

AGENDA
Council Meeting
Monday, March 14, 2016
7:00 P. M.

I. Pledge of Allegiance

II. Call to Order

III. Presentation

1. Kevin Feuka, Capital Consultants Architecture and Engineering (C2AE), an update on the Wastewater Treatment Plant Capital Improvement Plan.

2. Andrea Smith, Director of Planning & Development, BOA Designation Update

IV. Public Hearing

1. A public hearing regarding an ordinance to sell two City-owned properties. (Lincoln Avenue and 11 Rensselaer Avenue) (Bill #18)

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 sell two City-owned properties located on Lincoln Avenue and 11 Rensselaer Avenue. (Bill #18)

2. A resolution to call for a public hearing and public notice regarding an Ordinance to amend the Ogdensburg Municipal Code, Chapter 73 entitled "Animals". (Bill #22)

3. A resolution to call for a public hearing and public notice regarding an Ordinance to sell City-owned property located at 801 Washington Street. (Bill #23)
4. A resolution to call for a public hearing and public notice regarding an Ordinance to sell City-owned property located at 8 Spring Street. (Bill #24)
5. A resolution authorizing the City Manager to enter into a management services agreement for the Wastewater Treatment Plant facility with the Development Authority of the North Country. (Bill #25)
6. A resolution determining that the City of Ogdensburg Wastewater Treatment Plant Improvement Project will not have a significant effect on the environment. (Bill #26)

X. Old Business

XI. New Business

XII. Items for Discussion

XIII. Citizen Participation

XIV. Executive Session

1. Personnel issue
2. Pending litigation

XV. Adjournment

RESOLVED: That the claims as enumerated in General Fund Warrant #5-2016 in the amount of \$710,533.71 and Library Warrant #5-2016 in the amount of \$21,235.47 and Capital Fund Warrant #5-2016 in the amount of \$22,992.51 and Community Development Fund Warrant #5-2016 in the amount of \$0.00 and Community Renewal Fund Warrant #5-2016 in the amount of \$44,729.28, as audited, be and the same hereby are ordered paid.

DATED: March 10, 2016

Business of the City Council
City of Ogdensburg

SUBJECT: FOR AGENDA OF: March 14, 2016
An Ordinance to offer City-Owned BILL #: 18
Property for sale at Public Auction DEPT. OF ORIGIN: City Manager
DATE SUBMITTED: February 17, 2016
APPROVED AS TO FORM BY CITY EXHIBITS: Ordinance
ATTORNEY

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

APPROVED BY CITY MANAGER FOR SUBMITTAL

SUMMARY STATEMENT

An ordinance to sell City-owned property located at 11 Rensselaer Avenue and Lincoln Avenue.
(Requires six affirmative votes to approve.)

RECOMMENDED ACTION

Approval of this ordinance.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR ASHLEY	_____	COUNCILLOR DAVIS	_____
COUNCILLOR MITCHELL	_____	COUNCILLOR MORLEY	_____
COUNCILLOR PRICE	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

ORDINANCE # of 2016
AN ORDINANCE TO OFFER FOR SALE AT PUBLIC AUCTION
CITY-OWNED PROPERTY

BE IT ORDAINED AND ENACTED by the City Council of the City of Ogdensburg, New York, as follows:

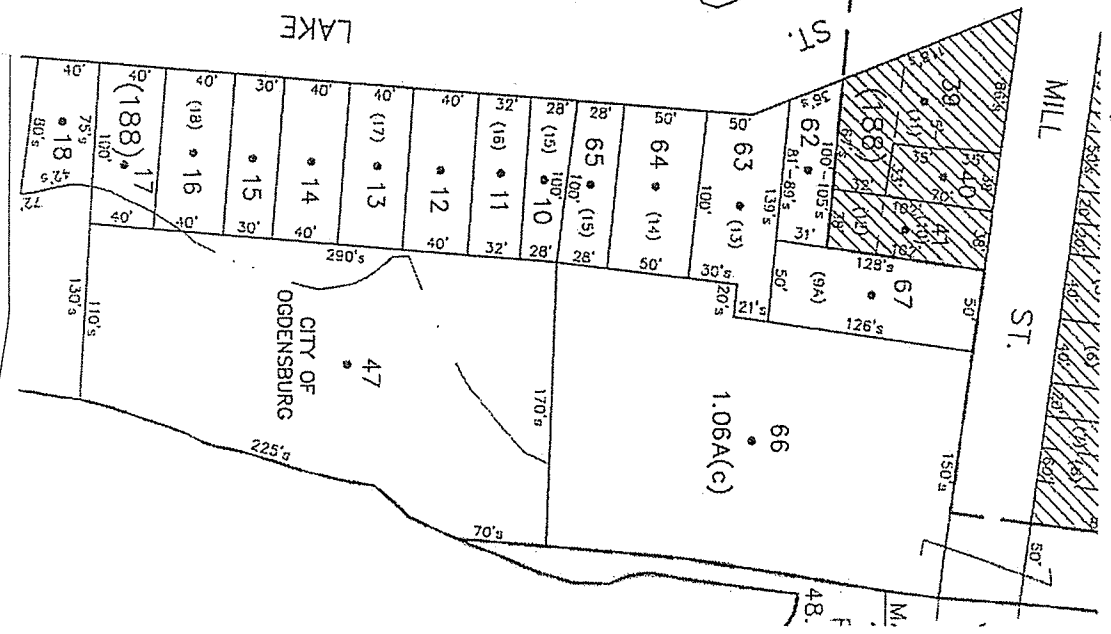
SECTION ONE:

