

CITY COUNCIL MEETING

February 12, 2018

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

PRESENT: Mayor Ashley, Councillors Davis, Kennedy,
Price, Shaver, Skamperle and Stevenson

ABSENT: None

PRESENTATION

1. Mayor Janet Otto-Cassada, Village of Waddington, made a presentation to Council regarding the 2018 Bass Elite Tournament. (A copy of her presentation material follows these minutes.)

2. Director of Planning and Development Andrea Smith made a presentation to Council regarding the Planning Board recommendation for §221-47.E(3) entitled “Accessory Uses and Structures” of the Ogdensburg Municipal Code. (A copy of her presentation material follows these minutes.)

Councillor Skamperle explained his objective in requesting the Planning Board review was not regarding garages. Fire Chief Michael Farrell said the setback distance is determined from the property line even if no structure exists near the property line. Councillor Skamperle asked if New York State has a 6’ setback requirement. Chief Farrell said New York State requires a 5’ setback. Ms. Smith noted the City cannot be less restrictive than New York State but can be more restrictive. Councillor Skamperle said he was unable to find language in our Municipal Code indicating the measurement is from the lot line. Ms. Smith agreed the section of the Municipal Code does not use the “lot line” language but explained lot line is defined in the beginning of the chapter. Councillor Skamperle suggested the Municipal Code be amended to reflect “lot line” language. Councillor Skamperle said he is only interested in small, moveable storage shed type buildings and understands there has to be a distance between buildings.

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Councillor Skamperle said accurate quantifiable evidence should include the number of residents who were asked to move their sheds. Councillor Skamperle explained he is particularly interested in those sheds which do not require a building permit. Ms. Smith said property owners are still required to adhere to setback requirements even when a permit is not needed. Councillor Skamperle said Council could change the setback requirement to 5'. Councillor Shaver asked for Chief Farrell's recommendation, and Chief Farrell said he would recommend leaving it at 6'. Councillor Price suggested if the Municipal Code is changed the language should be specific to the size and type of building. Councillor Skamperle said he believes property owners should be able to place a storage shed or stack wood wherever they want on their own property. Councillor Skamperle explained he would like to change what can be changed to make the section less restrictive. City Manager Sarah Purdy asked how the proposed changes would fit into the County process. Ms. Smith said the Planning Board only reviewed §221-47.E(3). Ms. Smith explained if Council wishes for the entire section to be reviewed our Planning Board would need to complete their review before the County review. Councillor Skamperle apologized for not being more concise with his initial request.

Councillor Skamperle made a motion that the Planning Board review §221-47 specifically to review exempt accessory structures and determine if a setback for those types of structures can be changed to 3', and Councillor Price seconded the motion. Councillor Skamperle said there is no urgency to his request, and he just wants sensible changes made.

The vote was:

CARRIED, AYES ALL

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #03-2018 in the amount of \$1,525,945.39 and Library Fund Warrant #03-2018 in the amount of \$22,516.58 and Capital Fund Warrant #03-2018 in the amount of \$217,270.50 and Community Development Fund Warrant #03-2018 in the amount of \$25,912.93 and Community Renewal Fund Warrant #03-2018 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Skamperle seconded the motion.

Councillor Stevenson said she had notified Council that she was unable to attend the January 22, 2018 Council meeting and asked why she was not excused. Mayor Ashley said it was an error, and there was a consensus of Council to excuse Councillor Stevenson from that meeting.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Ashley moved to appoint Jewel LaComb, 903 Caroline Street, to the Historic Preservation Commission (no set term), and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Ashley moved to take an ordinance to amend Chapter 181 entitled “Solid Waste”, Article 1 entitled “Seasonal Cleanup” of the Code of the City of Ogdensburg off the table, and Councillor Price seconded to wit:

ORDINANCE # 1- 2018
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 181 entitled “Solid Waste”, Article I entitled “Spring Seasonal Cleanup”, is hereby deleted in its entirety and replaced with the following:

ARTICLE I
Seasonal Cleanup

§ 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.

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. It is prohibited to place yard waste in the street. Collection will start no later than May 1 of each year and will run through the week leading up to Memorial Day. The last day to place material out for pick up is the second to last Sunday in May (i.e. if Memorial Day is May

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28th, then the last day to put material out for pick up is May 20th.) There will be no penalties for putting out yard waste early during this cleanup cycle.

The fall cleanup will start during the last full week of October, but no later than November 1st. 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. It is prohibited to place yard waste in the street. DPW will continue the fall collection process until late November or until weather no longer permits. The last day to place material out for pick up is the Sunday before Thanksgiving.

Storm related debris will be picked up by the City's DPW on an on-call basis. City residents can contact DPW during regular business hours to schedule a pickup.

