

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

PRESENT: Mayor Nelson, Councillors Ashley, Cilley,
Hosmer, Morley, Skamperle and Stevenson

ABSENT: None

PERSONAL APPEARANCE

1. Michele Montroy of United Helpers invited Council members to the United Helpers Open House to be held on May 29, 2013 from 10:00 a.m. to 2:00 p.m.

2. Gil Jones addressed Council regarding 103 Ford Street. Mr. Jones said he wanted to set the record straight and read a prepared statement. (A copy of his prepared statement follows these minutes.) Mayor Nelson advised Mr. Jones that when addressing Council a speaker cannot question Council members.

Councillor Morley said he believed Council approval was needed for a picnic area and construction of a smoking gazebo. Mr. Pinkerton explained the request to put a pad on City-owned property would have to go to the Planning Board and then to Council. Councillor Stevenson asked if Council only needed to approve the pad, and Mr. Pinkerton said no. Mr. Pinkerton said at the end of the last Council meeting Mr. Jones was supposed to provide information regarding the door and pad so Council could approve the request. Mr. Pinkerton explained Mr. Mallette was unable to issue a permit to Mr. Jones when requested because we did not have Council's approval for the pad yet. Mr. Pinkerton said he believes it could have been done after approval, but Mr. Jones eventually installed the door without a permit.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #9-2013 in the amount of \$888,057.08 and Library Fund Warrant #9-2013 in the amount of \$47,854.54 and Capital Fund Warrant #9-2013 in the amount of \$202,956.50 and Community Development Fund Warrant #9-2013 in the amount of \$81,288.35 and Community Renewal Fund Warrant #9-2013 in the amount of \$1,000.00 and HOME Fund Warrant #9-2013 in the amount of \$0.00 and AHC Funds Warrant #9-2013 in the amount of \$0.00, RESTORE Program Warrant #9-2013 in the amount of \$0.00 and NSP Funds Warrant #9-2013 in the amount of \$6,846.01 and NY Main St. Program Warrant #9-2013 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Ashley seconded the motion.

Councillor Morley asked if the NSP amount of \$6,846.01 was a check going out or coming in. Director of Planning & Development Andrea Smith said funds are done going out for this program, and she believes that money was coming in.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Ashley moved a resolution supporting the continued operation of the St. Lawrence Psychiatric Center, and Councillor Stevenson seconded to wit:

**SUPPORT FOR THE CONTINUED OPERATION OF
THE ST. LAWRENCE PSYCHIATRIC CENTER**

WHEREAS, the New York State Office of Mental Health is proposing a reduction in the number of inpatient hospital beds, and

CITY COUNCIL MEETING

May 13, 2013

Page 121

WHEREAS, the plan would include designating certain hospitals for closure, and

WHEREAS, the St. Lawrence Psychiatric Center, located in Ogdensburg, New York provides a comprehensive range of residential programs including Children/Youth Services, Adult Services, and a Sex Offender Treatment Program, and

WHEREAS, the St. Lawrence Psychiatric Center has a distinguished history of providing services to those in need from the North Country and throughout New York State for over 100 years, and

WHEREAS, St. Lawrence County has a long history of assisting the New York State by welcoming and caring for those being treated at the St. Lawrence Psychiatric Center, and

WHEREAS, the St. Lawrence Psychiatric Center is the only such facility in this part of the state, and

WHEREAS, the St. Lawrence Psychiatric Center provides high quality care for residents of this region for whom travel and access to other facilities outside of this region would be a hardship, and

WHEREAS, the St. Lawrence Psychiatric Center employees approximately 500 people, and

WHEREAS, these employees reside in the North Country, make purchases here, and support our local business, thereby contributing to the local economy and making our region a better place to live and raise a family, and

WHEREAS, in the past few years the General Motors plant in Massena, New York closed, putting over 500 people out of work, the Newton Falls Fine Paper Mill closed, leaving 100 people without jobs, the zinc and talc mines in Gouverneur area have greatly reduced their operations, costing over 200 job losses, and numerous cutbacks and layoffs at local hospitals and schools have further strained the North Country economy, placing an unprecedented demand on human, health, and social services in our region, and

