

## CITY COUNCIL MEETING

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

PRESENT: Mayor Nelson, Councillors Ashley,  
Cilley, Hosmer and Morley

ABSENT: Councillors Skamperle and Stevenson

Mayor Nelson stated that Councillors Skamperle and Stevenson are out of town and have been excused.

### PRESENTATION

1. Director of Planning & Development Andrea L. Smith updated Council on the NYS Brownfield Opportunity Areas Program (BOA) State Environmental Quality Review (SEQR). Ms. Smith explained we have completed the required notification period for the City to declare itself as lead agency and no requests to do a coordinated review have been received. Ms. Smith said City Council will act as lead agency to complete the SEQR review and no more resolutions are required.

### PUBLIC HEARING

1. A public hearing regarding an ordinance amending Chapter 209 of the City of Ogdensburg Municipal Code entitled Vehicle and Traffic, for the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

### PERSONAL APPEARANCE

1. Andrew Putman of 701 Ford Avenue addressed Council requesting to purchase a portion of paper Curtis Street to build a new home.

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Mr. Putman requested the property be put out for a competitive bid and asked that the starting price be lowered. Councillor Morley asked if the property must be sold at public auction. City Manager John Pinkerton said yes. Mr. Pinkerton said this property must be surveyed before it can be sold. Mr. Pinkerton added the City Assessor has determined the property is worth \$4,500 and the lowest survey bid of the three received was \$600. Mr. Pinkerton explained the starting price was \$4,500 plus an additional \$600 for the survey. Mr. Pinkerton said to begin the process we need individuals interested in purchasing the property and the property must be sold a public auction. Mayor Nelson said the property dimensions are 50 x 112 and 30 x 100. Councillor Ashley asked if this property is located behind 416 ½ John Street where a trailer was removed. Mr. Putman said yes.

2. Mike Denoncourt, 620 Albany Avenue, addressed Council on three issues. Mr. Denoncourt said the Ogdensburg Volunteer Rescue Squad relocation is working well and they are still providing fast service. Mr. Denoncourt stated that three home day care providers are located on Albany Avenue and there are cars racing up and down the street. Mr. Denoncourt also advised Council that his wife was injured by an unleashed dog at the Grove Street Park and asked that leash law signage be placed in the park. Mayor Nelson turned these matters over to the City Manager.

3. Judy Cyrus, 232 Washington Street, addressed Council regarding the Greenbelt area speed zone. Ms. Cyrus said a cross walk is needed between Centennial Towers and the parking lot behind the Ogdensburg Mall. Ms. Cyrus said more police patrols are needed in the Greenbelt area after dark due to speeding. Ms. Cyrus said she knows you can petition the State to lower the speed limit and has collected 68 signatures from Centennial Terrance and Riverview Towers residents. Ms. Cyrus added a lady was struck and killed in that area a few years ago. Mayor Nelson turned the matter over to the City Manager. Councillor Morley asked if there is anything they can do to stop the kids from gathering in the parking lot. Mr. Pinkerton said he will talk to Chief Polniak at the staff meeting.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #13-2013 in the amount of \$1,132,444.98 and Library Fund Warrant #13-2013 in the amount of \$52,873.43 and Capital Fund Warrant #13-2013 in the amount of \$38,009.37 and Community Development Fund Warrant #13-2013 in the amount of \$6,434.74 and Community Renewal Fund Warrant #13-2013 in the amount of \$8,266.00 and HOME Fund Warrant #13-2013 in the amount of \$0.00 and AHC Funds Warrant #13-2013 in the amount of \$12,002.00, RESTORE Program Warrant #13-2013 in the amount of \$0.00 and NSP Funds Warrant #13-2013 in the amount of \$0.00 and NY Main St. Program Warrant #13-2013 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Nelson moved to reappoint Douglas Loffler to a three-year term on the St. Lawrence Psychiatric Center Advisory Board, term to expire 12/31/2016, and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved to reappoint Carol Nelson to a three-year term on the St. Lawrence Psychiatric Center Advisory Board, term to expire 12/31/2016, and Councillor Ashley seconded the motion.

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The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved to appoint Nelson Woods to a four-year unexpired term of Donna Pirie on the St. Lawrence Psychiatric Center Advisory Board, term to expire 12/31/2014, and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved to appoint John Miller, Jr. to a three-year term on the St. Lawrence Psychiatric Center Advisory Board, term to expire 12/31/2014, and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Morley moved an ordinance to amend Chapter 209 of the City of Ogdensburg Municipal Code entitled Vehicle and Traffic, §209-54. "Schedule XVII: Time Limit Parking", and Councillor Cilley seconded to wit:

ORDINANCE #13 OF 2013  
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 Chapter 209, Section 209-54, Schedule XVII: "Time Limit Parking" of the Code of the City of Ogdensburg, is hereby amended to delete the following:

Name of Street	Side	Time Limit; Hours/Days	Location
King Street	South	2 hrs.; 7:00 a.m to 4:00 p.m./ Monday Friday	From the east curbline of Avenue to the west curbline Mansion Avenue

