

AGENDA
Council Meeting
Tuesday, May 28, 2019
7:00 P.M.

I. Pledge of Allegiance

II. Call to Order

III. Presentation

IV. Public Hearing

1. A public hearing regarding the disapproval of a registration statement for sound amplifying equipment for Everything 4 Entertainment, LLC. (Bill #37)

V. Personal Appearance

(Anyone wishing to address the Council should notify the Clerk prior to the meeting)

VI. Correspondence

VII. Consent Agenda

(All Matters listed under this item are considered to be routine and will be enacted by one motion in the form below without separate discussion. If discussion is desired, the item will be removed from the consent agenda and considered separately.)

1. Approval of previous minutes
2. Approval of warrant

VIII. Appointments

IX. Items for Council Action

1. A resolution to thank Governor Andrew Cuomo and the Department of Corrections for the decision to keep our correctional facilities open. (Bill #40)
2. A resolution declaring the opioid epidemic a public nuisance and seeking municipal opioid cost recovery. (Bill #41)
3. A resolution to adopt an updated City of Ogdensburg Health and Safety Manual. (Bill #42)
4. A resolution authorizing the City Manager to sign a First Amendment to a Lease Agreement with New Cingular Wireless PCS, LLC. (Bill #43)

X. Old Business

XI. New Business

XII. Items for Discussion

XIII. Citizen Participation

XIV. Executive Session

XV. Adjournment

Business of the City Council
City of Ogdensburg

SUBJECT: FOR AGENDA OF: May 28, 2019
A resolution to thank Governor Andrew
Cuomo and the Department of
Corrections for the decision to keep our
correctional facilities open BILL #: 40
DEPT. OF ORIGIN: City Manager
DATE SUBMITTED: May 20, 2019
APPROVED AS TO FORM BY CITY EXHIBITS: Resolution
ATTORNEY
APPROVED BY CITY MANAGER FOR SUBMITTAL

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: -0-	BUDGETED: -0-	REQUIRED: -0-

SUMMARY STATEMENT

A resolution to thank Governor Andrew Cuomo and the Department of Corrections for the decision to keep our correctional facilities open.

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR ASHLEY	_____	COUNCILLOR DAVIS	_____
COUNCILLOR KENNEDY	_____	COUNCILLOR POWERS	_____
COUNCILLOR PRICE	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

A RESOLUTION TO THANK GOVERNOR ANDREW CUOMO AND THE DEPARTMENT OF CORRECTIONS FOR THE DECISION TO KEEP OUR CORRECTIONAL FACILITIES OPEN

Whereas, New York Governor Andrew Cuomo recently announced that the two prisons in the City of Ogdensburg and the prison in the Town of Gouverneur, all of which provide outstanding careers for members of over 1,000 families across St. Lawrence County, will remain open to serve the people of the State of New York; and

Whereas, the correctional facilities provide more than a \$100 million in payroll, provide quality employment and improve the quality of life for citizens across Northern New York; and

Whereas, the Ogdensburg City Council passed a resolution in February and the St. Lawrence County Legislature passed a resolution in March formally asking the governor to remember the promise he made in the summer of 2010, while he was marching in the Seaway Festival Parade, that he felt the State of New York owed a debt of gratitude to the citizens of the Maple City for that community's decision in the early 1980s to accept a prison at a time when other communities across the state were protesting and objecting to the location of correctional facilities in New York City, Long Island and elsewhere; and

Whereas, then candidate Cuomo recalled how the Ogdensburg community helped his father, Governor Mario Cuomo at a time when the state was facing a crisis, and promised that if he was elected governor, he would keep the Ogdensburg prisons off any future closure lists because the City had set an example for other communities across the State of New York by working hand in hand with the Department of Corrections to provide a place where inmates could be treated with dignity and respect while paying their debt to society; and

Whereas; the citizens of Ogdensburg again helped the State of New York in the late 1980s when New York City faced another severe jail crisis, by accepting the construction of Riverview Correctional Facility at a time when the citizens of the state's largest city again were refusing to allow the construction of a new jail to house their own citizens who were facing unsafe conditions in the metropolitan area's overcrowded and dangerous jail system; and

