

## CITY COUNCIL MEETING

October 12, 2010

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

PRESENT: Mayor Nelson, Councillors Cilley, Morley,  
Powers, Sholette, Skamperle and Vaugh

ABSENT: None

At this point in the meeting Mayor Nelson read and explained the “President’s Call to Service Award” and presented a framed Award Certificate, signed letter from President Barack Obama and a Service Award pin to Jon Gordon. Mayor Nelson explained that Jon Gordon was nominated by a former classmate, Thomas Franz, for giving more than 5,000 hours of service to the community. Mayor Nelson said Ogdensburg is a better place because of Jon Gordon.

### Public Hearing

1. A public hearing on a proposed ordinance amending Chapter 97, Fire Prevention and Building Codes Administration, §97.18. entitled "Fees" of the Code of the City of Ogdensburg was held. The following spoke:

- Joe Basta, 619 Main Street, read a letter against increasing these fees. (A copy of Mr. Basta’s letter follows these minutes.)

- Steve Rose, 1702 Montgomery Street, spoke against increasing these fees.

No one else being present to speak, the hearing was declared closed.

### PRESENTATION

1. Donald Hooper and Derek VanHouse, of Pinto Mucenski Hooper VanHouse and Company, addressed Council and presented the results of the 2009 City Audit. (A copy of the report follows these minutes.)

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2. John J. LaGorga, Stearns & Wheler Project Engineer, and Joseph Dodd, Engineer II, addressed Council regarding the Beaverbrook Watershed Study and the City's Long Term Control Plan. (A copy of the two reports follow these minutes.)

### CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #17-2010 in the amount of \$731,216.77 and Library Fund Warrant #17-2010 in the amount of \$329,460.86 and Capital Fund Warrant #17-2010 in the amount of \$52,637.62 and Community Development Fund Warrant #17-2010 in the amount of \$31,743.30 and Community Renewal Fund Warrant #17-2010 in the amount of \$19,768.72 and HOME Fund Warrant #17-2010 in the amount of \$0.00 and AHC Funds Warrant #17-2010 in the amount of \$16,031.25 and RESTORE Program Warrant #17-2010 in the amount of \$0.00, and NSP Funds Warrant #17-2010 in the amount of \$30,031.25, as audited, be and the same are ordered paid and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

### PERSONAL APPEARANCE

1. Steve Rose, 1702 Montgomery Street, addressed Council regarding a Mayor's hotline compliant and housing code enforcement issue. Mr. Rose read from several in-house emails. Councillor Morley presented photos of twenty other homes around the City in the same condition as Mr. Rose's.

### ITEMS FOR COUNCIL ACTION

1. Councillor Powers introduced an ordinance to amend Chapter 97, Fire Prevention and Building Codes Administration, §97.18. entitled "Fees", §97-18.B.(3)&(4) entitled "Fees for building permits for new construction shall be as follows", and §97-18.J. entitled "All other inspections" of the Code of the City of Ogdensburg.

ORDINANCE # 8-2010  
AMENDING CHAPTER 97, "FIRE PREVENTION AND BUILDING CODES  
ADMINISTRATION", SECTION 97-18. ENTITLED "FEES", SECTION 97-  
18.B.(3)&(4) ENTITLED "FEES FOR BUILDING PERMITS FOR NEW  
CONSTRUCTION SHALL BE AS FOLLOWS", AND SECTION 97-18.J.  
ENTITLED "ALL OTHER INSPECTIONS" OF THE MUNICIPAL CODE  
OF THE CITY OF OGDENSBURG

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OGDENSBURG  
AS FOLLOWS:

ITEM ONE: That Chapter 97, Fire Prevention and Building Codes Administration, §97-18. entitled "Fees", §97-18.B.(3) & (4) entitled "Fees for building permits for new construction are hereby deleted in its entirety and replaced with the following:

- (3) New commercial construction: 0.3% of the cost of construction.
- (4) New industrial construction: 0.3% of the cost of construction.