The following properties shall be offered for sale at public auction by the City of Ogdensburg:

<u>TAX MAP #</u>	<u>LOCATION</u>	<u>MINIMUM PURCHASE PRICE</u>	<u>RESTRICTION(S)</u>
59.022-4-58	Lincoln Avenue (Section of the former railroad bed, between Rensselaer Avenue and King Street, dimensions are approximately 50' x 330' x 30' x 167' x 25' x 165')	\$2,062.	None
59.022-4-59	11 Rensselaer Avenue	\$3,750.	None

SECTION TWO: The City does not guarantee clear property title in the transfer of properties by auction and conveyance will be made by Quit Claim Deed. The City Council reserves the right to reject any or all bids or to withdraw any parcel from sale.

SECTION THREE: This ordinance shall become effective after public notice has been published at least once each week for three weeks in the official City newspaper.



M.L. F. 48.

Business of the City Council
City of Ogdensburg

SUBJECT: A resolution calling for a public hearing to amend the Ogdensburg Municipal Code.
FOR AGENDA OF: March 14, 2016
BILL #: 22
DEPT. OF ORIGIN: City Clerk
DATE SUBMITTED: February 23, 2016
APPROVED AS TO FORM BY CITY ATTORNEY
EXHIBITS: Resolution & Ordinance
APPROVED BY CITY MANAGER FOR SUBMITTAL

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

A resolution to call for a public hearing and public notice regarding an Ordinance to amend the Ogdensburg Municipal Code, Chapter 73 entitled "Animals".

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR ASHLEY	_____	COUNCILLOR DAVIS	_____
COUNCILLOR MITCHELL	_____	COUNCILLOR MORLEY	_____
COUNCILLOR PRICE	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

RESOLUTION OF CITY COUNCIL INTRODUCING A LOCAL LAW
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED, that a public hearing be held by the Ogdensburg City Council on the proposed changes to the Ogdensburg Municipal Code as requested by the City Clerk, said public hearing to be held on March 28, 2016, at 7:00 pm in the City Council Chambers, City Hall, and

BE IT FURTHER RESOLVED, that the City Clerk is directed to publish notice of said hearing at least seven days before the date of said hearing in the official newspaper of the City of Ogdensburg.

AND 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.

ORDINANCE # - 2016
AMENDING CHAPTER 73, ENTITLED "ANIMALS"
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 73 entitled "Animals", Article II entitled "Dog Licensing", Section 73-3 entitled "Definitions", is hereby deleted in its entirety and replaced with the following:

§ 73-3. Definitions.

As used in this article, the following words shall have the following respective meanings, unless otherwise expressly stated or unless the context or subject matter requires otherwise:

- A. "Agriculture and Markets Law": The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Chapter, as amended by this Chapter, and as thereafter amended.
- B. "Adoption" means the delivery to any natural person eighteen years of age or older, for the limited purpose of harboring a pet, of any dog, seized or surrendered.
- C. "Clerk" means the clerk of City of Ogdensburg where licenses are validated or issued pursuant to this article.
- D. "Detection dog" means any dog that is trained to and works at using its senses to detect substances such as explosives, illegal drugs, wildlife scat, or blood.
- E. "Dog" means any member of the species canis familiaris.
- F. "Dog control officer" means an individual appointed by the City of Ogdensburg to assist in the enforcement of this article under contract with the City to assist in the enforcement of this article.
- G. "Euthanize" means to bring about death by a humane method.
- H. "Guide dog" means any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the state during the period such dog is being trained or bred for such purpose.
- I. "Harbor" means to provide food or shelter to any dog.
- J. "Identification tag" means a tag issued by the licensing municipality which sets forth an identification number, together with the name of the municipality, the state of New York, contact information, including telephone number, for the municipality and such other information as the licensing municipality deems appropriate.
- K. "Municipality" means City of Ogdensburg.
- L. "Owner" means any person who harbors or keeps any dog.
- M. "Hearing dog" means any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.

