

CITY COUNCIL MEETING

July 11, 2011

Page 100

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

PRESENT: Mayor Nelson, Councillors Cilley,
Morley and Skamperle

ABSENT: Councillors Powers, Sholette and Vaugh

Mayor Nelson stated that Councillor Powers asked to be excused due to illness, and Councillor Vaugh asked to be excused as he is working out of town.

PERSONAL APPEARANCES

1. Robert Stewart, 923 Jefferson Avenue, addressed Council and thanked City staff and Council for the placement of a street light in front of his home on Jefferson Avenue. Mr. Stewart stated the light has made a good impact on the neighborhood. Mr. Stewart also stated that since 2005 there has been a parking problem in front of his house because people are parking on his lawn, and he has had damage to his fence. Mr. Stewart requested that there be no parking from Cedar Street to 927 Jefferson Avenue. Mayor Nelson stated City Manager, Arthur Sciorra, Police Chief, Richard Polniak and Director of Public Works, Kit Smith will look into this.

2. Joe Spriggs, 1220 Knox Street, addressed Council stating he leases dock space at the City marina. Mr. Spriggs stated the public dock is accessed by three ramps that are chained off with "do not enter" signs, and he feels that the dock is a private space leased by people that pay yearly rates. Mr. Spriggs added that he has heard that there have been complaints about the boaters' behavior at the marina and issues with emergency personnel accessing their boats, which are located in the middle of the marina. Mr. Spriggs said he has never seen a policeman come to the marina to address a complaint and suggested moving those emergency boats to the end of the marina with a separate, private ramp for easier, quicker access. Mr. Spriggs also stated he felt the marina is a private area because the boaters are paying a fee for their space.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #13-2011 in the amount of \$2,143,684.19 and Library Fund Warrant #13-2011 in the amount of \$22,397.12 and Capital Fund Warrant #13-2011 in the amount of \$95,107.95 and Community Development Fund Warrant #13-2011 in the amount of \$2,257.89 and Community Renewal Fund Warrant #13-2011 in the amount of \$658.77 and HOME Fund Warrant #13-2011 in the amount of \$1,380.00 and AHC Funds Warrant #13-2011 in the amount of \$18,418.66, RESTORE Program Warrant #13-2011 in the amount of \$0.00 and NSP Funds Warrant #13-2011 in the amount of \$0.00 and NY Main St. Program Warrant #13-2011 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

ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle moved a resolution to apply for a Preserve America Community designation to improve our community's ability to protect and promote our historical reserves, and Councillor Morley seconded to wit:

RESOLUTION TO APPLY FOR PRESERVE AMERICA COMMUNITY
DESIGNATION TO IMPROVE THE CITY OF OGDENSBURG'S
ABILITY TO PROTECT AND PROMOTE OUR HISTORICAL RESERVES

WHEREAS, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce; and

CITY COUNCIL MEETING

July 11, 2011

Page 102

WHEREAS, the goals of this initiative include a greater shared knowledge about our Nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

WHEREAS, this initiative is compatible with our community's interests and goals related to historic preservation; and

WHEREAS, designation as a *Preserve America* Community will improve our community's ability to protect and promote its historical resources;

NOW THEREFORE BE IT RESOLVED, that the City of Ogdensburg will apply for *Preserve America* Community designation; and be it further

BE IT FURTHER RESOLVED, that Ogdensburg City Council will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved a resolution authorizing the City Manager to continue affording New York State General Municipal Law, Section 207-m benefits to the Police Chief despite recent state mandate relief legislation signed by Governor Cuomo which repealed it, and Councillor Morley seconded to wit:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTINUE BENEFITS AFFORDED THE CHIEF OF POLICE BY SECTION 207-m OF THE NEW YORK STATE GENERAL MUNICIPAL LAW BEYOND THE DATE OF REPEAL OF THAT SECTION OF LAW

CITY COUNCIL MEETING

July 11, 2011

Page 103

WHEREAS, section 207-m of the New York State General Municipal Law mandates municipalities to afford the Chief of Police specific protection of benefits that enhances a candidates desire for promotion within the Police Department ranks, and

