

AGENDA
Council Meeting
Monday, June 10, 2019
7:00 P.M.

I. Pledge of Allegiance

II. Call to Order

III. Presentation

1. Prescott Passenger Ferry Delegation

IV. Public Hearing

1. A public hearing regarding an ordinance to amend Ogdensburg Municipal Code Chapter 143 entitled “Noise” to allow registered and approved applicants to exceed the maximum allowable noise level for events that have been granted permission by the City Manager, upon approval by Ogdensburg City Council. (Bill #44)

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. An ordinance to amend Ogdensburg Municipal Code Chapter 143 entitled “Noise” to allow registered and approved applicants to exceed the maximum allowable noise level for events that have been granted permission by the City Manager, upon approval by Ogdensburg City Council. (Bill #44)
2. A resolution authorizing the City Manager to sign an agreement with Viking Cives (USA) & Stadium International Trucks to lease/purchase a 2020 International HX-620 6x4. (Bill #45)
3. A resolution to approve the issuance of a Tax Anticipation Note (TAN) to cover cash flow needs for the City. (Bill #46)
4. A resolution supporting a Joint Seasonal Port of Entry for the Prescott-Ogdensburg Passenger Ferry. (Bill #47)

X. Old Business

XI. New Business

XII. Items for Discussion

1. 2019 CFA Options

XIII. Citizen Participation

XIV. Executive Session

XV. Adjournment

RESOLVED: That the claims as enumerated in General Fund Warrant #10-2019 in the amount of \$451,862.06 and Library Warrant #10-2019 in the amount of \$22,475.02 and Capital Fund Warrant #10-2019 in the amount of \$5,010.00 and Community Development Fund Warrant #10-2019 in the amount of \$0.00 and Community Renewal Fund Warrant #10-2019 in the amount of \$0.00, as audited, be and the same hereby are ordered paid.

DATED: June 6, 2019

Business of the City Council
City of Ogdensburg

SUBJECT: FOR AGENDA OF: June 10, 2019
An Ordinance to amend OMC Chapter BILL #: 44
143 entitled "Noise". DEPT. OF ORIGIN: City Council
DATE SUBMITTED: May 28, 2019
APPROVED AS TO FORM BY CITY EXHIBITS: Ordinance
ATTORNEY
APPROVED BY CITY MANAGER FOR SUBMITTAL

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

SUMMARY STATEMENT

An ordinance to amend Ogdensburg Municipal Code Chapter 143 entitled "Noise" to allow registered and approved applicants to exceed the maximum allowable noise level for events that have been granted permission by the City Manager, upon approval by Ogdensburg City Council.

RECOMMENDED ACTION

Passage of this ordinance.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

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

ORDINANCE #__ OF 2019

AN ORDINANCE AMENDING OGDENSBURG MUNICIPAL CODE CHAPTER 143 ENTITLED “NOISE” TO ALLOW REGISTERED AND APPROVED APPLICANTS TO EXCEED THE MAXIMUM ALLOWABLE NOISE LEVEL FOR EVENTS THAT HAVE BEEN GRANTED PERMISSION BY THE CITY MANAGER UPON APPROVAL BY OGDENSBURG CITY COUNCIL

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

ITEM ONE:

The City of Ogdensburg routinely allows events, within city limits, which exceed the current level allowed in the Ogdensburg Municipal Code; and

The level of “15 dbA above ambient” referenced in OMC §143-19 Subsection C, is arbitrary and capricious; and

The phrase contained in OMC Chapter 143, “reasonable persons of normal sensitiveness” is also arbitrary and capricious; and

There currently exists a procedure for an applicant to register to use sound amplifying equipment under OMC §143-17, which requires the chief of police to make the final determination; and

The City Manager is the agent for the City of Ogdensburg, who enters into agreements and contracts with the approval of Ogdensburg City Council; and

There exists a need for a new process to approve applicants who seek to exceed the City of Ogdensburg’s allowable noise level of 15 dbA above ambient for certain events.

ITEM TWO:

Chapter 143 of the Ogdensburg Municipal Code entitled “Noise” shall be amended as follows:

§ 143-17. Registration procedure.

A. Registration statements; filing. Every user of sound amplifying equipment shall file a registration statement with the ~~Chief of Police~~ **City Manager** 21 days prior to the date on which the sound amplifying equipment is intended to be used, (but the **City Manager** in his/**her** discretion may waive the time period) which statement shall contain the following information:

- (1) The name, address and telephone number of both the owner and user of the sound amplifying equipment.
- (2) The maximum sound producing power of the sound amplifying equipment which shall include the wattage to be used, the volume in decibels of sound which will be produced and the approximate distance for which sound will be audible from the sound amplifying equipment.
- (3) The license and motor number if a sound truck is to be used.
- (4) A general description of the sound amplifying equipment which is to be used.

