaer Avenue	*\$2,450. (includes estimated \$400. Attorney, \$700. Survey & \$350. SLC recording fee)	None

\*If purchased by current prospective purchaser of 16 Rensselaer Avenue, Corey Maxner, this parcel shall be combined with said 16 Rensselaer Avenue and the transactions shall be processed simultaneously with the parcels combined, thereby reducing additional attorney, survey and filing fees on this sale.

SECTION TWO: The City does not guarantee clear property title in the transfer of properties by auction and conveyance will be made by Quit Claim Deed. The City Council reserves the right to reject any or all bids or to withdraw any parcel from sale.

SECTION THREE: This ordinance shall become effective after public notice has been published at least once each week for three weeks in the official City newspaper.

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City Manager Sarah Purdy said the public auction will be held on Wednesday, February 10, 2016 at 2:00pm. Councillor Skamperle asked if adjacent property owners have been notified. City Clerk Kathleen Bouchard said the City owns the adjacent property. Deputy Mayor Morley asked if this property will be of any use to the City in the future. Director of Public Works Scott Thornhill explained the parcel contained an old dry bridge near the railroad tracks and fill was recently added to make 16 Rensselaer Avenue more desirable. Deputy Mayor Morley asked if 16 Rensselaer Avenue has been sold, and Mr. Thornhill said yes.

The vote was:

CARRIED, AYES ALL

5. Councillor Davis moved a resolution authorizing the City Manager to sign an agreement with Ford Motor Credit Company to lease/purchase a F-250 pickup truck, and Councillor Skamperle seconded to wit:

### RESOLUTION

WHEREAS, the laws of the State of New York (the "State") authorize the CITY OF OGDENSBURG NY (the "Government Entity"), to purchase, acquire and lease personal property for the benefit of the City of Ogdensburg and its inhabitants and to enter into any necessary contracts; and

WHEREAS, the City of Ogdensburg wants to lease, purchase and/or finance equipment ("Equipment") from Ford Motor Credit Company and/or an authorized Ford Motor Company dealer by entering into that certain Governmental Equipment Lease-Purchase Agreement for a F-250 pick-up truck with Ford Motor Credit Company; and

WHEREAS, the form of the Agreement has been presented to the governing body of the City of Ogdensburg at this meeting; and

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WHEREAS, the Parks & Recreation Department has budgeted for the first payment in the 2016 budget; and

RESOLVED, that City Manager Sarah Purdy is authorized, directed and empowered, on behalf of the City of Ogdensburg, to (i) sign and deliver to Ford Motor Credit Company, and its successors and assigns, the Agreement and any related documents, and (ii) take or cause to be taken all actions she deems necessary or advisable to acquire the Equipment, including the signing and delivery of the Agreement and related documents; and

WHEREAS, the Clerk of the City of Ogdensburg is authorized to attest to these resolutions and affix the seal of the City of Ogdensburg to the Agreement, these resolutions, and any other related documents; and

WHEREAS, that nothing in these resolutions, the Agreement or any other document imposes a pecuniary liability or charge upon the general credit of the City of Ogdensburg or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the City of Ogdensburg as provided in the Agreement; and

WHEREAS, that a breach of these resolutions, the Agreement or any related document will not impose any pecuniary liability upon the City of Ogdensburg or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the City of Ogdensburg as provided in the Agreement; and

BE IT FURTHER RESOLVED, that the authority granted by this resolution will apply equally and with the same effect to the successors in the office of the City Manager.

Councillor Skamperle asked if this is a purchase. City Manager Sarah Purdy said it is a lease agreement. Councillor Skamperle said a lease at 6.4% is staggering. Recreation Director Matt Curatolo said it was offered under a State bid. Councillor Skamperle said the DPW dump truck lease is 2.5%. Director of Public Works Scott Thornhill said we were able to piggyback under Onondaga County.

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Ms. Purdy explained the Onondaga County agreement was probably done at an earlier date, possibly a year ago resulting in the lower rate. Deputy Mayor Morley asked who will operate the new pickup truck. Mr. Curatolo said it will be operated by his full time employees. Councillor Davis asked if this will replace one of our faulty pickup trucks, and Mr. Curatolo said yes.