CITY COUNCIL MEETING

May 13, 2013

Page 122

WHEREAS, the loss of jobs and payroll at the St. Lawrence Psychiatric Center would create an economic climate that will contribute even further to the need for the services that would be taken out of this area by the Center's closure or reduction of services, and

WHEREAS, the current condition of the over 500,000 square feet of vacant and deteriorating buildings that were formerly used by the St. Lawrence Psychiatric Center is a clear indication that there is no market or reasonable expectation for the adaptive reuse of any additional buildings currently being used by the St. Lawrence Psychiatric Center should they be closed, and

NOW, THEREFORE, BE IT RESOLVED that the City of Ogdensburg urges our regional elected to oppose any plan that would involve the closure or reduction in services of the St. Lawrence Psychiatric Center, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to New York Governor Andrew Cuomo, United States Senators Schumer and Gillibrand, United States Congressman Owens, New York Senators Little, Griffo, and Ritchie and New York Assembly Members Duprey, Russell, Butler, and Blankenbush.

Mayor Nelson said many agencies have partnered with the St. Lawrence Psychiatric Center, a Task Force has been created and several meetings have been held. Mayor Nelson stated we are a center of excellence, and we will have the opportunity to make our case on Wednesday at the Listening Tour from 10:00 a.m. to 1:00 p.m. Mayor Nelson explained there are over 100 people signed up to speak. Councillor Stevenson said she cannot be at the Listening Tour, but she wrote a letter of support addressing not only the economic impact but the people who will be left behind if the center closes. City Manager John Pinkerton asked Councillor Stevenson to send a copy of her letter to him. Mayor Nelson explained the Task Force is putting together a booklet containing letters of support from surrounding communities and explaining the impact the closure would have on our area and the people.

CITY COUNCIL MEETING

May 13, 2013

Page 123

Mayor Nelson stated he hopes Albany sees the impact of moving someone away from our area, noting this center also serves Clinton County. Councillor Skamperle asked if it is the only center north of the thruway, and Mayor Nelson said yes. Councillor Cilley said Albany thinks of population base only, and they don't seem to have a clear understanding of the distances involved. Councillor Cilley stated we seldom get representatives in our area from November to May because they are afraid of the weather. Councillor Cilley said if the center closes the distances to travel are unrealistic and those services are needed here.

Councillor Skamperle moved to amend the resolution to include a section to urge the New York State Office of Mental Health and representatives to recognize the St. Lawrence Psychiatric Center as a center of excellence, and Mayor Nelson seconded to wit:

SUPPORT FOR THE CONTINUED OPERATION OF
THE ST. LAWRENCE PSYCHIATRIC CENTER

WHEREAS, the New York State Office of Mental Health is proposing a reduction in the number of inpatient hospital beds, and

WHEREAS, the plan would include designating certain hospitals for closure, and

WHEREAS, the St. Lawrence Psychiatric Center, located in Ogdensburg, New York provides a comprehensive range of residential programs including Children/Youth Services, Adult Services, and a Sex Offender Treatment Program, and

WHEREAS, the St. Lawrence Psychiatric Center has a distinguished history of providing services to those in need from the North Country and throughout New York State for over 100 years, and

WHEREAS, St. Lawrence County has a long history of assisting the New York State by welcoming and caring for those being treated at the St. Lawrence Psychiatric Center, and

CITY COUNCIL MEETING

May 13, 2013

Page 124

WHEREAS, the St. Lawrence Psychiatric Center is the only such facility in this part of the state, and

WHEREAS, the St. Lawrence Psychiatric Center provides high quality care for residents of this region for whom travel and access to other facilities outside of this region would be a hardship, and

WHEREAS, the St. Lawrence Psychiatric Center employees approximately 500 people, and