(5) Whether the sound amplifying equipment will be used for commercial or noncommercial purposes.

B. Registration statements; approval. The ~~Chief of Police~~ **City Manager** shall return to the applicant an approved certified copy of the registration statement unless he/**she** finds that:

(1) The conditions of the motor vehicle movement are such that use of the equipment would constitute a detriment to traffic safety;

(2) The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; or

(3) The registration statement reveals that the applicant would not be able to comply with the provisions of this chapter.

C. Registration statement; disapproval. In the event that the registration statement is disapproved, the ~~Chief of Police~~ **City Manager** shall endorse upon the statement his/**her** reasons for disapproval and return it forthwith to the applicant. The applicant may within five days thereafter appeal to the Common Council who may after a public hearing thereon held after five days public notice either approve or disapprove the application.

§143-19 C. No sound emanating from sound amplifying equipment shall exceed ~~15 dbA above the ambient~~ **105 dbA** as measured at any property line.

§143-19 E. Shall be deleted in its entirety.

§143-20 The City Manager shall, with a majority vote of Council, grant permission in writing to any person, to reasonably broadcast or amplify in or upon the streets of the city. When such permission is granted, and broadcasting or amplifying is done pursuant to such permission, the restrictions under §143-19 shall not apply.

Current §143-20 entitled “Penalties for offenses.” shall become §143-21 entitled “Penalties for offenses.”

ITEM THREE:

This ordinance shall take effect ten (10) days after publication of notice in the official City newspaper that shall give the title and describe same in summary form.

Business of the City Council
City of Ogdensburg

SUBJECT: A resolution authorizing the City Manager to sign an agreement.
FOR AGENDA OF: June 10, 2019
BILL #: 45
DEPT. OF ORIGIN: DPW
DATE SUBMITTED: June 3, 2019
EXHIBITS: Resolution, quote & lease agreement
APPROVED AS TO FORM BY CITY ATTORNEY _____
APPROVED BY CITY MANAGER FOR SUBMITTAL _____

| EXPENDITURE | AMOUNT | APPROPRIATION |
|-----------------------|-----------------------|---------------|
| REQUIRED: \$45,800.37 | BUDGETED: \$45,000.00 | REQUIRED: -0- |

SUMMARY STATEMENT

A resolution authorizing the City Manager to sign an agreement with Viking Cives (USA) & Stadium International Trucks to lease/purchase a 2020 International HX-620 6x4. (The proposed financing is \$212,247.00 @ 3.95% for 5 years with a \$45,800.37 annual payment.)

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

WHEREAS, the laws of the State of New York (the “State”) authorize the CITY OF OGDENSBURG NY (the “Government Entity”), a duly organized political subdivision, municipal corporation or similar public entity of the State, to purchase, acquire and lease personal property for the benefit of the City of Ogdensburg and its inhabitants and to enter into any necessary contracts; and

WHEREAS, the City of Ogdensburg wants to lease, purchase and/or finance equipment (“Equipment”) from Viking Cives (USA) & Stadium International Trucks and/or an authorized truck & equipment dealer; and

WHEREAS, Key Government Finance, Inc. is willing to finance the purchase of the Equipment in accordance with the attached proposal (“Proposal”) and has been presented to the governing body of the City of Ogdensburg at this meeting; and

RESOLVED, that (i) the terms of the Lease Purchase Contract (“Contract”) are approved in substantially the Proposal presented at the meeting, with any Approved Changes (as defined below), (ii) the City of Ogdensburg enter into the Contract with Key Government Finance, Inc. and (iii) the Agreement is adopted as a binding obligation of the City of Ogdensburg; and

RESOLVED, that changes may later be made to the Contract if the changes are approved by the City of Ogdensburg’s counsel or members of the governing body of the City of Ogdensburg signing the Contract (the “approved Changes”) and that the signing of the Contract and any related documents is conclusive evidence of the approval of the changes; and

RESOLVED, that the person listed below, who is the City Manager of the City of Ogdensburg (the “Authorized Persons”):

Sarah Purdy, City Manager

RESOLVED, that City Manager Sarah Purdy is authorized, directed and empowered, on behalf of the City of Ogdensburg, to (i) sign and deliver to Key Government Finance, Inc., and its successors and assigns, the Contract and any related documents, and (ii) take or cause to be taken all actions he deems necessary or advisable to acquire the Equipment, including the signing and delivery of the Contract and related documents; and

