

CITY COUNCIL MEETING

April 24, 2017

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

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

ABSENT: None

PUBLIC HEARING

1. A public hearing regarding an ordinance amending Chapter 221, entitled 'Zoning', Article XVII entitled 'Administration and Enforcement', §221-83 "Zoning Board of Appeals" of the Code of the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #07-2017 in the amount of \$537,192.01 and Library Fund Warrant #07-2017 in the amount of \$23,993.73 and Capital Fund Warrant #07-2017 in the amount of \$0.00 and Community Development Fund Warrant #07-2017 in the amount of \$0.00 and Community Renewal Fund Warrant #07-2017 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

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ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle moved an ordinance to amend Chapter 221, entitled 'Zoning', Article XVII entitled 'Administration and Enforcement', §221-83 "Zoning Board of Appeals; appeals procedure." of the Code of the City of Ogdensburg, and Councillor Morley seconded to wit:

ORDINANCE #7 of 2017

ORDINANCE AMENDING CHAPTER 221 ENTITLED ZONING
OF THE MUNICIPAL 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 Chapter 221, entitled 'Zoning', Article XVII entitled 'Administration and Enforcement', §221-83 "Zoning Board of Appeals; appeals procedure." is hereby amended as follows:

§ 221-82. Planning Board.

A. Authority. As authorized by § 81 of the General City Law, there shall be a Zoning Board of Appeals (ZBA) consisting of five members, holding staggered three-year terms, appointed by the Mayor and City Council. Additionally, pursuant to § 81(11) of the General City Law, one alternate member may be appointed by the Mayor and City Council to substitute for a regular member of the Zoning Board of Appeals in the event that a regular member is unable to participate in matters before the Zoning Board of Appeals because of a conflict of interest, illness or other absence.

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.

The vote was:

CARRIED, AYES ALL

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2. Councillor Stevenson introduced a resolution declaring that the DPW Excess Laboratory Inventory property is surplus property and authorizes the City Manager to dispose of this surplus property by the informal procedure of sealed bids and/or internet auction, and Councillor Skamperle seconded to wit:

A RESOLUTION TO DECLARE ITEMS AS SURPLUS PROPERTY

WHEREAS, the City of Ogdensburg owns certain property as described in the attached hereto; and

WHEREAS, the property has become obsolete over time and has been replaced; and

WHEREAS, the Public Works Director has recommended that the property be deemed surplus items; and

WHEREAS, in accordance with State Finance Law, the City Council declares the property as described in the attached to be surplus property and directs the City Manager to dispose of the surplus property in accordance with City administrative procedures; and

WHEREAS, the City Council further directs the City Comptroller to delete this surplus property from the inventory of the City once disposed of by the City Manager;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Ogdensburg, hereby authorize the City Manager to dispose of the property listed in the attachment by the informal procedure of sealed bids and/or internet auction.

BE IT FURTHER RESOLVED, said surplus items shall be sold in "As Is" condition without any warranty as to condition.

The vote was:

CARRIED, AYES ALL

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3. Mayor Ashley introduced a resolution to amend the 2017 budget A5110.330 to include the receipt of CHIPs allocation in the amount of \$321,445.75, EWRA (Extreme Winter Recovery) allocation in the amount of \$49,324.86 and the PAVE NY allocation in the amount of \$73,373.19, for a new grant total of \$444,143.80, and Councillor Morley seconded to wit:

A RESOLUTION TO AMEND THE 2017 BUDGET

WHEREAS, the City of Ogdensburg has been awarded a CHIPs allocation in the amount of \$321,445.75, EWRA allocation in the amount of \$49,324.86 and the PAVE NY allocation in the amount of \$73,373.19, and

WHEREAS, these funds are to be used for the rehabilitation and reconstruction of local highways, and

WHEREAS, \$324,000.00 in CHIPs funding (A5110.330), (\$394,000.00 anticipated allocation less \$70,000 labor commitment) was included in the 2017 budget, and

WHEREAS, \$ 50,143.80 was not included in the 2017 budget,

NOW THEREFORE BE IT RESOLVED, that the City Comptroller is authorized to amend the 2017 budget to include the receipt of \$ 50,143.80 in grant revenue into account A5110.330 and Consolidated Highway Aid revenue account A3501.

The vote was:

CARRIED, AYES ALL

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4. Councillor Mitchell introduced a resolution authorizing the City Manager to submit a letter of Intent to apply for 2017 NBRC (Northern Border Regional Commission) infrastructure funds, and Councillor Stevenson seconded to wit:

**RESOLUTION AUTHORIZING THE CITY MANAGER
TO SUBMIT A NORTHERN BORDER REGIONAL COMMISSION LETTER
OF INTENT TO APPLY**

WHEREAS, the City of Ogdensburg is pursuing a public facilities improvement project for the City's Wastewater Treatment Plant (WWTP); and

WHEREAS, 2017 Northern Border Regional Commission (NBRC) Economic and Infrastructure funds are available for Basic Public Infrastructure including water and wastewater facilities presumed to have a useful life of 20 years or more; and

WHEREAS, the City of Ogdensburg, located in St. Lawrence County is listed as a Northern Border Regional Commission recognized Distressed County eligible for 80% funding up to the maximum award \$500,000 for infrastructure projects; and,

WHEREAS, the Northern Border Regional Commission, requests that interested applicants submit a letter of intent to apply for funds by April 30, 2017 so that State Program Managers and Local Development Districts are aware of projects and can assist applicants better through the process.

