

CITY COUNCIL MEETING

August 8, 2016

Page 182

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

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

ABSENT: Councillor Mitchell

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #14-2016 in the amount of \$839,097.76 and Library Fund Warrant #14-2016 in the amount of \$42,755.99 and Capital Fund Warrant #14-2016 in the amount of \$13,454.76 and Community Development Fund Warrant #14-2016 in the amount of \$45.00 and Community Renewal Fund Warrant #14-2016 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

Mayor Ashley said there was a need for Executive Session to consult with the City Attorney regarding pending litigation, and Councillor Skamperle seconded the motion.

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

PERSONAL APPEARANCE

1. Ryan Woodard advised Council of his intention to open a brewery in Ogdensburg. Mr. Woodard outlined his plan and said he wants to provide a quality product and help build the downtown community. City Manager Sarah Purdy explained Mr. Woodard intends to keep her updated as his plan progresses.

ITEMS FOR COUNCIL ACTION

1. Mayor Ashley moved a resolution to call for a public hearing and public notice on a proposed ordinance amending Chapter 209, entitled "Vehicles and Traffic"; Section 209-40, Schedule III., entitled "School Speed Limits" of the Code of the City of Ogdensburg, and Councillor Skamperle 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 2016, entitled, Ordinance Amending Chapter 209 entitled "Vehicles and Traffic"; Section 209-40, Schedule III., entitled " School Speed Limits" 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 12th day of September, 2016 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

2. Councillor Stevenson moved a resolution to amend the 2016 budget A511.330 to include the receipt of CHIPs allocation in the amount of \$321,318.22 and the NYPAVE allocation in the amount of \$73,344.08, for a new grant total of \$394,662.30, and Councillor Skamperle seconded to wit:

A RESOLUTION TO AMEND THE 2016 BUDGET

WHEREAS, the City of Ogdensburg has been awarded a CHIPs allocation in the amount of \$321,318.22 and the NYPAVE allocation in the amount of \$73,344.08, and

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

WHEREAS, \$321,000.00 in CHIPs funding (A5110.330) was included in the 2016 budget, and

WHEREAS, \$ 73,662.30 was not included in the 2016 budget,

NOW THEREFORE BE IT RESOLVED, that the City Comptroller is authorized to amend the 2016 budget to include the receipt of \$ 73,662.30 in grant revenue into account A5110.330.

CITY COUNCIL MEETING

August 8, 2016

Page 185

Councillor Morley asked how much of the money allocated for street repair has been spent. Director of Public Works Scott Thornhill explained \$260,000 was expended in the first round of paving, and nine blocks of micro-resurfacing will begin on Wednesday. Mr. Thornhill said 4½ blocks have also been milled and will be paved. Councillor Morley said the previous Director of Public Works had advised Council that the grindings could be sold. Mr. Thornhill explained the City has a shared services agreement with neighboring communities, and we exchange our grindings for use of their equipment. Councillor Morley said our reserve fund is decreasing, and we need to look at new ways to generate income. Mr. Thornhill said he will check into the possibility of selling our grindings.

The vote was:

CARRIED, AYES ALL

3. Mayor Ashley moved a resolution to authorize the City Manager to sign a Solar Project Purchase Power Agreement with WGL Energy Systems, Inc., and Councillor Skamperle seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO SIGN A POWER PURCHASE AGREEMENT BETWEEN THE CITY
AND WGL ENERGY SYSTEMS, INC.

WHEREAS, the City and WGL Energy Systems, Inc., wish to enter into a Purchase Power Agreement, to set up the terms of a Solar Project; and

NOW, THEREFORE, BE IT RESOLVED that the City Manager, Sarah Purdy, is hereby authorized and directed to sign the attached Solar Project Purchase Power Agreement.

CITY COUNCIL MEETING

August 8, 2016

Page 186

Director of Public Works Scott Thornhill explained this is an amendment to the original purchase power agreement changing the time period for partial energization to begin in September and possible full energization in November. Councillor Morley asked for a breakdown on the pricing. Mr. Thornhill explained the starting price is 7.9 cents per kilowatt with a 2.5 escalator. Mr. Thornhill said the supply price is different from the delivery price, and there are two components that make up the pricing. Mr. Thornhill said he researched pricing for Utica and Rome as requested, and Utica is paying 9.5 cents per kilowatt with a 2.5 escalator while Rome is paying 11.25 cents per kilowatt with a 2.5 escalator. Councillor Skamperle asked when the escalator begins, and Mr. Thornhill said each year on the anniversary date. Ian Palmer, New Energy Equity, said the escalator is effective twelve months after the first full power. Councillor Morley asked what the City will be paying in twenty five years, and Mr. Thornhill said he would have to calculate the rate. Councillor Skamperle asked if this plan is designed to save the City over \$2 million over 25 years, and Mr. Thornhill said yes.