WHEREAS, these employees reside in the North Country, make purchases here, and support our local business, thereby contributing to the local economy and making our region a better place to live and raise a family, and

WHEREAS, in the past few years the General Motors plant in Massena, New York closed, putting over 500 people out of work, the Newton Falls Fine Paper Mill closed, leaving 100 people without jobs, the zinc and talc mines in Gouverneur area have greatly reduced their operations, costing over 200 job losses, and numerous cutbacks and layoffs at local hospitals and schools have further strained the North Country economy, placing an unprecedented demand on human, health, and social services in our region, and

WHEREAS, the loss of jobs and payroll at the St. Lawrence Psychiatric Center would create an economic climate that will contribute even further to the need for the services that would be taken out of this area by the Center's closure or reduction of services, and

WHEREAS, the current condition of the over 500,000 square feet of vacant and deteriorating buildings that were formerly used by the St. Lawrence Psychiatric Center is a clear indication that there is no market or reasonable expectation for the adaptive reuse of any additional buildings currently being used by the St. Lawrence Psychiatric Center should they be closed, and

NOW, THEREFORE, BE IT RESOLVED that the City of Ogdensburg urges our regional elected to oppose any plan that would involve the closure or reduction in services of the St. Lawrence Psychiatric Center, and

CITY COUNCIL MEETING

May 13, 2013

Page 125

BE IT FURTHER RESOLVED that the City of Ogdensburg urges the New York State Office of Mental Health to designate the St. Lawrence Psychiatric Center as a “Center for Regional Excellence” should the Office of Mental Health and State officials implement the closure or reduction in services, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to New York Governor Andrew Cuomo, United States Senators Schumer and Gillibrand, United States Congressman Owens, New York Senators Little, Griffo, and Ritchie and New York Assembly Members Duprey, Russell, Butler, and Blankenbush.

The vote to amend the resolution was:

CARRIED, AYES ALL

The vote on the amended resolution was:

CARRIED, AYES ALL

Mayor Nelson thanked Council members, City staff and community members for their help and support of the Task Force.

2. Councillor Skamperle moved a resolution authorizing the City Manager to accept a St. Lawrence River Valley Redevelopment Agency (“RVRDA”) Community Development and Environmental Improvement Fund Loan in an amount not to exceed \$28,750. for LED streetlights to replace the 86 City-owned metal streetlights in the Greenbelt and Marina area, and Councillor Ashley seconded to wit:

RESOLUTION TO ACCEPT THE ST. LAWRENCE RIVER
VALLEY REDEVELOPMENT AGENCY (“RVRDA”) COMMUNITY
DEVELOPMENT AND ENVIRONMENTAL IMPROVEMENT FUND LOAN

WHEREAS, the St. Lawrence River Valley Redevelopment Agency (“RVRDA”), is offering a loan for \$28,750., to replace 86 City-owned metal halide streetlights with LED streetlights,

CITY COUNCIL MEETING

May 13, 2013

Page 126

NOW THEREFORE, BE IT RESOLVED, that the City Manager is authorized to enter into this loan agreement.

City Manager John Pinkerton explained the City previously applied for a grant to replace these streetlights. Mr. Pinkerton said although we were not awarded that grant, we were offered a 1% loan over 5 years. Mr. Pinkerton advised the first and second year's savings are estimated at \$8,700 each with a projected savings of \$5,200 the third year. Mr. Pinkerton explained the City will recoup what we are spending each year, and City Attorney Andy Silver is working on the language for the agreement to assure compliance with finance law. Mr. Pinkerton said the plan is to replace eighty-six streetlights along the Maple City Trail, the Paterson Street boat launch and at City Hall. Councillor Morley asked if the Lake Street lights are included. Mr. Pinkerton said they are not the same lights and we will apply for a different grant for those lights. Councillor Skamperle asked about the lights at the police and fire departments, and Mr. Pinkerton said he is not sure of the existing lights there. Councillor Morley said the grant would have been nice, but the loan is very good. Councillor Skamperle asked if we will see a \$3,000 savings every other year from not having to replace lights. Mr. Pinkerton said yes, because the current lights are only good for 18 months and the ballasts only last for 24 months.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution calling for a public hearing and public notice on a proposed ordinance amending Chapter 189 of the City of Ogdensburg Municipal Code entitled Streets and Sidewalks, §189-1. (A) "Placement of Materials Restricted" and §189-1.1. "Placement of Materials Between Sidewalks and Curbs or on Streets, Highways or Public Places", and Councillor Morley seconded to wit:

