

CITY COUNCIL MEETING

June 22, 2009

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

PRESENT: Mayor Nelson, Councillors Flynn,  
Hannan, Morley, Powers and Sholette

ABSENT: Councillor Vaugh

PUBLIC HEARING

1. A public hearing regarding an Ordinance to amend Chapter 221, §221-8, entitled "Zoning Map" to rezone 1014, 1018 and 1020 Ford Street from a Single-Family Residential (SFR) to Moderate Density Residential (MDR) was held. No one being present to speak, the hearing was declared closed.

PERSONAL APPERANCE

1. Patricia Ritchie, St. Lawrence County Clerk, thanked Council for the office space provided to the County's Department of Motor Vehicles at City Hall for the past ten years. Mayor Nelson thanked Mrs. Ritchie for opening a much needed DMV office in Ogdensburg.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #12-2009 in the amount of \$508,005.19 and Library Fund Warrant #12-2009 in the amount of \$31,947.86, Capital Fund Warrant #12-2009 in the amount of \$119,240.80 and Community Development Fund Warrant #12-2009 in the amount of \$2,734.40 and Community Renewal Fund Warrant #12-2009 in the amount of \$35.00 and HOME Fund Warrant #12-2009 in the amount of \$3,015.00 and AHC Funds Warrant #12-2009 in the amount of \$0.00 and RESTORE Program Warrant #12-2009 in the amount of \$6,400.00 as audited, be and the same are ordered paid and Councillor Flynn seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

Mayor Nelson moved Agenda Bill #59 to the first action item.

1. Councillor Morley moved a resolution which determines that the zoning map amendment to rezone 1014, 1018 and 1020 Ford Street from SFR to MDR is a Type I action and will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form, and Councilor Powers seconded to wit:

SEQR NEGATIVE DECLARATION FOR REZONING 1014, 1018 AND 1020  
FORD STREET FROM SFR TO MDR

WHEREAS, the O'Brien's have requested a zoning map amendment to rezone 1014, 1018 & 1020 Ford Street from SRF to MDR; and

WHEREAS, such change is consistent with the purposes and goals of Section 221-4 of the Zoning Ordinance; and

WHEREAS, such change is consistent with the principals and spirit of the Community Plan; and

WHEREAS, such change is consistent with the LWRP; and

WHEREAS, the proposed use of a dance studio and/or other accessory uses permitted by the rezoning would be appropriate in the area concerned and is compatible with the existing land uses; and

WHEREAS, the proposal has been referred to the Ogdensburg Planning & Development Board who recommended that the City Council approve a change in zoning for 1014, 1018 & 1020 Ford Street from SFR and MDR; and

WHEREAS, the proposal has been referred to the County Planning Board and has been returned for local action under 239-m; and

WHEREAS, § 221-51 designates City Council as the lead agency for SEQR reviews of zoning text and map amendments;

NOW, THEREFORE, BE IT RESOLVED that pursuant to Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act of the Environmental Conservation Law, the City Council has determined the proposed zoning map amendment is a Type I action and will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

The vote was:

CARRIED, AYES ALL

2. Councillor Sholette moved an Ordinance to amend Chapter 221, Section 221-8, entitled "Zoning Map" to rezone 1014, 1018 and 1020 Ford Street from a Single-Family Residential (SFR) to a Moderate Density Residential (MDR), and Councillor Morley seconded to wit:

ORDINANCE 6  
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:

SECTION ONE

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Amendment of Chapter 221, Section 221-8, entitled "Zoning Map"

That Section 221-8 entitled "Zoning Map" is hereby amended to read as follows:

That Section No. 48.071, Block No. 5, Lot No. 17, consisting of approximately .14 acres; Section No. 48.071, Block No. 5, Lot No. 16, consisting of approximately .09 acres; and Section No. 48.072, Block No. 1, Lot No. 1, consisting of approximately .18 acres, bounded by Ford Street; the easternmost property line of 48.071-5-18; the southernmost property line of 48.071-5-11, 48.071-5-12 and 48.071-5-13; and the westernmost property line of 48.072-1-2, in the City of Ogdensburg, which is zoned Single-Family Residential (SFR) is hereby rezoned to Moderate Density Residential (MDR).