- N. "Service dog" means any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative.
- O. "Dangerous dog" means any dog which without justification attacks a person or companion animal, and causes physical injury or death, or behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons or companion animals.
- P. "Run at Large" means to be in a public place or on private land without the knowledge, consent and approval of the owner of such lands.
- Q. "Dog Enumeration" means an individual authorized and paid by the City to go door by door within the City counting the number of dogs domiciled in the City and determining if they are licensed or not. If a dog is not licensed, a notice is issued to the owner explaining that a license must be secured within 10 days. If not, a summons is issued for the owner to appear in court. Before a dog license can be issued, proof that the animal has an up-to-date rabies vaccination is required. Dog licensing is done through the City Clerk's office. There is a \$5.00 fee added for dogs licensed as a result of enumeration.

ITEM TWO: That Chapter 73 entitled "Animals", Article II entitled "Dog Licensing", Section 73-4.(D) entitled "Licensing of Dogs", is hereby amended to read as follows:

- D. The City of Ogdensburg will issue exempt license(s) for any guide dog, service dog, hearing dog or detection dog upon presentation of a current certificate of rabies.

ITEM THREE: That Chapter 73 entitled "Animals", Article III entitled "Control of Dogs", Section 73-13. is hereby amended to read as follows:

§73-13. Dogs are prohibited in any grocery store or restaurant where food or perishable goods are sold except a guide dog, service dog, hearing dog or detection dog when serving as such.

ITEM FOUR: That Chapter 73 entitled "Animals", Article IV entitled "Exceptions", Section 73-18. (A) is hereby amended to read as follows:

§73-18. (A). Nonresidents and exhibitors. This article shall not apply to a dog owned by a nonresident, while passing through the City of Ogdensburg, nor to dogs brought into the City of Ogdensburg for a period not exceeding 15 days, if entered in any exhibition at any dog show therein, and confined and in immediate charge of the exhibitor.

ITEM FIVE: That Chapter 73 entitled "Animals", Article IV entitled "Penalties for Offenses", Section 73-19. (A)(1) is hereby amended to read as follows:

§73-19. (A)(1). A fine of not less than \$50 nor more than \$350, and must provide proof of a valid dog license. Each day of continued violation is a separate and distinct offense.

ITEM SIX: This ordinance shall take effect ten (10) days after publication of notice, which shall give the title and describe same in summary form.

Business of the City Council
City of Ogdensburg

SUBJECT: Resolution providing for public notice and public hearing
FOR AGENDA OF: March 14, 2016
BILL #: 23
DEPT. OF ORIGIN: City Manager
DATE SUBMITTED: March 7, 2016
APPROVED AS TO FORM BY CITY ATTORNEY
EXHIBITS: Resolution, Ordinance

EXPENDITURE REQUIRED: -0-	AMOUNT BUDGETED: -0-	APPROPRIATION REQUIRED: -0-
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APPROVED BY CITY MANAGER FOR SUBMITTAL

SUMMARY STATEMENT

A resolution providing public notice and public hearing with regard to the sale of City-owned property located at 801 Washington Street.

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR ASHLEY	_____	COUNCILLOR DAVIS	_____
COUNCILLOR MITCHELL	_____	COUNCILLOR MORLEY	_____
COUNCILLOR PRICE	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

RESOLUTION OF CITY COUNCIL INTRODUCING ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE
AND PUBLIC HEARING

BE IT RESOLVED, that Ordinance No. entitled "An Ordinance to Offer for Sale at Public Auction City-Owned 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 28th day of March, 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.