The vote was:

CARRIED, AYES ALL

4. Mayor Ashley moved a resolution introducing a public hearing and public notice regarding a proposed Adaptive Reuse Permit Application for 315 Gates Street, and Councillor Price seconded to wit:

A RESOLUTION CALLING FOR PUBLIC NOTICE AND PUBLIC HEARING REGARDING AN ADAPTIVE REUSE DISTRICT PERMIT APPLICATION FOR 315 GATES STREET IN THE CITY OF OGDENSBURG

WHEREAS, the Ogdensburg Planning and Development Office accepted a completed Adaptive Reuse District (ARD) Permit Application on July 11, 2016 which was presented to the Ogdensburg Zoning Board of Appeals (ZBA) on July 26, 2016.

CITY COUNCIL MEETING

August 8, 2016

Page 187

NOW, THEREFORE BE IT RESOLVED that the Ogdensburg City Council shall hold a public hearing on the 12th day of September, 2016 at 7:00 p.m., at the City Council Chambers in the Ogdensburg City Hall, 330 Ford Street Ogdensburg NY, regarding this application in accordance with OMC §221-28.

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the official City newspaper at least ten (10) days prior to the date of the public hearing setting forth the time and place and describing the proposed application in summary form.

The vote was:

CARRIED, AYES ALL

5. Councillor Skamperle moved a resolution to approve the sale of surplus wooden pallets and pressed board shelving to Dean Rupert for \$600.00, and Councillor Stevenson seconded to wit:

RESOLUTION TO APPROVE THE SALE OF SURPLUS WOODEN PALLETS
AND PRESS BOARD SHELVING TO DEAN RUPERT

WHEREAS, the Ogdensburg City Council, on June 13, 2016, authorized the public auction of surplus wooden pallets, and

WHEREAS, the City held an auction via Municibid on July 15, 2016, and

WHEREAS, the City received bids that met the minimum bid for Lot #1 and received no bids at that time for Lot #2, and

WHEREAS, the City has since received a bid for Lot#2, which included additional surplus wooden pallets and press board shelving,

NOW THEREFORE BE IT RESOLVED, that the City Council approves the sale of surplus wooden pallets and press board shelving,(Lots 1 & 2) to Dean Rupert for an amount of \$600.00., for the inventoried surplus property as described below:

Lot#1	Quantity	Size	\$400.00 Bid
	120	40" x 48"	
	2	36" x 46"	
	32	45" x 45"	
	10	42" x 48"	
Lot#2	Quantity	Size	\$100.00 Bid
	120	40" x 48"	
	2	36" x 46"	
	32	45" x 45"	
	10	42" x 48"	
		Press Board Shelving	\$100.00 Bid

The vote was:

CARRIED, AYES ALL

6. Councillor Price moved a resolution to authorize the City Manager to sign an agreement with GHD Consulting Services, Inc. for a Preliminary Engineering Report for the Water Pollution Control Facility, at a cost of \$59,000, and Councillor Stevenson seconded to wit:

**RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO SIGN A SCOPE OF SERVICES AGREEMENT BETWEEN THE CITY
AND GHD CONSULTING SERVICES, INC.**

WHEREAS, the City and GHD Consulting Services Inc. (GHD), wish to enter into an agreement for GHD to provide the City with a Preliminary Engineering Report for the Water Pollution Control Facility; and

WHEREAS, the preliminary engineering report will be necessary for the City to pursue funding opportunities related to the WWTP and LTCP; and

NOW, THEREFORE, BE IT RESOLVED that the City Manager, Sarah Purdy, is hereby authorized and directed to sign the attached Scope of Services Agreement, at a cost of \$59,000.

BE IT FURTHER RESOLVED that the funds to pay for this work will be appropriated from G909 Sewer Fund Balance to G8130.515 Consultants.

The vote was:

CARRIED, AYES ALL

7. Councillor Stevenson moved a resolution to authorize the City Manager to sign a Solar Project Purchase Power Agreement and Site Lease Agreement with New Energy Equity, LLC, and Councillor Skamperle seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO SIGN
A POWER PURCHASE AGREEMENT AND SITE LEASE AGREEMENT
BETWEEN THE CITY AND NEW ENERGY EQUITY, LLC

WHEREAS, the City of Ogdensburg desires to develop a second Solar Array Project on City-owned property, and

WHEREAS, the City and New Energy Equity, LLC, wish to enter into a Purchase Power Agreement and Site Lease Agreement, to set up the terms of a Solar Project, and

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized and directed to sign the attached Solar Project Purchase Power Agreement and Site Lease Agreement, pending City Attorney review.