WHEREAS, through recent state mandate relief legislation signed by Governor Cuomo which repeals section 207-m removes the mandate but does not prohibit municipalities from continuing the protection of benefits, and

WHEREAS, the intent of section 207-m GML was to ensure non represented Police Chiefs did not receive lesser benefits and remuneration than their subordinates, and

WHEREAS, discontinuance of 207-m will result in immediately reducing the benefits of the current Police Chief, and

WHEREAS, these benefits were a condition of acceptance of promotion to the position, and

WHEREAS, this problem will persist for future Police Chiefs, and

WHEREAS, it would be desirable on behalf of the City to promote and retain candidates from within the ranks of the City Police Department who possess the ability, experience and history with the Department to serve in the position of Chief of Police, and

WHEREAS, these protections were recognized by both the City and the candidate as part of the determining factor for accepting the position of Chief of Police, and

WHEREAS, the discontinuance of these protection of benefits will have a severe negative impact on the ability of the City to retain and attract candidates from within the ranks to fill vacancies in this position, and

WHEREAS, in order to continue to maintain the opportunity to attract and retain viable candidates for promotion from within the Police Department ranks, it is necessary to continue to offer the benefits established by section 207-m of the New York State General Municipal Law,

CITY COUNCIL MEETING

July 11, 2011

Page 104

NOW, THEREFORE BE IT RESOLVED, that the City Council authorizes the City Manager to continue to offer the protection and benefits afforded to the Chief of Police of the Ogdensburg Police Department by section 207-m of the New York State General Municipal Law beyond the date of repeal,

AND BE IT FURTHER RESOLVED that the interpretation of said protection and benefits will be consistent with past practice and interpretation of section 207-m of the New York State General Municipal Law.

The vote was:

CARRIED, AYES ALL

3. Councillor Morley moved a resolution to authorize the City Manager to enter into an agreement with Richardson and Sons to demolish a city-owned building, and Councillor Skamperle seconded to wit:

A RESOLUTION TO TRANSFER FUNDS TO PAY FOR
THE DEMOLITION OF 917 FORD

WHEREAS, THE City has taken ownership of 917 Ford Street, by way of a Tax Sale Deed, and

WHEREAS, the building has deteriorated to the point of being a danger to the public, and

WHEREAS, The City has solicited quotes to remove the building, and

WHEREAS, the lowest quote received was from Richardson and Sons for \$9,500.00, and

WHEREAS, there will be a requirement to have third party air monitoring services while the building is being demolished, for an amount estimated at \$2,000.00,

CITY COUNCIL MEETING

July 11, 2011

Page 105

NOW, THEREFORE BE IT RESOLVED that the City Council approves the transfer of \$12,600.00 to cover the demolition, estimated air monitoring cost, and a contingency of \$1,100.00 to complete the removal of the building.

AND BE IT FURTHER RESOLVED, that the funds to be used to pay for the work shall be transferred to the Code Enforcement Department Code A8025.518, from the General Fund Balance, and

AND BE IT FURTHER RESOLVED, THAT THE City Manager is authorized to enter into an agreement with Richardson and Sons to perform said demolition work.

After much discussion amongst Council regarding who was going to pay for the tipping fees, Mayor Nelson moved to amend this resolution, and Councillor Morley seconded the motion.

The vote to amend the resolution was:

CARRIED, AYES ALL

The resolution as amended now read:

A RESOLUTION TO TRANSFER FUNDS TO PAY FOR
THE DEMOLITION OF 917 FORD

WHEREAS, THE City has taken ownership of 917 Ford Street, by way of a Tax Sale Deed, and

WHEREAS, the building has deteriorated to the point of being a danger to the public, and

WHEREAS, The City has solicited quotes to remove the building, and

WHEREAS, the lowest quote received was from Richardson and Sons for \$9,500.00, and

CITY COUNCIL MEETING

July 11, 2011

Page 106

WHEREAS, there will be a requirement to have third party air monitoring services while the building is being demolished, for an amount estimated at \$2,000.00,

NOW, THEREFORE BE IT RESOLVED that the City Council approves the transfer of \$12,600.00 to cover the demolition, estimated air monitoring cost, a contingency of \$1,100.00 to complete the removal of the building, and for tipping fees in an amount not to exceed \$6,000.00.