The vote was:

AYES: Deputy Mayor Morley, Councillors Davis,  
Mitchell, Price and Stevenson

NAYS: Councillor Skamperle

CARRIED, 5 TO 1

6. Councillor Stevenson moved a resolution authorizing the City Manager to sign an agreement with Navistar to lease/purchase a dump truck, and Councillor Price seconded to wit:

RESOLUTION

WHEREAS, the laws of the State of New York (the "State") authorize the CITY OF OGDENSBURG NY (the "Government Entity"), a duly organized political subdivision, municipal corporation or similar public entity of the State, to purchase, acquire and lease personal property for the benefit of the City of Ogdensburg and its inhabitants and to enter into any necessary contracts; and

WHEREAS, the City of Ogdensburg wants to lease, purchase and/or finance equipment ("Equipment") from Navistar and/or an authorized Navistar dealer ("Navistar") by entering into that certain Governmental Equipment Lease-Purchase Agreement (the "Agreement") with Navistar; and

WHEREAS, the form of the Agreement has been presented to the governing body of the City of Ogdensburg at this meeting; and

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RESOLVED, that (i) the Agreement, including all schedules and exhibits attached to the Agreement, is approved in substantially the form presented at the meeting, with any Approved Changes (as defined below), (ii) the City of Ogdensburg enter into the Agreement with Navistar and (iii) the Agreement is adopted as a binding obligation of the City of Ogdensburg; and

RESOLVED, that changes may later be made to the Agreement if the changes are approved by the City of Ogdensburg's counsel or members of the governing body of the City of Ogdensburg signing the Agreement (the "approved Changes") and that the signing of the Agreement and any related documents is conclusive evidence of the approval of the changes; and

RESOLVED, that the person listed below, who is the incumbent officer of the City of Ogdensburg (the "Authorized Persons"):

Sarah Purdy, City Manager

RESOLVED, that City Manager Sarah Purdy is authorized, directed and empowered, on behalf of the City of Ogdensburg, to (i) sign and deliver to Navistar, and its successors and assigns, the Agreement and any related documents, and (ii) take or cause to be taken all actions she deems necessary or advisable to acquire the Equipment, including the signing and delivery of the Agreement and related documents; and

WHEREAS, the Clerk of the City of Ogdensburg is authorized to attest to these resolutions and affix the seal of the City of Ogdensburg to the Agreement, these resolutions, and any other related documents; and

WHEREAS, that nothing in these resolutions, the Agreement or any other document imposes a pecuniary liability or charge upon the general credit of the City of Ogdensburg or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the City of Ogdensburg as provided in the Agreement; and

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WHEREAS, that a breach of these resolutions, the Agreement or any related document will not impose any pecuniary liability upon the City of Ogdensburg or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the City of Ogdensburg as provided in the Agreement; and

BE IT FURTHER RESOLVED, that the authority granted by this resolution will apply equally and with the same effect to the successors in the office of the City Manager.

The vote was:

CARRIED, AYES ALL

7. Councillor Price moved a resolution authorizing the City Manager to apply for a \$4,000 grant through the Excellus BlueCross BlueShield Community Grant program to purchase outdoor exercise equipment and to install such equipment along the Maple City Trail, and Councillor Skamperle seconded to wit:

RESOLUTION  
AUTHORIZING GRANT APPLICATION

WHEREAS, Excellus BlueCross BlueShield has been serving residents of upstate New York for 80 years and has supported hundreds of programs aimed at improving the health status of area residents; and

WHEREAS, Excellus BlueCross BlueShield makes Community Health Awards of up to \$4,000 available to support the financial needs of health and wellness programs within the 31 counties of upstate New York and demonstrates a corporate commitment to support local organizations that share its mission of improving the health and health care of the residents of the communities it serves; and

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WHEREAS, the Ogdensburg Parks and Recreation Department would benefit by receiving \$4,000 in funds provided by the Excellus BlueCross BlueShield Community Health Award program to purchase outdoor exercise equipment and to install such equipment along the Maple City Trail; and

THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to apply for this grant through the Excellus BlueCross BlueShield Community Grant program.

Councillor Skamperle asked where we will install the new equipment. Recreation Director Matthew Curatolo said he will present options to Council after we receive the grant.