SECTION 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

3. Mayor Nelson moved a resolution authorizing the City Comptroller to transfer monies from the fund balance in the Capital Fund to Capital Account H162101 to cover the budget deficit for the City Hall Renovation Project, and Councillor Hannan seconded to wit:

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS

WHEREAS, a capital account was established in 2006 for the City Hall Renovation Project for masonry work at City Hall; and

WHEREAS, this work has been completed; and

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WHEREAS, this project has a deficit of \$1,253.06;

NOW, THEREFORE BE IT RESOLVED, that the City Comptroller is hereby authorized to transfer \$1,253.06 in funds from the fund balance in the Capital Fund to Capital Account H162101 to cover this deficit and close out this account.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution introducing an Ordinance and providing for public notice and public hearing to offer for sale, by public auction, City-owned property located at 708 Main Street, and Councillor Flynn seconded to wit:

RESOLUTION INTRODUCING AN ORDINANCE  
AND PROVIDING FOR PUBLIC HEARING  
AND PUBLIC NOTICE

BE IT RESOLVED, that Ordinance No. \_\_\_\_ of 2009, 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 13<sup>th</sup> day of July, 2009, 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.

The vote was:

CARRIED, AYES ALL

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5. Mayor Nelson moved a resolution introducing an amendment to the Vehicle and Traffic Ordinance and providing for public notice and public hearing, and Councillor Flynn seconded to wit:

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

BE IT RESOLVED that the ordinance entitled “Ordinance Amending Chapter 209 Entitled ‘Vehicle and Traffic’ of the Code of the City of Ogdensburg, New York” be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

BE IT FURTHER RESOLVED that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid ordinance to be held in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York on the 13<sup>th</sup> day of July, 2009, at 7:00 p.m., and

BE IT FURTHER RESOLVED that the City Clerk give notice of such public hearing by publication, in the official newspaper, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed ordinance in summary form.

The vote was:

CARRIED, AYES ALL

6. Councillor Hannan moved a resolution authorizing the City Manager to enter into Addendum No. 6 to the agreement with Barton & Loguidice for engineering services in connection with the Site Investigation/Remedial Alternatives Report for the former Diamond International Paper Mill Site, and Councillor Powers seconded to wit:

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RESOLUTION AUTHORIZING ADDENDUM NO. 6 TO THE AGREEMENT  
WITH BARTON & LOGUIDICE FOR ENGINEERING SERVICES IN  
CONNECTION WITH THE SITE INVESTIGATION/REMEDIAL  
ALTERNATIVES REPORT FOR THE FORMER DIAMOND INTERNATIONAL  
PAPER MILL SITE

WHEREAS, the City of Ogdensburg has entered into an amended State Assistance Contract (SAC) totaling \$2,305,000 with the New York State Department of Environmental Conservation (NYSDEC) for the preparation of a Site Investigation/Remedial Alternatives Report (SI/RAR) of the former Diamond International Paper Mill Site, and;

WHEREAS, the City of Ogdensburg has executed an Agreement and Addendums totaling \$511,693 with the firm of Barton & Loguidice (B&L) for the preparation of a SI/RAR Work Plan, other specified Site Investigation Tasks, and supplemental scope items, and;

WHEREAS, additional services have been required for preparation of the SI/RAR for an estimated total project cost of \$539,193.,

NOW, THEREFORE BE IT RESOLVED, the City Manager is hereby authorized to execute Addendum No. 6 to the Agreement for Engineering Services between the City of Ogdensburg and Barton & Loguidice in connection with the SI/RAR for the Former Diamond International Paper Mill Site Environmental Restoration Project, and;

BE IT FURTHER RESOLVED, the City will seek one hundred percent reimbursement for additional investigation of the Newell property and ninety percent reimbursement for the remaining items from NYSDEC for such work in accordance with the State Assistance Contract between the NYSDEC and the City.