ORDINANCE # of 2016
AN ORDINANCE TO OFFER FOR SALE AT PUBLIC AUCTION
CITY OWNED PROPERTY

BE IT ORDAINED AND ENACTED by the City Council of the City of Ogdensburg, New York, as follows:

SECTION ONE: The following property shall be offered for sale at public auction by the City of Ogdensburg:

<u>TAX MAP #</u>	<u>LOCATION</u>	<u>MINIMUM PURCHASE PRICE</u>
48.071-4-5	801 Washington Street	\$ 5,750. (amount includes estimated \$400. Attorney fee & \$350. SLC Recording Fee)

SECTION TWO: The terms of this sale are as follows:

1. This deed to any sale will contain a permanent restrictive covenant to run with the land that the premises may not be used as a three family residence and that the maximum occupancy shall be limited to either a one or two family residence.
2. An abstract of title and current survey will not be provided by the City. Each shall be the responsibility of the Buyer if required by the Buyer.
3. The City makes no representations or warranties of any kind as to the property or any structure upon it or to any of the systems on the premises. Buyer shall assume responsibility for and indemnify and hold harmless City from any adverse conditions, environmental or otherwise, including hazardous substances on the premises, following a sale not caused by the City. The Deed shall contain such an indemnification provision.

SECTION THREE: The City does not guarantee clear property title in the transfer of property by auction and conveyance will be made by Quit Claim Deed. The City Council reserves the right to reject any or all bids or to withdraw any parcel from sale.

SECTION FOUR: SECTION THREE: This ordinance shall become effective after public notice has been published at least once each week for three weeks in the official City newspaper.

Business of the City Council
City of Ogdensburg

SUBJECT: Resolution providing for public notice and public hearing
FOR AGENDA OF: March 14, 2016
BILL #: 24
DEPT. OF ORIGIN: City Manager
DATE SUBMITTED: March 7, 2016
APPROVED AS TO FORM BY CITY ATTORNEY
EXHIBITS: Resolution, Ordinance

EXPENDITURE REQUIRED: -0-	AMOUNT BUDGETED: -0-	APPROPRIATION REQUIRED: -0-
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APPROVED BY CITY MANAGER FOR SUBMITTAL

SUMMARY STATEMENT

A resolution providing public notice and public hearing with regard to the sale of City-owned property located at 8 Spring Street.

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR ASHLEY	_____	COUNCILLOR DAVIS	_____
COUNCILLOR MITCHELL	_____	COUNCILLOR MORLEY	_____
COUNCILLOR PRICE	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

RESOLUTION OF CITY COUNCIL INTRODUCING ORDINANCE

AND PROVIDING FOR PUBLIC NOTICE

AND PUBLIC HEARING

BE IT RESOLVED, that Ordinance No. entitled "An Ordinance to Offer for Sale at Public Auction City-Owned 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 28th day of March, 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.

ORDINANCE # of 2016
AN ORDINANCE TO OFFER FOR SALE AT PUBLIC AUCTION
CITY OWNED PROPERTY

BE IT ORDAINED AND ENACTED by the City Council of the City of Ogdensburg, New York, as follows:

SECTION ONE: The following property shall be offered for sale at public auction by the City of Ogdensburg:

<u>TAX MAP #</u>	<u>LOCATION</u>	<u>MINIMUM PURCHASE PRICE</u>
59.022-5-4	8 Spring Street	\$ 2,750.

SECTION TWO: The City does not guarantee clear property title in the transfer of property by auction and conveyance will be made by Quit Claim Deed. The City Council reserves the right to reject any or all bids or to withdraw any parcel from sale.

SECTION THREE: This ordinance shall become effective after public notice has been published at least once each week for three weeks in the official City newspaper.

Business of the City Council
City of Ogdensburg

SUBJECT: Resolution Authorizing City Manager to Enter into Professional Consulting Agreement with the Development Authority of the North Country

FOR AGENDA OF: March 14, 2016

BILL #: 25

DEPT. OF ORIGIN: Public Works

DATE SUBMITTED: March 11, 2016

APPROVED AS TO FORM BY CITY ATTORNEY _____

EXHIBITS: Resolution, Agreement

APPROVED BY CITY MANAGER FOR SUBMITTAL _____

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

A resolution authorizing the City Manager to enter into a professional consulting agreement with the Development Authority of the North Country for Wastewater Treatment Plant.

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR ASHLEY _____	COUNCILLOR DAVIS _____
COUNCILLOR MITCHELL _____	COUNCILLOR MORLEY _____
COUNCILLOR PRICE _____	COUNCILLOR SKAMPERLE _____
COUNCILLOR STEVENSON _____	

**RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO
A MANAGEMENT SERVICES AGREEMENT WITH
THE DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY**

WHEREAS, a management services agreement for the City Wastewater Treatment Plant facility has been negotiated between the City Manager and the Development Authority of the North Country (DANC), and

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the City Manager to enter into said agreement with the Development Authority of the North Country to provide professional services and management support for the Wastewater Treatment Plant; and

BE IT FURTHER RESOLVED that funding for this service will come from the Sewer Fund.