The vote was:

CARRIED, AYES ALL

8. Councillor Stevenson moved a resolution adopting the St. Lawrence County multi-jurisdictional all-hazard mitigation plan, and Councillor Mitchell seconded to wit:

RESOLUTION ADOPTING THE ST. LAWRENCE COUNTY  
MULTI-JURISDICTIONAL ALL-HAZARD MITIGATION PLAN

WHEREAS, the City of Ogdensburg, with assistance from Barton & Loguidice, D.P.C., and St. Lawrence County, has gathered information and prepared the St. Lawrence County Multi-Jurisdictional All-Hazard Mitigation Plan; and

WHEREAS, the St. Lawrence County Multi-Jurisdictional All-Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the City is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

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WHEREAS, the City's Planning Department has reviewed the Plan and affirms that, with the assistance of St. Lawrence County, the Plan will be updated no less than every five years;

NOW, THEREFORE, BE IT RESOLVED the City of Ogdensburg adopts the St. Lawrence County Multi-Jurisdictional All-Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Councillor Skamperle asked how this plan will benefit the City and said he is concerned about the associated implementation costs. City Manager Sarah Purdy explained joining the plan makes the City eligible for FEMA or State emergency funding should there be an event. Ms. Smith said without this plan in place or the development of our own plan, we will not benefit from FEMA funding. Councillor Skamperle said our walking trail wall was damaged by a flood in the past, but we received no assistance to make the necessary repairs. Ms. Smith explained at that time the County did not meet its threshold to qualify for funding. Councillor Price asked if adopting this plan is a good idea. Ms. Smith said yes because the only cost to the City is staff time. Councillor Skamperle asked if we should add flooding to our increased risks. Ms. Smith explained the forms were completed prior to that flooding incident. Ms. Smith said we are the last county in the State of New York to adopt a Hazard Mitigation Plan. Ms. Purdy suggested we adopt it and work on a five year update to add flooding.

The vote was:

CARRIED, AYES ALL

9. Councillor Morley moved a resolution calling for a public hearing and public notice on a proposed ordinance to amend Chapter 221 entitled 'Zoning', Section 221-8, entitled "Zoning Map", and Councillor Skamperle seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING  
AN AMENDMENT TO THE ZONING ORDINANCE  
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

WHEREAS, the ordinance entitled “Ordinance Amending Chapter 221 Entitled ‘Zoning’ of the City of Ogdensburg Municipal Code” be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

WHEREAS, the Ogdensburg 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 Thursday the 11th day of February, 2016, at 7:00 PM, and

BE IT 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, and

BE IT FURTHER RESOLVED that the City Council hereby refers this request to amend the zoning map, at the request of Mr. and Mrs. Basta, to the Ogdensburg Planning Board and St. Lawrence County Planning Office for a report and recommendation in accordance with OMC §221-97.

The vote was:

CARRIED, AYES ALL

10. Councillor Price moved a resolution to authorize the City Manager to sign a Shared Services Agreement between New York State Department of Transportation (NYSDOT) and City of Ogdensburg for Emergency Events, and Councillor Skamperle seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER  
TO SIGN AN EMERGENCY EVENT SHARED SERVICES AGREEMENT  
BETWEEN THE NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION AND THE CITY OF OGDENSBURG

WHEREAS, the New York State Department of Transportation (NYSDOT) requires an Emergency Event Shared Services Agreement to assist the City of Ogdensburg local highway system when a Governor's Emergency Declaration has not been made, and

WHEREAS, by executing this Emergency Event Shared Services Agreement beforehand, the City's emergency needs can be addressed without waiting for an Emergency Declaration or paperwork to be processed, and

NOW, THEREFORE, BE IT RESOLVED that the City Manager, Sarah Purdy, is hereby authorized and directed to sign an Emergency Event Shared Services Agreement with the NYSDOT.

The vote was:

CARRIED, AYES ALL

11. Deputy Mayor Morley moved a resolution designating the City of Ogdensburg as lead agency for the purposes of SEQR for Phase 1 Wastewater Treatment Facility Improvements, and Councillor Skamperle seconded to wit:

RESOLUTION SETTING STATUS UNDER SEQR  
AND ASSUMING LEAD AGENCY STATUS  
City of Ogdensburg – Phase 1 Wastewater Treatment Facility Improvements

WHEREAS, the City of Ogdensburg, hereinafter referred to as the "City", is proposing to cause to be constructed improvements to the existing wastewater treatment facility serving City residents, businesses, and institutions; and

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WHEREAS, the Ogdensburg City Council must evaluate all proposed actions submitted for its consideration that may affect the environment in light of the State Environmental quality Review Act (SEQRA) and the regulations promulgated thereunder; and

WHEREAS, the involved agencies [as that term is defined in 6(A-2) NYCRR 617.2(t)] include the New York State Department of Health and the New York State Department of Environmental Conservation, and the required environmental review will be conducted solely by the Ogdensburg City Council; and

WHEREAS, the Ogdensburg City Council desires to serve and act as the lead agency for the purposes of SEQRA; and

WHEREAS, to aid the Ogdensburg City Council in determining whether the Action may have a significant impact on the environment, a Full Environmental Assessment Form dated January 20, 2016 has been prepared by the City and a copy of which has been filed with the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Ogdensburg City Council that:

The Ogdensburg City Council makes the following findings and determinations with respect to the proposed project:

The project includes a “Type I Action” as that term is defined in Section 6(A-2) NYCRR Section 617.2(kk) and 617.11;

The Ogdensburg City Council desires to serve as lead agency for the purposes of SEQRA.