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

2. Councillor Ashley moved a resolution to designate the park area at the landings of the Maple City Trail pedestrian bridge as "Robert R. Björk Park", and Councillor Cilley seconded to wit:

RESOLUTION

WHEREAS, a landscape committee has been diligently working with staff to design the park area at the landings of the Maple City Trail (MCT) Pedestrian Bridge; and

WHEREAS, the committee wishes to recognize the tireless efforts of Robert R. Björk in beautifying and maintaining this area prior to the construction of the pedestrian bridge; and

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WHEREAS, Robert R. Björk was a charter member of the Ogdensburg Pride and Beautification Commission and the originator of the Maple City Trail Memorial Wall;

THEREFORE, BE IT RESOLVED, in recognition of the work accomplished by Mr. Björk during his lifetime, for the citizens of Ogdensburg, the park area at the landings of the MCT Pedestrian Bridge be designated as “Robert R. Björk Park”.

Councillor Morley asked if the naming of a park must be approved by the Historic Commission first and explained approval was needed in the past. Director of Planning & Development Andrea Smith said it has not gone through the Historic Commission. Ms. Smith explained we are using Maple City Trail grant funds and are under time constraints. Councillor Ashley agreed with Councillor Morley. Ms. Smith explained we want to start the project in September and the deadline to use these funds is in December.

Mayor Nelson made a motion to table to resolution, and Councillor Morley seconded the motion.

The vote to table the resolution was:

CARRIED, AYES ALL

3. Councillor Morley moved a resolution calling for a public hearing and public notice on an ordinance to amend Administrative Regulations §6.1 entitled “Seasonal employees”, and Councillor Morley seconded to wit:

RESOLUTION OF CITY COUNCIL CALLING FOR A PUBLIC  
HEARING

TO AMEND THE ADMINISTRATIVE REGULATIONS  
§6.1. ENTITLED "SEASONAL EMPLOYEES"  
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BE IT RESOLVED, that Ordinance No. \_\_\_ of 2013, entitled "Ordinance amending Administrative Regulations §6.1. entitled "Seasonal employees", 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 Monday the 9th day of September 2013, 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

4. Councillor Morley moved a resolution to authorize the City Manager to execute an easement agreement with Silver Rose Realty, Inc., and Councillor Ashley seconded to wit:

RESOLUTION TO AUTHORIZE  
CITY MANAGER TO EXECUTE AN EASEMENT AGREEMENT  
WITH SILVER ROSE REALTY, INC.

WHEREAS, a recent survey revealed that a house located at 427 Franklin Street encroaches upon City property by 1.7 feet, and

WHEREAS, this 1.7 foot encroachment creates an issue with the owners' ability to sell the property, and

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WHEREAS, the owner, Silver Rose Realty, Inc. has requested an easement of approximately 1.7 feet, where 427 Franklin Street encroaches upon the City of Ogdensburg property, and

WHEREAS, the Director of Public Works has indicated that said easement will not interfere with snow removal, traffic flow or any existing city utility,

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute an easement agreement, to be reviewed by the City Attorney, with Silver Rose Realty, Inc., as shown on the attached map.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved a resolution to provide for public notice and public hearing with regard to an amendment to Article XIII, Regulations Applicable to All Districts of the City's Zoning Ordinance, and Councillor Ashley seconded to wit:

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

BE IT RESOLVED that 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

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 Monday the 9th day of September, 2013, 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 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

7. Mayor Nelson moved a resolution to accept the Right-of-Way (ROW) Just Compensation Report for the Paterson Street Reconstruction Project and authorizes commencement of the acquisition of the required ROWs, and Councillor Morley seconded to wit:

RESOLUTION ACCEPTING RIGHT OF WAY (ROW)  
JUST COMPENSATION REPORT FOR PATERSON STREET  
RECONSTRUCTION PROJECT AND AUTHORIZING  
COMMENCEMENT OF ACQUISITION OF REQUIRED ROWs

WHEREAS, it is desired to acquire the ROWs necessary to complete the Paterson Street Reconstruction Project, a federal aid project identified as NYSDOT PIN 7752.99; and

WHEREAS, acquisition of ROW may involve acquisition of real property interests by fee, permanent easement, or temporary easement with identified property owners;

WHEREAS, R.K. Hite & Co., Inc. was hired to establish the amounts which they believe represents just compensation for the real property interests to be acquired and has submitted a Recommended Just Compensation Report;

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NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby accepts R.K. Hite & Co., Inc.'s Recommended Just Compensation Report and approves the commencement of the acquisition of the ROW required to construct the Project; and

BE IT FURTHER RESOLVED, that R.K. Hite & Co., Inc. is hereby authorized to negotiate and offer just compensation amounts to the Property Owners for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by fee or easement, which acquisition is necessary for construction of the Project; and

BE IT FURTHER RESOLVED, that a minimum payment of Two Hundred Fifty Dollars (\$250.00) is hereby established for right-of-way acquisition for this project; and

BE IT FURTHER RESOLVED, that a sum not to exceed \$35,000.00 from Capital Fund H5110.518 be made available to cover all costs of ROW acquisition; and

BE IT FURTHER RESOLVED, that the City of Ogdensburg is authorized to acquire the necessary real property interests from the aforementioned Property Owners for the purpose of constructing the Project; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and

BE IT FURTHER RESOLVED, that the R.K. Hite & Co., Inc. shall prepare and the City Manager shall execute all appropriate documents relating to acquiring fee or easement interests in the necessary ROW.