NOW, THEREFORE, BE IT RESOLVED by the Ogdensburg City Council that it hereby authorizes the City Manager to submit a letter of intent to apply for 2017 NBRC funding in support of construction associated with the WWTP project.

BE IT FURTHER RESOLVED that the letter include a concise project description and budget for \$500,000, the maximum for 'infrastructure' projects as defined by 40 U. S. C. §15501 (b).

The vote was:

CARRIED, AYES ALL

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5. Mayor Ashley introduced a resolution authorizing the City Manager to enter into an amended professional consulting agreement with the Development Authority of the North Country for the Water Treatment Plant, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO
AN AMENDED MANAGEMENT SERVICES AGREEMENT WITH
THE DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY

WHEREAS, an amended management services agreement for the City Water Treatment Plant facility has been negotiated between the City Manager and the Development Authority of the North Country (DANC), and

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the City Manager to enter into said amended agreement with the Development Authority of the North Country to provide professional services and management support for the Water Treatment Plant, pending review and approval of the City Attorney.

BE IT FURTHER RESOLVED that funding for this service will come from the Water Fund F8320.515.

City Manager Sarah Purdy said this agreement is different than the Wastewater Treatment Plant agreement with DANC because we already have someone in charge of our Water Treatment Plant. Public Works Director Scott Thornhill explained this agreement would bring a level of professionalism to assist our current leadership team and offer support. Mr. Thornhill said we may be able to improve water quality, find cost savings and evaluate needed improvements by bringing in this support. Mr. Thornhill explained we would also have assistance seeking funding for required improvements.

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Councillor Morley said out of state companies have offered this type of service to the City in the past and asked if we should be seeking quotes from other companies. City Manager Sarah Purdy said we do not need to seek bids for professional services and explained when bidding is required. Councillor Morley asked if we have looked at anyone else. Mr. Thornhill said he believes DANC is the only company in the North Country that offers this type of service. Councillor Morley said we may be able to get someone to provide the same service cheaper. Mr. Thornhill said he only has a working relationship with DANC, and they have a proven track record with the City. Councillor Stevenson asked if this agreement would benefit our current SCADA system. Mr. Thornhill explained we should see a cost savings because we are currently paying an outside agency for service for our SCADA system which would be included in this agreement with DANC. Councillor Stevenson asked if we are replacing any employees or simply adding service. Mr. Thornhill said there will be no reduction in staff, and DANC will simply supplement our current leadership. Mr. Thornhill added our current staff will remain in charge of the plant. Councillor Skamperle asked if this agreement is absolutely necessary at this time given the City's current financial condition. Ms. Purdy explained we need to bring the Water Treatment Plant up to date with current technology, similar to what is being done at the Wastewater Treatment Plant.

The vote was:

AYES: Mayor Ashley, Councillors Davis, Mitchell,
Price and Stevenson

NAYS: Councillors Morley and Skamperle

APPROVED, 5 TO 2

6. Councillor Skamperle introduced a resolution authorizing the City Manager to enter into a contract with Burke Excavation Demolition, Inc. (assumed business name: JEDA Environmental) for the 917 Washington Street - Asbestos Abatement, Removal & Disposal project for a sum, not to exceed \$59,770.00, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS
AND AWARD OF CONTRACT FOR THE
917 WASHINGTON STREET - ASBESTOS ABATEMENT,
REMOVAL & DISPOSAL PROJECT

WHEREAS, the City owned building at 917 Washington Street has previously been used to store equipment and materials; and

WHEREAS, the presence of deteriorated asbestos containing material within the building has resulted in conditions which are unsafe to use without the abatement and removal of asbestos; and

WHEREAS, bids have been solicited and received for the 917 Washington Street - Asbestos Abatement, Removal & Disposal project; and

WHEREAS, the lowest responsible bidder is a company that has demonstrated their ability and have sufficient resources to satisfactorily complete the project;

NOW, THEREFORE, BE IT RESOLVED that Sarah Purdy, City Manager, is hereby authorized to enter into the following contract, for the designated project, on behalf of the City;

Burke Excavation Demolition, Inc.
(abn: JEDA Environmental) \$59,770.00 *
273 S. Grasse River Road
Massena, NY 13662

* This project does not include the boiler room nor does it include the boiler. These can't be fairly assessed until the rest of the building has been abated.