ITEM TWO: That Chapter 97, Fire Prevention and Building Codes Administration, §97-18. entitled "Fees" §97-18.J. entitled "All other inspections" of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

J.	Business Inspections (per business)	
	Buildings up to 1,500 sq. ft.	\$ 90.00
	Buildings 1,501 sq ft - 30,000 sq ft	\$120.00
	Buildings 30,001 sq ft - 60,000 sq ft	\$150.00
	Buildings 60,001 sq ft - 120,000 sq ft	\$180.00
	Buildings over 120,000 sq ft.	\$250.00

ITEM THREE: That Chapter 97, Fire Prevention and Building Codes Administration, §97-18. entitled "Fees" §97-18.K. be added as follows:

K.	All other inspections	\$ 90.00
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ITEM FOUR: This ordinance shall take effect January 1, 2011.

Code Enforcement Officer, Gregg Mallette explained that this amendment will shift the costs from the taxpayer to the user and explained that presently the inspection fee for a small barber shop is the same for Wal-Mart, \$90.

After much discussion amongst Council, Councillor Skamperle moved to amend the ordinance and Councillor Vaughn seconded, to read:

Buildings up to 5,000 sq. ft.	\$ 90.00
Buildings 5,001 sq ft - 30,000 sq ft	\$120.00

The vote to amend the ordinance was:

AYES: Mayor Nelson, Councillors Cilley,  
Powers, Skamperle and Vaughn

NAYS: Councillors Morley and Sholette

APPROVED, 5 TO 2

The ordinance as amended now read:

ORDINANCE # 8-2010  
AMENDING CHAPTER 97, "FIRE PREVENTION AND BUILDING CODES ADMINISTRATION", SECTION 97-18. ENTITLED "FEES", SECTION 97-18.B.(3)&(4) ENTITLED "FEES FOR BUILDING PERMITS FOR NEW CONSTRUCTION SHALL BE AS FOLLOWS", AND SECTION 97-18.J. ENTITLED "ALL OTHER INSPECTIONS" OF THE MUNICIPAL CODE OF THE CITY OF OGDENSBURG

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OGDENSBURG AS FOLLOWS:

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ITEM THREE: That Chapter 97, Fire Prevention and Building Codes Administration, §97-18. entitled "Fees" §97-18.K. be added as follows:

K. All other inspections	\$ 90.00
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ITEM FOUR: This ordinance shall take effect January 1, 2011.

The vote on the ordinance as amended was:

AYES: Mayor Nelson, Councillors Cilley,  
Powers and Vaugh

NAYS: Councillors Morley, Sholette and Skamperle

APPROVED, 4 TO 3

2. Mayor Nelson moved a resolution authorizing the City Manager to sign an agreement to extend the Snow and Ice Control Agreement between the City of Ogdensburg and St. Lawrence County, and Councillor Morley seconded to wit:

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A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO SIGN AN AGREEMENT BETWEEN THE CITY OF OGDENSBURG  
AND ST. LAWRENCE COUNTY

BE IT RESOLVED, that the City Manager is authorized to sign the attached extended Snow and Ice Control Agreement between the City of Ogdensburg and St. Lawrence County for the 2010-2011 Season.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution calling for public notice and public hearing regarding an ordinance to authorize a lease of municipal property at the Plover Hill water tower to Clearwire US LLC, and Councillor Vaughn 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 2010, entitled, an Ordinance to Authorize a Lease of Municipal 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 25<sup>th</sup> day of October, 2010, 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 once each week for three consecutive weeks before the hearing date of a notice setting forth the time and place and describing the proposed ordinance in summary form.