Free, year-around drop off of yard waste is available to all City residents at the City's land clearing debris landfill located on outer Champlain Street on scheduled drop-off days.

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 on scheduled drop-off days or on an on-call basis. The City will not pick up trees taken down by a contractor.

C. One Time Summer Pickup

- (1) In addition to the Spring and Fall pickups, the City will conduct one summer pickup just before the Annual Seaway Festival (last full week in July).

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- (2) Property owners can place their yard waste out for pick up two weeks before the festival, but no later than the Sunday prior to the commencement of the festival. DPW will conduct City wide pick-up Monday - Friday before the festival (see example below).

Seaway Festival – Saturday – July 21st to Sunday – July 29th

Material can start to be placed out for pickup on Sunday – July 8th.

Last day to put out material, Sunday – July 15th.

DPW will perform pickup between Monday – July 16th and Friday – July 20th.

- (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.

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.

Mayor Ashley said with the personnel and funding cut backs, this policy was a good comprise. Councillor Skamperle agreed. Councillor Stevenson noted one week of paving will be lost by establishing this policy. Councillor Shaver said he is opposed to the one week pick up before Seaway Festival.

The vote was:

AYES: Mayor Ashley, Councillors Davis, Price and Skamperle

NAYS: Councillors Kennedy, Shaver and Stevenson

CARRIED, 4 TO 3

2. Councillor Stevenson moved a resolution calling for a public hearing and public notice on a proposed ordinance amending Chapter 209, Section 209-48, Schedule XI entitled "Parking Prohibited at All Times" of the Code of the City of Ogdensburg, and Councillor Kennedy seconded to wit:

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

BE IT RESOLVED, that Ordinance No. 2 of 2018, entitled, Ordinance Amending Chapter 209 entitled "Vehicles and Traffic", Chapter 209, Section 209-48, Schedule XI entitled "Parking Prohibited at All Times" of the Code of the City of Ogdensburg be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

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 26th day of February, 2018 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.

City Manager Sarah Purdy explained this addresses a parking restriction on the street leading to Diamond National that is no longer needed. Councillor Skamperle asked how the request was initiated. Public Works Director Scott Thornhill said a property owner in the area made the request, and after review removal of the sign is recommended.

The vote was:

CARRIED, AYES ALL

3. Councillor Skamperle moved a resolution to allow St. Lawrence County Department of Highways to be held harmless for providing shared services such as paving, signage, road stripping, blasting and other routine maintenance activities to the City of Ogdensburg, and Councillor Price seconded to wit:

RESOLUTION HOLDING HARMELSS THE COUNTY OF
ST. LAWRENCE FOR PROVIDING SERVICE FOR THE CITY OF
OGDENSBURG

WHEREAS, the City of Ogdensburg is desirous of St. Lawrence County Department of Highways providing shared services such as paving, signage, road stripping, blasting and other routine maintenance activities to the City; and

WHEREAS, both the City of Ogdensburg and the County of St. Lawrence are desirous of promoting partnering efforts for the safety of the traveling public in St. Lawrence County; and

WHEREAS, in this joint cooperative endeavor, the City of Ogdensburg and the County of St. Lawrence desires to be reimbursed for their expenditures; and

WHEREAS, the City is aware that the County may incur liability in the providing of the services and wishes to indemnify the County in this regard;

NOW, THEREFORE, BE IT RESOLVED that the City of Ogdensburg hereby agrees to defend, indemnify and hold harmless the County of St. Lawrence from and against liability, loss, damage, claim or action resulting from the work performed by St. Lawrence County Department of Highways. The City of Ogdensburg does not indemnify and hold harmless the County for any liability, loss, damage, claim, or action which arises during the actual performance of services by the St. Lawrence County Department of Highways. Said St. Lawrence County Department of Highways and the County of St. Lawrence assumes the liability for losses, damages and claims for the actual physical performance of the work; and

BE IT FURTHER RESOLVED that the following request for General Liability (GL) Coverage is as follows:

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General Liability Insurance

On an "Occurrence" basis, with the following limits:

\$1,000,000 Each Occurrence

\$3,000,000 General Aggregate

\$1,000,000 Products Aggregate

\$1,000,000 Personal Injury

\$ 50,000 Fire Damage Legal Liability

\$ 5,000 Medical Payment Expense

BE IT FURTHER RESOLVED, that the St. Lawrence County shall be an additional insured on the GL Policy, via ISO endorsement CG 2026.