RESOLUTION INTRODUCING AN ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE
AND PUBLIC HEARING

CITY COUNCIL MEETING

May 13, 2013

Page 127

BE IT RESOLVED, that Ordinance No._____ of 2013, entitled "Ordinance Amending Chapter 189 entitled "Streets and Sidewalks", of the code of the City of Ogdensburg 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 May, 2013, 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. Councillor Skamperle asked for an explanation. Code Enforcement Officer Gregg Mallette said there are a couple of spots in the City where unregistered trailers have been parked for over a year. Mr. Mallette explained there is currently not a policy to enforce and make people move them. Mr. Mallette said the language has also been changed to cover the area between the sidewalk and the curb, even when a sidewalk doesn't exist. Councillor Cilley asked why it is illegal to park a car between the sidewalk and the road. Mr. Mallette said it is not, as long as the vehicle is registered. Councillor Cilley stated we recently passed an ordinance to allow the parking of vehicles in the area between the sidewalk and the road in certain areas of the City. Councillor Ashley said there are some people who need to park in that area during the winter because they have no place to park. Councillor Stevenson stated that ordinance applies in certain circumstances, not just to certain areas. Councillor Morley said this ordinance addresses junk trailers. Councillor Cilley said during the vast majority of the year there is no reason for people to park between the sidewalk and the road, but he understands the necessity in the winter. Councillor Morley said he is concerned the law says rubbish cannot be piled between the sidewalk and the curb, but citizens are specifically told to put their brush in that area and not in the road. Mayor Nelson explained with this ordinance we are now just adding unregistered trailers. Mr. Mallette advised we have an ordinance that specifically addresses the rubbish. Councillor Cilley explained this ordinance states it shall not apply to garbage, yard waste, etc.

CITY COUNCIL MEETING

May 13, 2013

Page 128

Councillor Stevenson said she would like to see stringent regulations regarding these boat trailers being parked all summer and never moved with the grass not properly maintained. Councillor Stevenson stated she supports the ordinance as written but would also like to see it expanded in the future.

The vote was:

CARRIED, AYES ALL

4. Councillor Hosmer moved a resolution authorizing the City Manager to enter into a contract with Op-Tech Environmental, for a sum not to exceed \$32,400., for the removal of the fuel oil tank at the former Cheese Plant, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR THE CHEESE PLANT FUEL OIL TANK REMOVAL

WHEREAS, bids have been solicited and received for the Cheese Plant Fuel Oil Tank Removal; and

WHEREAS, City staff have evaluated the bids and recommended the contract be awarded to the responsible low bidder;

NOW, THEREFORE, BE IT FURTHER RESOLVED that John M. Pinkerton, City Manager, is authorized to enter into the following contract, for a sum not to exceed \$32,400.00, on behalf of the City:

SUPPLIER	BID AMOUNT	CONTINGENCY
Op-Tech Environmental Services, Inc. 1 Adler Drive E. Syracuse, NY 13057	\$30,900	\$1,500

CITY COUNCIL MEETING

May 13, 2013

Page 129

BE IT FURTHER RESOLVED that funding for this project will come from the City's Self Insured Property Liability Insurance Fund – CS-1931.

Councillor Cilley asked if this is an above or below ground tank and Mr. Pinkerton said it is an above ground tank. Councillor Morley advised there is a pending court matter to determine ownership of the cheese plant. Councillor Morley questioned if there are enough funds to pay the City if we win. Mr. Pinkerton explained the Department of Environmental Conservation has determined it has to come out, and we have until June to do it.