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The vote was:

CARRIED, AYES ALL

4. Councillor Skamperle moved a resolution to authorize the City Manager to execute an easement agreement with Gil Jones d/b/a Jones Trombley Development Corporation for the purpose of installing a loading dock to support a retail operation, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING  
CITY MANAGER TO EXECUTE AN EASEMENT AGREEMENT  
WITH GIL JONES D/B/A JONES TROMBLEY DEVELOPMENT CORP

WHEREAS, Gil Jones d/b/a Jones Trombley Development Corp has requested an easement for an area east of the building he owns at 101-103 Ford Street up to the City rights-of-way with Ford and Crescent Streets for the purpose of installing a loading dock to support a retail operation; and

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

WHEREAS, all costs to remove or relocate any curbing, utilities, etc., will be done at the expense of Jones Trombley Development Corp with Site Plan Approval of the Planning Board;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute an easement agreement, to be prepared by the City Attorney, with Gil Jones d/b/a Jones Trombley Development Corp, as shown on the attached site map; and

BE IT FURTHER RESOLVED, that Gil Jones d/b/a Jones Trombley Development Corp provides the City of Ogdensburg with a liability insurance certificate that identifies the City of Ogdensburg as a co-insured party on the subject property, in a form and amount acceptable to the City Attorney.

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The vote was:

CARRIED, AYES ALL

### OLD BUSINESS

1. Mayor Nelson explained that City Council doesn't interpret Building Code Laws and stated we need to clarify if Mr. Rose's property is compliant.

City Manager Arthur Sciorra stated Council requested to have the Fire Chief present tonight, but he is at a training session. Mr. Sciorra added that the Code Enforcement Officer, Gregg Mallette and the City Attorney, Andy Silver are here to answer questions.

Mr. Mallette advised Council that a complaint was lodged against 1702 Montgomery Street, and the Code Enforcement Office investigated it. Mr. Mallette explained that in 1990 Mr. Rose was issued a building permit to construct a new home on a subdivided lot. Mr. Mallette stated that at the time the building permit was issued there was a concern with the exterior not being treated/protected from the elements while Mr. Rose attempted to market this house for sale. Mr. Mallette added that in 2003 Mr. Rose sold the first house and obtained a building permit to finish the 1<sup>st</sup> floor interior on the second house for his own use. Mr. Mallette said Mr. Rose's intent was not to finish the home until he had a potential buyer to incorporate their decorating wishes. Mr. Mallette said at some point Mr. Rose installed Tyvek house wrap on the exterior walls of the house which is a protective weather barrier treatment that is intended to provide a permanent water and wind shield under permanent siding. Mr. Mallette said that he researched Tyvek and found that most manufacturers of house wrap will only warranty Tyvek for four months even though the product will perform for much longer periods if it is secured. Mr. Mallette stated that Mr. Rose has installed Tyvek as a temporary covering to protect the exterior of his house and intends to install siding over it. Mr. Mallette concluded that the use of building wrap as a stand-alone permanent exterior protective covering does not comply with the Code.



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2. Councillor Morley stated the Executive Compensation Committee needs to meet regarding performance evaluations. City Manager, Arthur Sciorra stated that due to current economic woes there were no COLA raises in 2010. Mayor Nelson suggested waiting until the 2011 budget is passed, and then put this on the City Manager's calendar.

\*At this point in the meeting Councillor Powers leaves.

3. Councillor Morley requested a list of City-owned properties that are currently not in use by the City. Director of Planning and Development, Justin Woods said he is working on a map and description of the properties which will be available next week.

4. Councillor Morley said he received his copy of the \$95,000 renovation budget for 2 Grove Street. Mayor Nelson said the cost to renovate this property was \$57,000. Councillor Cilley stated that putting \$57,000 into this house doesn't make sense, we could have built a new house. Director of Planning and Development, Justin Woods explained the funds to renovate this property are coming from CDBG, the Affordable Housing Corporation and the Neighborhood Stabilization Program. Mr. Woods stated the Neighborhood Stabilization Program has \$400,000. and fourteen City-owned properties were reviewed; the dangerous ones were demolished and the rest were identified as fixable. Mr. Woods explained that tearing down this house and selling the lot would not have added to the City's tax base. City Manager Arthur Sciorra said that Neighborhood Stabilization funds are used to stabilize a neighborhood where property values are low so that eventually this neighborhood will turn around over time. Mr. Sciorra explained that this program is different from our previous rehab programs as it is going to stabilize neighborhoods in the City. Councillor Morley stated \$75,000. could have fixed up many properties in the City. Mr. Woods stated there are a half dozen residential properties that the City owns that are either in rehab or are going to be demolished. Mr. Woods explained stated the Neighborhood Stabilization Program allows us to do this. Councillor Morley asked if 505 New York Avenue has gone out to bid yet. Mr. Woods stated the scope is being written now, but the property at 113 Adams Avenue is ahead of it which is a property the City acquired through tax sale foreclosure at the same time.