The vote was:

CARRIED, AYES ALL

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7. Mayor Nelson moved a resolution calling for a public hearing on an Ordinance to amend the Ogdensburg Municipal Code, Chapter 85 entitled "Burning, Open" for the City of Ogdensburg, and Councillor Morley seconded to wit:

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

BE IT RESOLVED, that Ordinance No. \_\_\_\_ of 2009, entitled:

Amendment to the Ogdensburg Municipal code, Chapter 85 entitled "Burning, Open" of the City of Ogdensburg be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT FURTHER RESOLVED, that copies of the aforesaid Ordinance be laid upon the desk of each member of the City Council, and

BE IT FURTHER RESOLVED, that the City Council hold a Public Hearing on said proposed Ordinance at the City Council Chambers at 7:00 pm on Monday, July 13, 2009, and

BE IT FURTHER RESOLVED that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of Ogdensburg of said public hearing at least seven days prior thereto.

The vote was:

CARRIED, AYES ALL

8. Mayor Nelson moved a resolution to call for a Special Council Meeting, and Councillor Flynn seconded to wit:

RESOLUTION



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BE IT RESOLVED, that there will be a Special Council Meeting held on Friday, June 26, 2009 at 7:00 p.m. in the City Hall Council Chambers to consider a local law pertaining to City Sales Tax, §1223(b) of the New York State Tax Law.

Councillor Powers stated he is unable to attend this special meeting. Mayor Nelson said there may not be a need for this meeting if St. Lawrence County grants our waiver.

The vote was:

CARRIED, AYES ALL

9. Mayor Nelson moved a resolution calling for a public hearing on an Ordinance to amend the Ogdensburg Municipal Code, Chapter 221 entitled "Zoning", and Councillor Flynn seconded to wit:

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

Amendment to the Ogdensburg Municipal Code, Chapter 221 entitled "Zoning" of the City of Ogdensburg be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT FURTHER RESOLVED that copies of the aforesaid Ordinance be laid upon the desk of each member of the City Council, and

BE IT FURTHER RESOLVED that copies of the aforesaid ordinance be forwarded to the St. Lawrence County Planning Board in accordance with Section 221-88, and

BE IT FURTHER RESOLVED that the City Council hold a Public Hearing in accordance with C-17 A(6) & B, and Sections 221-89 on said proposed Ordinance at the City Council Chambers at 7:00 pm on Monday, September 14, 2009, and

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BE IT FURTHER RESOLVED that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of Ogdensburg of said public hearing at least ten days prior thereto.

The vote was:

CARRIED, AYES ALL

### OLD BUSINESS

1. Councillor Morley asked the City Manager to schedule an executive compensation meeting in the next few weeks. City Manager Arthur Sciorra stated his secretary is currently working on a convenient meeting date for all members of the committee.

2. Councillor Powers asked the City Manager if he can send out another weed notice to TOPED for Park Plaza. Mr. Sciorra stated no we will mow the property and add the bill to their taxes.

3. Councillor Powers stated he e-mailed Attorney Andrew Silver regarding the letter he sent to the county attorney regarding rescheduling the sales tax negotiations. Councillor Powers asked if we have any knowledge of the county passing a resolution that stopped negotiations. Mr. Sciorra stated that we did not receive a county response from our attorney's letter.

Councillor Morley stated this matter is under negotiation and probably shouldn't be discussed.

4. Councillor Sholette asked if the City owns the Jet Gas property on Ford Street. City Manager Arthur Sciorra stated the owners tore the building down. Comptroller Philip Cosmo stated he believed the owners paid their taxes but would need to verify this. Councillor Sholette also asked if a weed notice has been sent to this property owner. Mr. Sciorra stated he would check into this.

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5. Councillor Sholette stated he has asked for a list of City-owned properties at previous meetings and in last weeks update received a list of properties that could be auctioned and a list of surplus properties to hold on to. Councillor Sholette asked who makes the determination to auction or keep these properties. City Manager Arthur Sciorra stated Council decides and added that this list of properties is the opinion of the City Planner, but it is up to Council to advise him which properties they would like placed on the agenda under Items for Discussion. (A copy of the list of City-owned properties follows these minutes.)