The vote was:

CARRIED, AYES ALL

4. Councillor Kennedy moved a resolution authorizing the City Manager to submit a Bridge NY Grant application in the amount of \$1,500,000 for the rehabilitation of the Lafayette Spring Street Bridge, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER
TO SUBMIT A 2018 BRIDGE NY GRANT APPLICATION

WHEREAS, the New York State Department of Transportation (NYSDOT) is soliciting candidate projects for funding under the BRIDGE NY program; and

WHEREAS, the City of Ogdensburg, located in St. Lawrence County is recognized as an eligible entity to apply for funding; and

WHEREAS, project cost for each individual bridge project shall be no less than \$250,000 to be considered eligible for program funds and the maximum project award shall not exceed \$5 million for any single project; and

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WHEREAS, the City of Ogdensburg proposes an application to rehabilitate the Lafayette Spring Street Bridge to address necessary repairs as noted in the October 2016 General Bridge Inspection Report; and

WHEREAS, project costs including final design/engineering, right-of-way, construction and construction inspection costs are estimated at \$1,500,000 of which the Bridge NY program will provide up to 95% reimbursement; and

WHEREAS, the City shall provide a 5% local match in the amount of \$75,000 to Capital project: Lafayette Spring Street Bridge Rehabilitation from the General Fund Street Maintenance Budget A5110.330.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ogdensburg hereby authorizes the City Manager to submit a Bridge NY Grant application to secure funding to rehabilitate the Lafayette Spring Street Bridge.

BE IT FURTHER RESOLVED that the City Manager, or her designee, is hereby authorized to submit the application and, if awarded, to administer the program, including executing all necessary documents relating to the application and/or administration of the program funding.

City Manager Sarah Purdy explained it seemed unlikely we would be able to repair this City-owned bridge until this grant was discovered. Ms. Purdy said our biggest concern is the material from under the bridge falling on boaters. Public Works Director Scott Thornhill explained the construction and deterioration of the bridge in detail. Councillor Davis asked if the bridge is structurally sound. Mr. Thornhill said yes, the entire bridge encasement has been evaluated. Mr. Thornhill explained it will be far more expensive to replace the bridge than repair it.

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Councillor Skamperle asked for maximum amount the City can apply for under this grant, and Mr. Thornhill said \$5 million. Councillor Skamperle asked if we should include a cushion, and Mr. Thornhill said additional funds have already been included. Director of Planning and Development Andrea Smith said the estimated \$1.2 million does not include all inspections so the amount was increased to \$1.5 million to cover those fees as well as any additional expenses that may arise.

Councillor Skamperle asked if the City will be working with New York State on this grant application. Ms. Smith explained we will submit our application in March to get feedback before the final submission which is due in April. Councillor Skamperle asked if the City's portion for this project can be accomplished through in-kind services, and Ms. Smith said it is possible that a portion of our share could be.

The vote was:

CARRIED, AYES ALL

5. Councillor Shaver moved a resolution authorizing the City Manager to enter into an Agreement with NORESKO, LLC for a sum not to exceed \$25,000., for the Street and Parking Lot Lighting Upgrades project, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INVESTMENT GRADE AUDIT AGREEMENT WITH NORESKO, LLC FOR THE STREET LIGHT UPGRADES PROJECT.

WHEREAS, Request for Qualifications (RFQ) have been solicited and received for the Street Lighting System Upgrade; and

WHEREAS, City staff have evaluated and interviewed the RFQ respondents and recommended NORESKO, LLC to be chosen as the Energy Performance Developer;

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WHEREAS, NORESKO has provided an Agreement for Services that includes a “Backout Fee” applicable only in the event that the City decides to not enter into an Energy Services Agreement (“ESA”) with NORESKO, and

WHEREAS, this “Backout Fee” represents a portion of NORESKO’s cost to perform the Investment Grade Audit, and

NOW, THEREFORE, BE IT FURTHER RESOLVED that Sarah Purdy, City Manager, upon review by the City Attorney, is authorized to enter into the Investment Grade Audit Agreement, for a sum not to exceed \$25,000.

Public Works Director Scott Thornhill explained this agreement would be beneficial because the City would own the street lights and save money. Mr. Thornhill said this agreement is similar to the SmartWatt contract already in place. City Manager Sarah Purdy said NORESKO has partnered with TANCO in the past on similar projects. Councillor Skamperle asked if the City is still working with SmartWatt, and Mr. Thornhill said yes, for the lights already owned by the City. Councillor Skamperle asked if the City is saving more money by contracting with NORESKO than SmartWatt. Mr. Thornhill explained the RFQ’s were comparable, but NORESKO had already teamed with TANCO. Ms. Purdy said it is also nice to diversify who the City contracts with for projects.

The vote was:

CARRIED, AYES ALL

Mayor Ashley said there was a need for Executive Session to discuss the employment history of a particular person, and Councillor Skamperle seconded the motion.

The vote to adjourn to Executive Session was:

CARRIED, AYES ALL

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