\*At this point in the meeting Councillor Sholette leaves.

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5. Councillor Morley stated he is asking this question for Councillor Sholette. Councillor Morley asked if the arena equipment was underbid by \$10,000. City Manager, Arthur Sciorra said the generator engine was under-specked. Public Works Director, Kit Smith stated a larger engine was needed.

6. Councillor Cilley stated the Workplace Violence Prevention Policy memorandum Council received from Mr. Sciorra looked good. Councillor Cilley also stated he liked the definition of weapons and the specification that they're not allowed in public buildings and parks unless it is a requirement of their job. Councillor Cilley also stated that any weapon secured in a vehicle should be exempt from this policy. Councillor Skamperle stated he has a problem with this policy because it does not allow him to walk on the Maple City Trail with a gun to protect himself. Councillor Skamperle stated he agreed that you do not need a gun at work; but the Supreme Court in McDonald versus Chicago just decided everyone has a right to defend themselves, and this is a second amendment issue. Mayor Nelson explained Councillor Cilley is making a suggestion for the ordinance. Mayor Nelson stated Council will debate the policy, vote and enact a law before the end of the year.

7. Councillor Skamperle stated he previously asked for some bamboo brush to be removed on the Maple City Trail where the Crescent wall stops. Councillor Skamperle stated the stairs were cleaned up, but there is still brush on the trail. Mr. Sciorra stated Director of Public Works, Kit Smith will look at this.

8. Councillor Skamperle stated that he was contacted again by the resident who was denied a police visit over a dog situation. City Manager Arthur Sciorra asked if this person called the Police Chief, and Councillor Skamperle said no. Mr. Sciorra suggested this resident contact the Police Chief.

9. Councillor Skamperle stated the Beaverbrook water pipes need to be fixed before winter. Mayor Nelson stated earlier in the meeting it was decided the issue would be turned over to the City Manager and Public Works Director to determine the costs and bring their recommendations back to Council. Councillor Skamperle asked if the recommendation would be available at the next meeting. Mr. Sciorra explained that it won't be available in two weeks because we are working on the budget which will be released to Council November 1<sup>st</sup>.

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### NEW BUSINESS

1. Councillor Skamperle stated he would like to get more houses rehabilitated and back on the City tax roll and suggested using the BOCES Tech Program to do the rehab work. Mr. Sciorra stated he has spoke with BOCES in the past; but they are not set up for that kind of project, and we need to have contractors that are experienced and licensed. Director of Planning and Development, Justin Woods said he is working on an outline for a pilot jobs program using colleges to find appropriate mentors to do that type of rehab project. Mr. Woods also stated we could create a program to train people in skills to become a successful small contractor.

2. Councillor Cilley questioned the status of 418 Oak Street. Councillor Cilley stated the Whytes are not interested in City's housing program to build a duplex. Councillor Cilley explained that because the lot is landlocked it is useless to the City and he would like staff to work with the Whytes. Mr. Woods said he will follow up with the Whytes.

3. Councillor Cilley asked for an update on the Firefighters' and CSEA contract negotiations. Mr. Sciorra explained that both groups signed agreements not to discuss the contracts outside of negotiations, and he is authorized to solely negotiate as per the Charter.

4. Mayor Nelson advised that is October is National Breast Cancer Awareness Month, and on Friday 300 people will be forming a human pink ribbon starting at the Lockwood Arena at 3:30 and then walking to the park. Mayor Nelson urged all to attend and participate.

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