The City Clerk shall cause the New York State Department of Environmental Conservation and New York State Department of Health as the other “involved agencies” to be notified of this resolution.

This resolution shall take effect immediately.

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The vote was:

CARRIED, AYES ALL

### OLD BUSINESS

1. Councillor Stevenson asked if the visits to the Wastewater Treatment Plants currently managed by DANC have been scheduled. City Manager Sarah Purdy said we are waiting for DANC to accept our modifications to the agreement. Director of Public Works Scott Thornhill said Council originally requested to have the proposed contract reviewed and approved before scheduling the visits. Mr. Thornhill said we are meeting with DANC representatives tomorrow to finalize the language. Councillor Stevenson asked for some lead time when scheduling the visits. Mr. Thornhill said he will contact Council via email to determine the number of sites to visit and how many Council members will be attending. Ms. Purdy said we should be able to wrap up the contract quickly, and then Mr. Thornhill will follow up with Council.

### NEW BUSINESS

1. Councillor Mitchell asked for a status on the release of the Council update to the public.

City Manager Sarah Purdy explained it has been discussed that going forward if necessary, the update would be split into two documents – one that is available to the public and then a second one that is confidential. Ms. Purdy said she can foresee there might not always be a need for the second one, but suggested this would be the way to address the issue. Ms. Purdy also suggested the update be provided to Council on Thursday but not released on our website until Friday, to afford Council the opportunity to review it. Councillor Mitchell supported the suggestion, noting it is beneficial for residents to see what is being done by City staff.

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Councillor Skamperle said he does not support the proposed solution and explained he believes the update is interdepartmental correspondence and not needed by the newspaper. Councillor Skamperle said Council is elected by the people to take care of City business, and Council members are trusted with the information.

Deputy Mayor Morley said updates were delivered to Council members in the past by the police department, and copies were provided to the newspaper and radio station. Deputy Mayor Morley explained the public information was automatically released, but some information was kept confidential for Council members only. Councillor Mitchell said he agrees not everything should be released to the public. Deputy Mayor Morley said there is, however, a lot of information that can be released.

Councillor Skamperle said he believes too much information is released to the newspaper already. Councillor Skamperle said he plans to take a hard stand on this issue because of the newspaper's unethical actions in the past. Councillor Stevenson agreed the update is an interoffice, interdepartmental memo and cautioned the next conflict would be why certain information was considered confidential. Councillor Davis also agreed with Councillor Skamperle.

Deputy Mayor Morley suggested the City Manager decide how to handle the release of the update.

Councillor Stevenson said the information in the update is City Council information, and Council should have some input as to whether or not it is released to the public. Councillor Price explained the public can request information contained in the update through the Freedom of Information Act. Councillor Price said he does not believe the information should be provided upfront. Councillor Stevenson said the update is not sent to Council; members simply receive an email indicating it is available. Councillor Stevenson explained a FOIL can be filed for that email itself, but the rest of the information is interoffice communication. Councillor Price agreed. Councillor Skamperle said there is a consensus of four Council members that the update is interdepartmental correspondence.

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Deputy Mayor Morley said the information was released in the past and keeping the public informed is our obligation. Deputy Mayor Morley said Council should prove we are not hiding anything because an open government is the best.

Councillor Price said he agrees with keeping the public informed, and Councillor Stevenson also agreed. Councillor Price explained Council members are elected to take care of the business of the people, for the people.

Deputy Mayor Morley said Council can take of business and also announce decisions.

Councillor Price said Council needs to be able to promote stability within the system so information that can be manipulated a certain way does not slip out. Councillor Price said he fears an entity like the media that can manipulate information. Councillor Stevenson said she believes a weekly update to the press is a good idea but it does not necessary need to mirror Council's update.

At this point in the meeting Larry Robinson of Johnson Newspapers asked to address Council on the subject. Deputy Mayor Morley instructed him to go to the microphone. Mr. Robinson said the issue is the contents of the update and whether that information meets the criteria of being withheld. Mr. Robinson agreed with the City Manager's suggestion of providing the public with a copy of the update after all confidential information is removed. Mr. Robinson suggested the City Manager decide if a separate update would be required or if certain public information can simply be omitted from the update.