Whereas; the citizens of Gouverneur also offered to accept a prison and even offered to provide financial assistance to the State of New York to help facilitate the location of a medium security prison, and later agreed to help the State of New York provide facilities for some of its most troubled inmates by agreeing to accept the construction of a Secure Housing Unit within the facility to provide a safe place where people could serve their sentences; and

Whereas, Northern New York's prisons have repeatedly demonstrated they are less costly to operate than downstate prisons, result in fewer injuries to staff and inmates, result in higher vocational and academic graduation rates and are more efficient in terms of their operation; and

Now, therefore, be it resolved, that the Ogdensburg City Council thanks Governor Andrew Cuomo and the Department of Corrections for the decision to keep our correctional facilities open and for remembering how the people of St. Lawrence County have a long history of helping the people of the State of New York and the City of New York when they have faced a crisis and needed a helping hand; and

Be it further resolved, that copies of this resolution be forwarded to Governor Andrew Cuomo, Senator Joseph Griffo, Senator Elizabeth Little, Senator Patty Ritchie; Assemblyman Mark Walczyk, Assemblyman Billy Jones, Assemblyman Robert Smullen and Assemblyman Ken Blankenbush as well as the leaders of Senate and Assembly.

Business of the City Council
City of Ogdensburg

SUBJECT: FOR AGENDA OF: May 28, 2019
A resolution declaring the opioid epidemic a public nuisance and seeking municipal opioid cost recovery
BILL #: 41
DEPT. OF ORIGIN: City Manager
DATE SUBMITTED: May 21, 2019
APPROVED AS TO FORM BY CITY ATTORNEY EXHIBITS: Resolution
APPROVED BY CITY MANAGER FOR SUBMITTAL

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: -0-	BUDGETED: -0-	REQUIRED: -0-

SUMMARY STATEMENT

A resolution declaring the opioid epidemic a public nuisance and seeking municipal opioid cost recovery.

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR ASHLEY	_____	COUNCILLOR DAVIS	_____
COUNCILLOR KENNEDY	_____	COUNCILLOR POWERS	_____
COUNCILLOR PRICE	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

RESOLUTION DECLARING THE OPIOID EPIDEMIC A PUBLIC NUISANCE AND SEEKING MUNICIPAL OPIOID COST RECOVERY

I. Purpose and intent.

WHEREAS, the opioid epidemic is sweeping the country. Indeed, addiction to and abuse of opioids is one of the greatest challenges facing the City of Ogdensburg. A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioids were sold, distributed, and prescribed in the City of Ogdensburg over the past several years, and this is an ongoing problem. The selling, distributing and prescribing of large amounts of opioids in our community has created a public health and safety hazard affecting the residents of the City of Ogdensburg. This crisis has devastated families, wreaked havoc on our economy, and produced a generation of narcotic dependence. As a result of the opioid epidemic, costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these costs are paid by the City of Ogdensburg; and

WHEREAS, the purpose and intent of this Resolution is to allow the City of Ogdensburg to recover these costs, despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the City of Ogdensburg a public nuisance. Specifically, the City of Ogdensburg provides services related to the opioid epidemic, which are funded by tax revenues. This Resolution clarifies that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party. To accomplish this, the City of Ogdensburg establishes this cost recovery procedure and declares the opioid epidemic and its effects on the City of Ogdensburg a public nuisance.

II. Definitions.

WHEREAS, “costs” mean all expenditures related to the opioid epidemic that directly or indirectly arise from the City of Ogdensburg’s response to a responsible party’s action or inaction; and

WHEREAS, “responsible party” means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in the City of Ogdensburg incurring costs, or who is found liable or made responsible by a court for the costs incurred by the City of Ogdensburg in the form of damages, regardless of the cause of action.

III. Governmental function cost recovery.

WHEREAS, the City of Ogdensburg may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a responsible party fails to pay the costs demanded, the City of Ogdensburg may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the City of Ogdensburg also may recover attorney’s fees, interest, and any other payment or type of damages the court deems proper.