WHEREAS, the Clerk of the City of Ogdensburg is authorized to attest to these resolutions and affix the seal of the City of Ogdensburg to the Agreement, these resolutions, and any other related documents; and

WHEREAS, that nothing in these resolutions, the Contract or any other document imposes a pecuniary liability or charge upon the general credit of the City of Ogdensburg or against its taxing power, except to the extent that the payments payable under the Contract are special limited obligations of the City of Ogdensburg as provided in the Contract; and

WHEREAS, that a breach of these resolutions, the Contract or any related document will not impose any pecuniary liability upon the City of Ogdensburg or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Contract are special limited obligations of the City of Ogdensburg as provided in the Contract; and

BE IT FURTHER RESOLVED, that the authority granted by this resolution will apply equally and with the same effect to the successors in the office of the City Manager.

Business of the City Council
City of Ogdensburg

SUBJECT: Resolution authorizing the issuance of a Tax Anticipation Note (TAN)
FOR AGENDA OF: 06/10/2019
BILL #: 46
DEPT. OF ORIGIN: City Comptroller
DATE SUBMITTED: 06/05/2019
APPROVED AS TO FORM BY CITY ATTORNEY
EXHIBITS: Resolution
APPROVED BY CITY MANAGER FOR SUBMITTAL

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|------------------------------|-------------------------|--------------------------------|
| EXPENDITURE REQUIRED: \$0 | AMOUNT BUDGETED: \$0 | APPROPRIATION REQUIRED: \$0 |
|------------------------------|-------------------------|--------------------------------|

SUMMARY STATEMENT

A resolution to approve the issuance of a Tax Anticipation Note (TAN) to cover cash flow needs for the City.

RECOMMENDED ACTION

Approval of Resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

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

TAX ANTICIPATION NOTE RESOLUTION DATED JUNE 10, 2019.

A RESOLUTION DELEGATING TO THE COMPTROLLER
OF THE CITY OF OGDENSBURG, ST. LAWRENCE COUNTY, NEW YORK,
THE POWER TO AUTHORIZE THE ISSUANCE OF AND TO SELL NOT
EXCEEDING \$2,000,000 TAX ANTICIPATION NOTES OF SAID CITY IN
ANTICIPATION OF THE COLLECTION OF TAXES LEVIED OR TO BE LEVIED
FOR THE FISCAL YEAR OF SAID CITY WHICH COMMENCED JANUARY 1, 2019.

BE IT RESOLVED, by the Council of the City of Ogdensburg, St. Lawrence County, New York, as follows:

Section 1. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell not exceeding \$2,000,000 tax anticipation notes of the City of Ogdensburg, St. Lawrence County, New York, including renewals thereof, in anticipation of the collection of taxes levied or to be levied for the fiscal year of said City which commenced January 1, 2019, is hereby delegated to the Comptroller. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Comptroller, consistent with the provisions of the Local Finance Law.

Section 2. This Resolution shall take effect immediately.

Business of the City Council
City of Ogdensburg

SUBJECT: FOR AGENDA OF: June 10, 2019
A resolution supporting a Joint Seasonal Port of Entry for the Prescott-Ogdensburg Passenger Ferry BILL #: 47
DEPT. OF ORIGIN: City Manager
DATE SUBMITTED: June 6, 2019
APPROVED AS TO FORM BY CITY ATTORNEY EXHIBITS: Resolution
APPROVED BY CITY MANAGER FOR SUBMITTAL

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

SUMMARY STATEMENT

A resolution supporting a Joint Seasonal Port of Entry for the Prescott-Ogdensburg Passenger Ferry.

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 SUPPORTING JOINT SEASONAL PORT OF ENTRY FOR
PRESCOTT-OGDENSBURG PASSENGER FERRY**

WHEREAS, the Town of Prescott and the City of Ogdensburg have been working together for more than a year on the feasibility of creating a passenger and bicycle ferry operation between Prescott and Ogdensburg, and

WHEREAS, the Town of Prescott has the support of the Canadian Border Service Agency (CBSA) for the provision of customs services on the Canadian side of this ferry route for selected weekends over a two-year trial period,

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby urges the U.S. Customs and Border Protection division of the Department of Homeland Security to work with the CBSA, the City of Ogdensburg and the Town of Prescott to create a Joint Seasonal Port of Entry reflective of the passive recreational and tourist nature of the ferry service, and be it further

RESOLVED, that copies of this resolution be forwarded to Prescott Mayor Brett Todd, U.S. Representative Elise Stefanik, U.S. Sen. Charles Schumer, U.S. Sen. Kirsten Gillibrand, State Sen. Patty Ritchie and State Assemblyman Mark Walczyk.