Councillor Price said he does not believe there is anything that prohibits the City Manager from including any type of information in the update.

Deputy Mayor Morley said some information should be made available to the public and not included in the update. Deputy Mayor Morley explained no one should have to FOIL for information that should already be made available to the public.

Councillor Stevenson said she believes the City Manager would make public information, such as tax updates, readily available if asked.

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Councillor Stevenson said there is a method for Council to discuss matters without interacting with the public and asked for decorum.

Deputy Mayor Morley said there was a consensus of Council to proceed as suggested by the City Manager and not make the updates available to the public.

Ms. Purdy suggested she present Council with a sample of an update separated into two versions.

Councillor Skamperle suggested Ms. Purdy provide a press announcement each week with information about the City. Councillor Skamperle explained the City can then release the information directly without interpretation by the press. Ms. Purdy said she will try that approach and see how it goes.

2. Councillor Davis said he attended the recent NYCOM session and suggested Council review our Code of Ethics. City Manager Sarah Purdy said she will look at this issue and begin the process for Council review.

3. Councillor Stevenson said the NYCOM sessions were very beneficial and encouraged members of Council to take advantage of all of those sessions.

### ITEMS FOR DISCUSSION

1. Councillor Skamperle asked if the City's current setback requirements are State law and if Council can make changes. Director of Planning and Development Andrea Smith explained setback requirements are set by municipalities by ordinance. Ms. Smith explained Table 1 of our Zoning Code dictates accessory structures can be placed no less than 6' from a property line, and New York State Fire Safety Code mandates there must be 5' between structures. Councillor Skamperle asked if Council can amend our Code. Ms. Smith said yes, but it is very dangerous. Ms. Smith explained residents have access to the variance mechanism should they fail to meet the requirements. Ms. Smith explained the Planning Board has reviewed the issue, but recommendations have not been brought to Council.

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Councillor Morley said we should look at this section of our Code. Councillor Stevenson suggested we also review the future use of properties.

Ms. Smith said the benefit of applying for a variance is that the decision can be challenged in Court. Ms. Smith explained working sessions with Council on this topic are anticipated in February and public meetings are being planned for March.

### CITIZEN PARTICIPATION

1. Tim Winter updated Council on the snow removal issue on Paterson Street. Mr. Winter said he has met with City Manager Sarah Purdy and Director of Public Works Scott Thornhill, and it appears they can reach a resolution. Mr. Winter explained he wanted Council to be aware of the status and thanked everyone.

### EXECUTIVE SESSION

1. City Manager Sarah Purdy said there was a need for Executive Session to discuss a proposed acquisition, sale or lease of real property. Ms. Purdy explained Council may vote on a resolution after Executive Session. Deputy Mayor Morley made a motion to adjourn to Executive Session, and Councillor Skamperle seconded the motion.

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

Deputy Mayor Morley moved a resolution to accept a New York State and Municipal Facility Grant aware in the amount of \$300,000 for the acquisition of "Parcel A" located at the St. Lawrence Psychiatric Center, and Councillor Skamperle seconded to wit:

RESOLUTION TO ACCEPT A STATE AND MUNICIPAL FACILITY GRANT  
FOR THE ACQUISITION OF "PARCEL A"  
LOCATED AT THE ST. LAWRENCE PSYCHIATRIC CENTER  
LOCATED IN THE CITY OF OGDENSBURG, IN ST. LAWRENCE COUNTY

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WHEREAS, in January 2015 the City of Ogdensburg passed a resolution authorizing the City Manager to apply to the State of New York Office of General Services for transfer and conveyance of a certain parcel of state land known as the "Parcel A" located at the St. Lawrence Psychiatric Center in the City of Ogdensburg, in St. Lawrence County; and

WHEREAS, the City has been awarded a New York State and Municipal Facility Grant in the amount of \$300,000 for the acquisition of state land known as the "Parcel A" located at the St. Lawrence Psychiatric Center in the City of Ogdensburg;

NOW THEREFORE, BE IT RESOLVED that the Ogdensburg City Council hereby accepts this \$300,000 grant award to purchase "Parcel A" located at the St. Lawrence Psychiatric Center, in the City of Ogdensburg.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute all documents and related activities necessary to effectuate said acquisition of "Parcel A" located at the St. Lawrence Psychiatric Center, in the City of Ogdensburg.

The vote was:

CARRIED, AYES ALL

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