The vote was:

CARRIED, AYES ALL

5. Mayor Nelson moved a resolution authorizing the City Manager to enter into a contract with Bishop General Construction, for a sum not to exceed \$46,200., for the construction of a vac truck grit drying bed at the wastewater treatment plant, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR THE VAC TRUCK GRIT DRYING BED

WHEREAS, bids have been solicited and received for the Vac Truck Grit Drying Bed; and

WHEREAS, City staff have evaluated the bids and recommended the contract be awarded to the responsible low bidder;

NOW, THEREFORE, BE IT FURTHER RESOLVED that John M. Pinkerton, City Manager, is authorized to enter into the following contract, for a sum not to exceed \$46,200.00, on behalf of the City:

CITY COUNCIL MEETING

May 13, 2013

Page 130

<u>SUPPLIER</u>	<u>BID AMOUNT</u>	<u>CONTINGENCY</u>
Bishop General Construction 5297 CR 6 Ogdensburg, NY 13669	\$44,199	\$2,001

BE IT FURTHER RESOLVED that funding for this project will come from the following sources:

Sewer Maintenance – G8120.330 \$30,000
Sewer Fund Encumbered Funds \$16,200

Councillor Morley asked if City staff can do this job. City Manager John Pinkerton said there are two pads being constructed and they join in the middle. Mr. Pinkerton stated he will meet with the Department of Public Works, explaining that Public Works Director Kit Smith is ill and Greg Harland's father is in the hospital. Councillor Cilley asked how it is being disposed of now. Mr. Pinkerton explained we are putting it in the landfill, but the Department of Environmental Conservation says it must be treated as hazardous material. Councillor Skamperle asked if the proposal also addresses the installation of a drain pipe, and Mr. Pinkerton said yes. Councillor Ashley asked where the money would come from if this resolution is approved. Mr. Pinkerton explained the expense is covered by sewer maintenance and encumbered sewer funds and the money will not come from the general fund.

Councillor Morley made a motion to table the resolution, and Mayor Nelson seconded.

The vote to table the resolution was:

CARRIED, AYES ALL

6. Councillor Stevenson moved a resolution authorizing the award of the contract to demolish 520 Barre Street with Bronze Contracting, LLC for a sum not to exceed \$24,950.00, and Councillor Hosmer seconded to wit:

RESOLUTION AUTHORIZING AWARD OF CONTRACT
DEMOLITION OF 520 BARRE STREET

WHEREAS, bids have been solicited and received for the Demolition of 520 Barre Street; and

WHEREAS, City staff have evaluated the bids and recommended the contract be awarded to the responsible low bidder;

NOW, THEREFORE, BE IT FURTHER RESOLVED that John M. Pinkerton, City Manager, is authorized to enter into the following contract, for a sum not to exceed \$24,950.00, on behalf of the City:

SUPPLIER	BID AMOUNT	CONTINGENCY
Bronze Contracting LLC 9106 Plank Road Remsen, NY 13438	\$23,750.00	\$1,200.00

BE IT FURTHER RESOLVED that funding for this work will come from the NSP Program.

Councillor Cilley said he was under the impression that this was one of the properties that the City could sell, and Councillor Morley agreed. Mayor Nelson explained there is a Bigelow Street property that will be sold. Director of Planning & Development Andrea Smith said the City did try to sell this property, but there is a deed restriction and demolition is required. Ms. Smith said the low bidder is the same company that took down the New York Avenue property. Councillor Skamperle asked if the lot is re-buildable, and Ms. Smith said yes. Councillor Skamperle stated he is concerned we are using an out of town contractor for only a \$150 difference. Councillor Morley asked if they were all closed bids. Ms. Smith said yes, and there is no reasonable reason not to give it to the low bidder. Ms. Smith explained it is in our best interest to keep the cost below the NSP guideline of \$24,999.00.