BE IT FURTHER RESOLVED that the funds to pay for this project will come from the following sources:

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Water Pollution Control –		
Building Maintenance	G8130.450	\$ 9,720.00
Other Contractual Expense	G8130.498	\$ 7,100.00
Water Supply, Power & Pumping –		
Building Maintenance	F8320.450	\$ 9,720.00
Other Contractual Expense	F8320.498	\$ 7,100.00
Capital Construction	F8340.330	<u>\$26,130.00</u>
TOTAL FUNDS		\$59,770.00

Councillor Davis asked why the boiler room cannot be addressed now. Public Works Director Scott Thornhill explained the entire building was used as a storage site by several departments for future use materials. Mr. Thornhill said when he sent a crew into the building to start cleanup of these materials, asbestos was discovered. Mr. Thornhill explained our main goal is to keep people out of the contaminated area, and the boiler room can be safely contained to be checked for asbestos in the future. Mr. Thornhill said he did not ask for the boiler room to be included to keep the cost down. Councillor Davis asked if the building could still be used without including the boiler room in this project, and Mr. Thornhill said yes. Mayor Ashley asked what types of material have been stored in the building. Mr. Thornhill described the different materials and said he believes most will be recyclable or free to dispose of. Mr. Thornhill explained he intends to have staff available to sort the material as it comes out of the building. Councillor Morley asked if the funding for this project is from the water fund. Mr. Thornhill said the funding will come from both water and sewer funds. Councillor Morley asked for the condition of the roof. Mr. Thornhill explained it is in good shape, but a metal roof will be needed within two years which could be installed by City staff at a reasonable cost.

The vote was:

CARRIED, AYES ALL

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7. Councillor Price introduced a resolution authorizing the City Manager to enter into a Professional Services Agreement with Emminger, Newton, Pigeon and Magyar, Inc. for a Preliminary Summary Format Appraisal for two parcels located at 2981 Ford Street Extension and 2991 Ford Street Extension for a sum, not to exceed \$7,500.00, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH EMMINGER, NEWTON, PIGEON AND MAGYAR, INC. FOR A COMMERCIAL APPRAISAL OF TWO PROPERTIES OWNED BY OGDENSBURG ASSOCIATES, LLC.

WHEREAS, the City of Ogdensburg, each year receives official challenges to the assessments it places upon commercial properties, known as an Article 7 Certiorari; and

WHEREAS, the City of Ogdensburg has received an Article 7 Certiorari Proceeding from Ogdensburg Associates, LLC for land owned at the Gateway Shopping Centre challenging the individual assessments on their property; and

WHEREAS, Emminger, Newton, Pigeon and Magyar, Inc., Commercial Appraisers of Buffalo, NY submitted a quote to the City of Ogdensburg for \$7,500 for a Preliminary Summary Format Appraisal for two parcels located at 2981 Ford Street Extension and 2991 Ford Street Extension; and

NOW, THEREFORE BE IT RESOLVED, the City Manager is hereby authorized to execute a professional services agreement, in the amount of \$7,500 between the City of Ogdensburg and Emminger, Newton, Pigeon and Magyar, Inc. in connection with the commercial appraisal of these two parcels.

BE IT FURTHER RESOLVED, that funding for this project will come from Consultants A1355.515 with a transfer of \$7,000 into this line item from the City Hall Building budget, A1620.110. Salaries.

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City Manager Sarah Purdy advised we are seeking a commercial appraisal as a preventative move to save the City money. Ms. Purdy explained this firm is well versed in commercial appraisal and also conducts assessor training. Councillor Morley asked if the potential savings would exceed the cost of the appraisal service, and Ms. Purdy said yes. Councillor Skamperle questioned if the City expects more assessment challenges this year. Ms. Purdy said yes, this year or next year. Ms. Purdy added she would like to fund for these commercial appraisals in future budgets. Ms. Purdy stated because this expense was not funded in this year's budget, we eliminated the PT Cleaner position at City Hall and used those funds.

The vote was:

CARRIED, AYES ALL

8. Mayor Ashley introduced a resolution calling for a public hearing and public notice on a proposed ordinance to lease municipal property at 330 Ford Street (Basement) for the Satellite Office of Senator Patricia Ritchie, and Councillor Skamperle seconded to wit:

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

BE IT RESOLVED, that Ordinance No. of 2017, entitled "An Ordinance to Lease 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 May, 2017, at 7:00 p.m., and

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

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Stevenson stated two successful fundraisers were held last weekend, the Amvets Post 19 Patriot 5K Walk/Run on the Maple City Trail and the Hospice Tastes on the River at the Gran View Restaurant.

2. Councillor Morley said the tennis courts are locked and asked for the procedure to gain access. City Manager Sarah Purdy said she will check with the Recreation Director and advise Council.

3. Councillor Skamperle asked for an update on sales tax and healthcare projections. Ms. Purdy said the next report presented to Council will show the sales tax revenue is better than projected, but it is too early to make an annual determination on healthcare expenses.

ITEMS FOR DISCUSSION

1. Councillor Mitchell announced that Sgt. Matt Erwin received the Moose Club State Community Award in Binghamton this past weekend for saving a woman who jumped off the bridge. Councillor Mitchell said the Ogdensburg Moose Lodge will hold a dinner to honor him in the future.

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