City Manager John Pinkerton explained the appraisals were done by an appraisal company to determine the value of the properties as the City requests a right-of-way to expand the width of Paterson Street.

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Councillor Cilley asked if these are property owners that were unable to reach an agreement where eminent domain may be necessary. Mr. Pinkerton said no, it is just the normal process to request a right-of-way. Councillor Cilley said these are clearly not all of the property owners on Paterson Street where a right-of-way will be needed. Mayor Nelson said these particular properties are in a specific location needed for the road widening to begin.

The vote was:

CARRIED, AYES ALL

#### OLD BUSINESS

1. Councillor Ashley said the Department of Public Works did a great job on Crescent Hill in May and June, but residents were told that there would be a burn-off. City Manager John Pinkerton said the DPW cleared it and the burn-off was not necessary. Mr. Pinkerton said we will look at it again next year.

2. Councillor Morley said he received a brush pickup complaint. Councillor Morley explained after a resident called the DPW to request a brush pickup, their brush was not picked up but the brush piled across the street was. Councillor Morley said the caller was bypassed for three weeks. Mr. Pinkerton asked Councillor Morley to provide him with the person's name and he will take care of it.

#### NEW BUSINESS

1. Mayor Nelson asked for an update on Mr. Putman's request to purchase a portion of paper Curtis Street. Mr. Pinkerton said the City must sell property at the fair market value. Mr. Pinkerton explained our Assessor

values the property at \$4,500 and we received quotes on the cost to do the survey. Councillor Ashley asked when we plan to auction surplus properties this year. City Manager Philip Cosmo said no date has been set.

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Mr. Cosmo explained that in June we acquired properties through tax sale, and he wants to also auction those properties this year. Mr. Cosmo said he recommends Council hold a special auction if someone is interested in a particular piece of property. Mr. Pinkerton said he will check with Mr. Putman and other adjacent property owners to see if they are interested in paying fair market value for this property.

2. Mayor Nelson complimented City Comptroller Philip Cosmo and City Assessor Bruce Green on our tax roll link with St. Lawrence County. Mr. Pinkerton said it provides a useful link for taxpayers to our tax roll.

#### ITEMS FOR DISCUSSION

1. City Manager John Pinkerton said the City has received requests to loan out our tables, chairs and picnic tables. Mr. Pinkerton explained he understands the Recreation Department doesn't loan out City owned property because it was returned in bad shape. Mr. Pinkerton added the City co-sponsors events in which the entity does not pay taxes and asked if loaning our equipment to them should be allowed.

Councillor Ashley stated the Recreation Department used to loan out old tables, but either way the City needs one policy for everyone.

Councillor Morley said he has borrowed picnic tables in the past. Councillor Morley explained there were 100 tables at one time that were built by City Firemen, but now there are only 30 tables. Councillor Morley said taxpayers should be allowed to borrow City equipment. Councillor Morley said equipment should not be loaned to entities that do not pay taxes.

Mayor Nelson said an insurance agent for his other job told him not to lend out equipment because of the liability.

Recreation Director Matthew Curatolo confirmed we currently have 31 picnic tables.

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Councillor Cilley said tables should be reserved for use on City property, not private property. Councillor Hosmer explained the Chamber of Commerce and Founders Day events need our picnic tables and are used on City property.

Councillor Cilley said he believes City equipment should be available for use on our property. Mr. Pinkerton requested clarification from Council.

Mayor Nelson asked for a consensus of Council agreeing that City equipment could be reserved and used on City-owned property. There was no consensus of Council.

Councillor Cilley suggested staff locate the old policy. Mr. Pinkerton said he will look for it.

2. Councillor Cilley stated that the Ogdensburg Volunteer Rescue Squad will host a river cleanup in front of the City Docks, on Saturday, August 31, 2013 at 10:00 a.m. Councillor Cilley stated they will need assistance from the DPW. Councillor Cilley also advised that there will be a ribbon cutting ceremony and dedication of the Debbie Abel Memorial Garden on August 15<sup>th</sup> at 10:00 a.m. Councillor Cilley said the U.S. Department of Agricultural Rural Development (USDA) will hold their official ribbon cutting ceremony for the new OVRS facility on August 22<sup>nd</sup>.

3. Mayor Nelson commended Waddington, FishCap and Councillor Hosmer for making the Bass Tournament happen. Mayor Nelson noted it was successful and instrumental in bringing fishing professionals to our area and was a great event for the entire North Country. Mayor Nelson explained he attended the weigh-ins on Sunday and everyone spoke of the North Country's hospitality and the abundance of fish in our river. Mayor Nelson advised that over 14,000 people attended this event which will be televised on ESPN2, August 18, 2013.

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