The vote was:

AYES: Mayor Nelson, Councillors Ashley, Cilley,
Hosmer, Morley and Stevenson

NAYS: Councillor Skamperle

CARRIED, 6 TO 1

7. Councillor Ashley moved a resolution authorizing the Police Department to utilize funds from the Forfeiture of Criminal Proceeds Account to purchase two new Cannondale “ENFORCEMENT 1” Police Patrol Bikes, with associated safety and enforcement equipment in the amount of \$3,000.00, and Councillor Skamperle seconded to wit:

RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO PURCHASE TWO NEW CANNONDALE “ENFORCEMENT 1” POLICE PATROL BIKES, WITH ASSOCIATED SAFETY AND ENFORCEMENT EQUIPMENT, WITH FUNDS FROM THE FORFEITURE OF CRIMINAL PROCEEDS ACCOUNT.

WHEREAS, the Ogdensburg Police Department has in the past, utilized a Bike Patrol Enforcement Program in its efforts to reduce the volume of quality of life crimes that occur within our community, and

WHEREAS, the Department desires to resurrect the Bike Patrol Enforcement Program which has proven to be quite effective in combatting such crimes in the past, and

WHEREAS, the Department in its effort to resurrect the program, intends to have at least six trained and certified Bike Patrol Officers, is in need of additional Patrol Bikes and equipment, and

CITY COUNCIL MEETING

May 13, 2013

Page 133

WHEREAS, the cost to purchase two new, fully equipped, Cannondale “ENFORCEMENT 1” Patrol Bikes is approximately \$3,000.00 and was not budgeted for in the Police Department’s 2013 budget, and

WHEREAS, it is permissible by the Equitable Sharing Program Guidelines to utilize funds from the Forfeiture of Criminal Proceeds Account to pay for such a purchase,

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg Police Department is hereby authorized to purchase two new Cannondale “ENFORCEMENT 1” Police Patrol Bikes, with associated safety and enforcement equipment in the amount of \$3,000.00 and that monies in the amount of \$3,000.00 be appropriated from the Forfeiture of Criminal Proceeds Account, Line A2626 General Fund Revenues, and

BE IT FURTHER RESOLVED, that the \$3,000.00 be transferred from the Forfeiture of Criminal Proceeds account to the Capital Equipment Account Line A3120.310 to cover this purchase.

Councillor Morley said the Police Department is short manpower, and he is concerned about a six man bike patrol and the new boat. Police Chief Richard Polniak said he anticipates bringing the department back to full strength. Chief Polniak explained a lot of the overtime is covered by the Stone garden Program. Chief Polniak explained the bikes are 15 years old and useable, but the new bikes are advanced. Chief Polniak said the bike patrol has the ability to be effective in the parks and on walking trails because they never see them coming. Chief Polniak said the City receives favorable comments about the bike patrol from the public. Councillor Skamperle asked if overtime will be used for the bike patrol. Chief Polniak advised there may be times when he has to put one on overtime. Chief Polniak explained he wants one bike patrol per shift to address vandalism and safety on the trails. City Manager John Pinkerton said the department has six bike patrol trained officers, not six officers per shift. Chief Polniak confirmed and stated he wants a regular bike shift. Councillor Stevenson asked for the balance in the account. Chief Polniak said this purchase would bring it just under \$7,000.00.

CITY COUNCIL MEETING

May 13, 2013

Page 134

Councillor Stevenson stated she would like to see computers in the patrol cars at some point. Chief Polniak said the computers would be very expensive, and he has applied for a grant for that type of equipment.

The vote was:

CARRIED, AYES ALL

8. Mayor Nelson moved a resolution introducing an ordinance and providing for public notice and public hearing to lease City-owned property located on 9 King Street, and Councillor Morley seconded to wit:

RESOLUTION INTRODUCING AN ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE
AND PUBLIC HEARING

BE IT RESOLVED, that Ordinance No. ____ of 2013, entitled "An Ordinance to Lease 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 May, 2013, 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.

Councillor Cilley asked City Manager John Pinkerton to make sure the lease contains language that the property is returned in the same condition at the end of the lease.