CITY COUNCIL MEETING

August 8, 2016

Page 190

Director of Public Works Scott Thornhill said since signing the first purchase power agreement he has learned that if there is no escalator, we pay more in the beginning but have more security in the end. Mr. Thornhill explained we have negotiated a fixed rate of 9.875 cents per kilowatt. Mr. Thornhill said in the ninth year of this agreement we will have a better rate than we will under our current agreement. Councillor Morley asked how much energy we will produce. Mr. Thornhill explained the first solar array will produce about 1.4 megawatts annually, and the second solar array will produce about .8 megawatts annually. Councillor Morley asked if National Grid will need to build a new interconnection. Mr. Thornhill said no, they can connect through the existing one.

The vote was:

CARRIED, AYES ALL

8. Councillor Morley moved a resolution authorizing the City Manager to submit an application for up to \$150,000.00 through the 2016 “Zombie” and Vacant Properties Remediation and Prevention Initiative Grant Application, and Councillor Skamperle seconded to wit:

A RESOLUTION TO AUTHORIZE THE SUBMISSION OF AN LOCAL INITIATIVES SUPPORT CORPORATION (LISC) APPLICATION

WHEREAS, the City of Ogdensburg desires to prepare a 2016 Local Initiatives Support Corporation (LISC) “Zombie” and Vacant Properties Remediation and Prevention Initiative Grant Application to address the adverse effects of vacant and abandoned properties, in some stage of the foreclosure process, often referred to as “zombie” properties; and

WHEREAS, on May 26, 2015 the Ogdensburg City Council supported a resolution calling on the Governor, the New York State Assembly and the New York State Senate to promptly enact the “Abandoned Property Neighborhood Relief Act of 2015”; and

CITY COUNCIL MEETING

August 8, 2016

Page 191

WHEREAS, the LISC initiative coincides with the recent passage of the Abandoned Property Neighborhood Relief Act, a bill that was authored by Attorney General Schneiderman, championed by Senator Jeff Klein (D-Bronx) and Assemblywoman Helene Weinstein (D-Brooklyn), and signed into law by Governor Cuomo on June 23, 2016; and

WHEREAS, the City of Ogdensburg has been invited to apply for funding based on the scale and severity of our vacant and abandoned property problem; and

WHEREAS, funding through this application will address housing vacancy and blight by bolstering municipal capacity for housing code enforcement, for tracking and monitoring vacant properties, and to develop an innovative program and policies to connect at-risk homeowners to services so they can avoid foreclosure and stay in their homes.

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Manager is hereby authorized to submit a “Zombie” and Vacant Properties Remediation and Prevention Initiative Grant Application in an amount not to exceed \$150,000.00, and if received, to enter into any necessary contracts to administer this grant.

City Manager Sarah Purdy said new legislation was created for municipalities to address zombie properties, and the City was invited to apply for this grant. Director of Planning and Development Andrea Smith explained we are 1 of 100 communities invited to participate. Ms. Smith said the program was introduced July 21st and applications are due by August 19th. Ms. Smith explained \$13 million will be awarded, and the program hopes to fund each community invited to apply. Councillor Morley asked who the grant will help. Ms. Smith said the program aims to help homeowners and municipalities. Ms. Smith explained to qualify for the grant we must commit to a plan to identify homeowners in jeopardy and develop a strategy to address zombie properties. Councillor Skamperle asked if the grant puts any restrictions on the designated properties. Ms. Smith explained we will simply identify homes in jeopardy to prevent them from becoming problems in the future. Ms. Smith said it is important to note there is no required match with the grant. Ms. Smith read a description of the grant to Council.

The vote was:

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

NAYS: Councillor Morley

CARRIED, 5 TO 1

9. Mayor Ashley moved a resolution calling for a public hearing to seek comment on the City's application to New York State Homes & Community Renewal for up to the maximum of \$500,000 under the 2016 Community Development Block Grant Program, and Councillor Skamperle seconded to wit:

RESOLUTION OF THE CITY COUNCIL TO PROVIDE FOR
PUBLIC NOTICE AND PUBLIC HEARING

WHEREAS, the City of Ogdensburg is submitting a Community Development Block Grant application to New York State Homes & Community Renewal; and

WHEREAS, the City Council and staff of the Office of Planning and Development are desirous of obtaining public input on the proposed application;

NOW, THEREFORE, BE IT RESOLVED that the City Council shall hold a public hearing seeking public comment on the proposed grant application and proposed target area to be held in the City Council Chambers at City Hall, Ogdensburg, New York, on the 12th day of September, at 7:00 p.m.; and

CITY COUNCIL MEETING

August 8, 2016

Page 193

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearings 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 dates setting forth the time and place.