IV. Effect of criminal or civil proceedings on governmental function cost recovery.

WHEREAS, the initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party or any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

V. Public nuisance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Ogdensburg hereby finds and declares the following:

- 1) That addiction to and abuse of opioids is one of the greatest challenges facing the City of Ogdensburg;
- 2) A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the City of Ogdensburg over the past several years, and this is in an ongoing problem;
- 3) There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;
- 4) The selling, distributing and prescribing of large amounts of opioid pain pills in the City of Ogdensburg has created a public health and safety hazard affecting the residents of the City of Ogdensburg, resulting in devastation to City of Ogdensburg families, a negative effect on the City of Ogdensburg economy, wasted public resources, and a generation of narcotic dependence;
- 5) That selling, distributing and prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of the City of Ogdensburg, and said nuisance remains unabated;
- 6) That, in addition to all other powers and duties now conferred by law upon the City of Ogdensburg, the Ogdensburg City Council is authorized to enact resolutions and take other appropriate and necessary actions for the elimination of hazards to public health and safety, and to abate or cause to be abated anything which the Ogdensburg City Council determines to be a public nuisance;
- 7) That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and
- 8) That it is the duty of the City of Ogdensburg to vindicate the rights of its citizens and take action to abate this public nuisance.

AND BE IT FURTHER RESOLVED, that this resolution applies retroactively.

Business of the City Council
City of Ogdensburg

SUBJECT: A resolution to adopt an updated City of Ogdensburg Health and Safety Manual
FOR AGENDA OF: May 28, 2019
BILL #: 42
DEPT. OF ORIGIN: City Manager
DATE SUBMITTED: May 22, 2019
APPROVED AS TO FORM BY CITY ATTORNEY
EXHIBITS: Resolution
APPROVED BY CITY MANAGER FOR SUBMITTAL

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: -0-	BUDGETED: -0-	REQUIRED: -0-

SUMMARY STATEMENT

A resolution to adopt an updated City of Ogdensburg Health and Safety Manual.

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR ASHLEY	_____	COUNCILLOR DAVIS	_____
COUNCILLOR KENNEDY	_____	COUNCILLOR POWERS	_____
COUNCILLOR PRICE	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

RESOLUTION TO ADOPT AN UPDATED CITY OF OGDENSBURG HEALTH AND SAFETY MANUAL

WHEREAS, Federal and State Health and Safety regulations require that the City of Ogdensburg maintain an up-to-date Health and Safety Manual for the City's operations and facilities; and

WHEREAS, the Development Authority of the North Country has completed updating the City's Health and Safety Manual,

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby adopts the attached City of Ogdensburg Health and Safety Manual, updated as of May 16, 2019, and be it further

RESOLVED, that a copy of this resolution be given to the Development Authority of the North Country.

Business of the City Council
City of Ogdensburg

SUBJECT: Resolution authorizing the City Manager to sign a First Amendment to a Lease Agreement with New Cingular Wireless PCS, LLC

FOR AGENDA OF: May 28, 2019

BILL #: 43

DEPT. OF ORIGIN: City Council

DATE SUBMITTED: May 22, 2019

EXHIBITS: Resolution

APPROVED AS TO FORM BY CITY ATTORNEY _____

APPROVED BY CITY MANAGER FOR SUBMITTAL _____

EXPENDITURE REQUIRED: -0- AMOUNT BUDGETED: -0- APPROPRIATION REQUIRED: -0-

SUMMARY STATEMENT

A resolution authorizing the City Manager to sign a First Amendment to a Lease Agreement with New Cingular Wireless PCS, LLC.

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR ASHLEY _____ COUNCILLOR DAVIS _____

COUNCILLOR KENNEDY _____ COUNCILLOR POWERS _____

COUNCILLOR PRICE _____ COUNCILLOR SKAMPERLE _____

COUNCILLOR STEVENSON _____

**RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A FIRST
AMENDMENT TO LEASE AGREEMENT**

WHEREAS, the City and New Cingular Wireless PCS, LLC desire to modify the rental terms of the existing Lease Agreement for the use of space on the Ogden Street water storage tank, and

WHEREAS, the Amendment to accomplish this modification been approved as to form by the City Attorney,

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to sign said Amendment.