The vote was:

CARRIED, AYES ALL

9. Councillor Skamperle moved a resolution to authorize the City Manager to execute a license agreement with Gil Jones d/b/a Jones Trombley Development Corp., and Councillor Ashley seconded to wit:

RESOLUTION

WHEREAS, Gil Jones d/b/a Jones Trombley Development Corporation has requested a license to install a four by six foot concrete landing at the base of a proposed new door on the west entrance of 101 Ford Street into the City right-of-way, and

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

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

BE IT FURTHER RESOLVED, that Gil Jones d/b/a Jones Trombley Development Corporation 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.

Councillor Cilley asked for an explanation of exactly what Mr. Jones is asking for. Councillor Cilley said his first request was for a door, concrete pad and a gazebo, but tonight he asked for a concrete pad and a sidewalk at City expense. David Bayne with Step by Step said the resolution before Council tonight is just for a pad landing.

CITY COUNCIL MEETING

May 13, 2013

Page 136

Mr. Bayne explained when he addressed Council previously he had talked about possibly adding a gazebo with a pad in the future. Mr. Bayne said people get dropped off in front of the Blevins Building, and the backdoor would be safer. Mr. Bayne advised that tonight he just wants the platform for a picnic table for smoking clients. Councillor Cilley explained that if tonight's resolution is for a sidewalk, Mr. Bayne would have to provide his own sidewalk. Councillor Stevenson asked if Council can just approve the pad and sidewalk construction tonight and they can install both or just one now. Councillor Morley said he believes a sidewalk would be mandatory for safety if a pad is installed. Mr. Bayne agreed it would be much safer to have the sidewalk. Councillor Hosmer asked if the engineering work included a sidewalk. Mr. Bayne said the engineering work did not include the sidewalk or the gazebo, but he can go back to the architect and have him draw something up. Code Enforcement Officer Gregg Mallette said the proposal is a 4x6 concrete landing. Mr. Mallette explained Council directed that plans be delivered for review. Mayor Nelson said the proposed door is already there. Mr. Mallette said he does not believe the 4 x 6 platform will have a high enough grade to require railing. Mayor Nelson explained for liability purposes the City needs to see the plans, and Council gave clear direction to Mr. Jones. Councillor Cilley said the door was installed without a building permit. Mr. Mallette said he saw the site plan drawing. Councillor Cilley asked if this is the same type of situation with the same individual regarding a building on the Oswegatchie, and Mr. Mallette said yes it is similar. Mayor Nelson said we need to see what we are licensing. Councillor Cilley asked if Mr. Jones has applied for a building permit for the door. Mr. Mallette explained Mr. Jones did apply for a building permit for the door, but it was declined. Councillor Cilley asked if the door was installed without a building permit, and Mr. Mallette said yes. Councillor Morley made a motion to table this resolution, and Mayor Nelson seconded. Mayor Nelson advised Council needs to see real plans on what will be built and where it will be built. Councillor Morley said work should not be done before Council approves it and suggested a penalty if it is done. Mr. Mallette explained we have provisions in our ordinance that if work is commenced prior to obtaining a permit, the fees will be doubled. Mr. Mallette said civil fines can go into effect and he has the option to issue a summons. Mayor Nelson advised Council needs to see what is agreed upon.

CITY COUNCIL MEETING

May 13, 2013

Page 137

Councillor Skamperle asked how high the building is and for the elevation and the grade. Councillor Skamperle said these are the details to address. Councillor Stevenson stated the plan Code Enforcement approves should contain specific dimensions. Councillor Stevenson said she does not agree that the door was installed without a permit, but she doesn't think it is fair if more stringent requirements are put in place than are required by others. Mayor Nelson said we need to see exactly what will be built with dimensions and location. Mr. Mallette explained the City does not need engineering plans but needs detailed plans. Councillor Morley said he wants the permit to state exactly what is to be done. Mr. Mallette stated he will send Mr. Jones a letter explaining that the City needs detailed plans but not necessarily engineering plans. Mr. Mallette advised it was not his understanding that Mr. Jones was proposing a sidewalk. Councillor Skamperle said Mr. Jones should just ask for whatever he wants.