The vote was:

CARRIED, AYES ALL

10. Mayor Ashley moved a resolution to authorize the City Manager to sign an agreement with Step by Step, and Councillor Skamperle seconded to wit:

RESOLUTION

WHEREAS, the City was sued by Step by Step, Inc. in an action entitled Step by Step, Inc. v. City of Ogdensburg commenced in the United States Federal District Court for the Northern District of New York under Civil Action No. 7:15-cv-925. (“Suit”); and

WHEREAS, the City was represented by the Sugarman Law Firm of Syracuse NY through its insurance carrier and by its City Attorney in the defense of the Suit; and

WHEREAS, the City and Step by Step, Inc. have deemed it mutually beneficial to settle the Suit without further litigation and without a finding or admission of error by the City.

NOW THEREFORE, BE IT RESOLVED, that the City of Ogdensburg with its insurance carrier shall pay the total sum of \$150,000.00 to Step by Step, Inc. generally in exchange for a discontinuance of the suit and a release of all liability in relation thereto.

BE IT FURTHER RESOLVED, that the City and its insurance carrier shall equally contribute to the settlement each paying the sum of \$75,000.00.

CITY COUNCIL MEETING

August 8, 2016

Page 194

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute any documents necessary to so resolve the Suit upon the approval of the Sugarman Law Firm and the City Attorney.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Morley asked for an update on the defective street lights he reported at the last Council meeting. Ms. Purdy said both issues were turned over to staff for review. Director of Public Works Scott Thornhill said National Grid installed two new poles at the King Street/Adams Avenue intersection, and the light was moved. Mr. Thornhill explained excessive trimming of the tree would be required, and it is not cost effective. Councillor Morley said the area is still dark. Mr. Thornhill explained the purpose of a street light is to light the street, not the sidewalk. Councillor Stevenson suggested a different location for the light rather than excessively trimming a tree.

2. Mayor Ashley asked for an update on the New York Avenue rehabilitation grant. Director of Planning and Development Andrea Smith said the CDBG for New York Avenue has entered Phase 3, and the final 6 property owners have been identified. Ms. Smith explained contractors have completed the pre-bid walk thru, and bids are due by the end of the month although an extension may be granted. Ms. Smith said the project will be completed by December 31, 2016. Councillor Morley asked for the average number of homes completed in each community. Ms. Smith said the goal was to rehab 10-12 homes, and we will have completed 11.

3. Councillor Price said the update provided by Code Enforcement was excellent. Councillor Price added it was a very comprehensive report.

CITY COUNCIL MEETING

August 8, 2016

Page 195

NEW BUSINESS

1. Councillor Stevenson asked for an update on the ADA compliance of our street corners. Director of Public Works Scott Thornhill said there are three ways by which street corners are being updated: 1) incorporation into projects covered by the CHIPs program; 2) when property owners install new sidewalks; and, 3) following a complaint, if the corner can be added to a project. Councillor Stevenson asked for the cost to make a street corner ADA compliant. Mr. Thornhill said it costs approximately \$1,500 to \$2,000 per corner.

ITEMS FOR DISCUSSION

1. City Manager Sarah Purdy provided Council with information regarding a Municipal Pilot Program. Ms. Purdy explained if Council agrees she would like to schedule group discussions with representatives from the community service agencies to get their input. Councillor Morley said service organizations should be paying for police and fire support at a minimum. There was a consensus of Council for Ms. Purdy to proceed.

2. Ms. Purdy said Council was provided with a list of surplus properties, but the parcels cannot be advertised until the minimum bids are approved by Council. Councillor Price said he believes the proposed minimum prices are just as discussed by Council. Councillor Stevenson suggested Council consider all options for the Plover Hill area. Director of Planning and Development Andrea Smith said a presentation was made to Council in the past concerning this parcel and explained the available options. Ms. Smith said it is staff's recommendation that the parcel be sold as a whole because a survey and subdivision would need to be completed at the City's expense before the parcels could be marketed as individual lots. Councillor Stevenson suggested the previous presentation and an estimated cost of subdivision for the Plover Hill property be emailed to Council for further review. There was a consensus of Council to move forward with advertising all of the parcels except the Plover Hill parcel.

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