Councillor Sholette stated that he is confused about how the process will work with the properties at Knox and Morris Street. Councillor Sholette asked if this property will go up for auction or if the City will develop something themselves. Mayor Nelson explained normally Council gets a list of City-owned properties and feedback about them from staff, but this property is different because we received a \$600,000. grant and we're not sure if we're going to rehab or demolish it. Mr. Sciorra stated that those properties were condemned and the certificate of occupancy was pulled. Councillor Sholette asked if once Council decides to demolish and rebuild do we bid out the demolition and the rebuilding. City Manager Arthur Sciorra said everything will be bid out and the proceeds from the sale of the new homes will follow the conditions of that particular grant program guidelines.

Councillor Sholette questioned who decided to sell 708 Main Street. Mr. Sciorra stated that he received a request from the adjacent property owners. Mr. Sciorra stated that there is some confusion as to whether to follow the opinion of the State Comptroller or the City Charter and Municipal Code regarding the sale of City-owned property acquired through tax sale. Mr. Sciorra stated if we followed the State Comptroller's opinion the property taken through tax sale could be sold without an auction and he has asked for our attorney's opinion. It was the consensus of Council to move forward with the auction of City-owned properties.

6. Councillor Sholette said he recently spoke to the owner of an apartment building at the corner of Greene and Morris Streets, who was looking for rehab grant money and he directed them to the Planning Department. Councillor Sholette asked if some of the Morris and Knox Street grant money could also be used to rehabilitate these buildings. Director of Planning and Development Justin Woods stated not in that program but there are other programs available.

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Mayor Nelson stated he would like the grant program information to be linked on our website. Mr. Woods stated we are working on redesigning our website.

7. Councillor Powers questioned if the fifteen City-owned lots in the marina district will be incorporated into the grant process. Mr. Woods said no, those lots are needed for the staging for the Lake Street bridge replacement. Mr. Woods added the new bridge will require ramping and the use of surrounding property.

City Manager Arthur Sciorra stated the City received a letter from the NYS Department of Transportation requesting the City to resubmit a proposal and designs for this bridge project and the Spring Street Bridge to show the projects are shovel-ready by noon tomorrow. Mr. Sciorra added the location of the bridge will require ramping at the Montgomery property.

### NEW BUSINESS

1. Councillor Morley stated Council received an e-mail from a concerned citizen regarding loud car and motorcycle noise late at night. Police Chief Richard Polniak stated the police department is aware of this problem and will give more attention to the main thoroughfares in the City. Chief Polniak also stated he will do a press release informing the public of the new Vehicle and Traffic Laws regarding equipment violations like motorcycle exhaust noise.

Chief Polniak thanked Councillor Powers for the drug enforcement recognition given to his department at the last City Council meeting.

2. Councillor Sholette asked if City staff have met with the owner of the Ramada property. City Manager Arthur Sciorra stated he met with him and discussed redevelopment options. Councillor Sholette asked if the \$200,000. in grant funds received by the Growth Fund could be used for façade work. Mr. Sciorra stated that grant funds could be used, but the owner has bigger needs. Mr. Sciorra added that it will be a matter of timing for the owner and this property.

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Councillor Sholette inquired if the LWRP sidewalk stipulation was a deal-breaker. Mr. Sciorra stated he already spoke to the owner about the sidewalk requirement and the owner felt it was a good way to bring in the public.

3. Mayor Nelson stated it is the 150<sup>th</sup> Anniversary of Notre Dame Church and read a brief history of the parish (A copy follows these minutes). Mayor Nelson stated that a special Mass will be held Sunday June 28<sup>th</sup> at 9:30 a.m. with a reception following at the Knights of Columbus Hall on Hasbrouck Street. Mayor Nelson wished the parishioners the best of luck and urged the community to attend.

Mayor Nelson also reminded Council of the NYCOM session and graduation this weekend.

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