AND BE IT FURTHER RESOLVED, that the funds to be used to pay for the work shall be transferred to the Code Enforcement Department Code A8025.518, from the General Fund Balance, and

AND BE IT FURTHER RESOLVED, THAT THE City Manager is authorized to enter into an agreement with Richardson and Sons to perform said demolition work.

The vote on the resolution as amended was:

CARRIED, AYES ALL

OLD BUSINESS

1. Mayor Nelson stated the Rick Carlisle event held on July 5th was well attended, and his family was very pleased. Mayor Nelson added that Mr. Carlisle signed many autographs.

2. Mayor Nelson stated the City's new website is very nice, but he would like to see a current capital projects area where residents can look for City project updates. City Manager Arthur Sciorra stated Patricia Paquin is currently working on this, and added that people will be able to subscribe for updates to be sent directly to their e-mail.

3. Councillor Morley stated he has received some complaints about the weeds growing up through the fence surrounding the Diamond property and asked that the fence area be weeded. Director of Public Works, Kit Smith stated this will be taken care of.

CITY COUNCIL MEETING

July 11, 2011

Page 107

4. Councillor Morley asked if the City is maintaining the property at 2 Grove Street, and Mr. Sciorra stated we are.

5. Councillor Morley asked if the Beaver Brook project has started. Kit Smith, Director of Public Works stated the equipment arrived on site today and supplies will be delivered tomorrow. Councillor Skamperle asked if there will be drainage installed behind the Joly and Rose properties. Mr. Smith stated drainage will be put in all the way up to the Dupree property, but not on the Dupree's property because it is for sale, and the drainage could be added later.

6. Councillor Morley stated he read in the newspaper that health care costs were up 48 % and asked City Comptroller, Philip Cosmo if the City is only 10% over budget. Mr. Cosmo stated we are over but not 48 %. Mr. Sciorra stated he will provide this information to Council.

7. Councillor Skamperle asked Recreation Director, Matthew Curatolo if he has had a chance to meet with any of the youth groups regarding increased teen-related events. Mr. Curatolo stated he is working on this.

8. Councillor Skamperle asked if the City has a buyer for 2 Grove Street. Mr. Sciorra stated he would check on this.

9. Councillor Skamperle stated on the west side of the Lafayette Street Bridge there is brush that is hanging over the sidewalk and would like it cut back. Mr. Smith stated he would have this addressed.

NEW BUSINESS

1. Mayor Nelson reminded everyone that the Seaway Festival and Founder's Day are quickly approaching and encouraged everyone to buy a Seaway Festival button.

CITY COUNCIL MEETING

July 11, 2011

Page 108

ITEMS FOR DISCUSSION

1. City Manager, Arthur Sciorra stated in a Council update he provided comments from the City's insurance broker and department heads regarding the City marina dock being considered public space. Mr. Sciorra stated that he understands that when a person leases space that the space is theirs, but the City marina dock is still public space. Mr. Sciorra added that the insurance broker commented on safety and liability concerns. Mr. Sciorra stated he would like to hear what Council would like to see happen at the marina, and added if Council would like to allow drinking on the docks, the policy would need to be changed.

Councillor Morley stated he felt some privacy should be given to the boaters at the marina. Councillor Morley also stated the boaters should be allowed to drink on the dock. Mayor Nelson stated the main issues were the boaters' possessions being left on the dock and obstruction of the dock walkway. Mayor Nelson stated the boaters should be told to pick up their possessions and leave it at that. Councillor Cilley stated recently a bucket of empty beer cans was left on the dock and this is not the image the City should be portraying. Police Chief, Richard Polniak stated the law currently states that the boaters can only drink on their vessels. Chief Polniak also stated if Council would like to allow drinking on the docks, then the policy would need to be changed.

Joe Spriggs again addressed Council and stated he spoke to Recreation Director, Matthew Curatolo, and the boaters will do their own self-policing and be more aware of the above stated concerns.

Mayor Nelson stated the boaters will do their own self-policing and address this issue, and at the present time the alcohol policy will be left alone.

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