The vote to table the resolution was:

CARRIED, AYES ALL

10. Councillor Skamperle moved a resolution in support of the ATV Increase Weight Bill A04971/S1946 raising the defined weight of an "ATV" to 1,500 pounds of dry weight to allow certain "UTV's", commonly known as side by sides, to be registered in New York, and Councillor Morley seconded to wit:

RESOLUTION IN SUPPORT OF ATV INCREASE WEIGHT BILL A04971/S1946

WHEREAS, weight limits for registration currently stand at 1000 pounds, and many of the different manufactured brands weigh more than 1000 pounds, making registration an impossibility; and

WHEREAS, this legislation would also amend the definition of ATV "All Terrain Vehicle" to include any self-propelled vehicle which is manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways providing that such vehicle does not exceed seventy inches in width; and

CITY COUNCIL MEETING

May 13, 2013

Page 138

WHEREAS, these important Bills would allow the registration of UTVs, commonly referred to as side by sides, with weight limits up to 1500 pounds; and

WHEREAS, other states have passed similar legislation; and

WHEREAS, the Ogdensburg City Council recognizes that this type of ATV, although larger in stature than conventional ATVs, is characterized as a passive mode of recreational vehicle that allow the users a more practical way to accomplish chores, an opportunity for two or more hunters to reach their destination with a single machine, and a more comfortable and safe avenue to enjoy the beautiful outdoors that St. Lawrence County and New York State has to offer; and

WHEREAS, the Ogdensburg City Council recognizes the necessary revenue gains for both the County and State that could be attained through sales and use of ATVs, both conventional and side by side; and

WHEREAS, this legislation is a critical step towards creating economic development, job creation, and increased tourism opportunities in a County that is rich in natural resources for responsible ATV use.

NOW, THEREFORE, BE IT RESOLVED the Ogdensburg City Council supports ATV increase weight Bill A04971/S1946, and

BE IT FURTHER RESOLVED that copies of this resolution be sent to Governor Andrew Cuomo, Senator Patty Ritchie, Senator Joseph Griffo, Senator Elizabeth Little, Assemblyman Kenneth Blankenbush, Assemblywoman Addie Russell, Assemblyman Marc Butler, Assemblywoman Janet Duprey, and St. Lawrence County ATV Association.

Councillor Skamperle said this is an issue in our state because you cannot register these popular vehicles. Councillor Cilley said there is a hang up in the law with these types of vehicles that are over 60 inches wide and 1,000 pounds because the Department of Environmental Conservation is concerned about the condition of the trails.

CITY COUNCIL MEETING

May 13, 2013

Page 139

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Morley said he would like to see the City stick with criteria used in the past for hiring summer help, specifically college students or high school seniors. Councillor Morley said he has seen people being given these summer positions that are not college or high school students and have been employed with the City for 12-14 years. City Manager John Pinkerton said he is looking into that issue. Mr. Pinkerton said the Administrative Regulations list the first criteria as an employee in good standing. Mr. Pinkerton said next year a person will have to be a full time college student or high school student. Mr. Pinkerton said an employee in good standing will be moved down the list and replaced with a college or high school student as the first criteria. Mr. Pinkerton said the change will not be enforced until next year.

2. Councillor Morley said he received some of the arena information, and although the arena may not make money, it should never be a loss. Councillor Morley said we should worry about what other arenas charge not just OFA, and he doesn't want the arena to be a burden on the tax payers. Mr. Pinkerton said we are bringing the deficit down at the arena while showing the true costs of salaries, and he will contact the school about their rental fee. Mr. Pinkerton said Recreation Director Matthew Curatolo was successful bringing in new teams by advertising the ice in Canada. Mr. Pinkerton explained Ogdensburg teams will still get the prime time ice rental and there was some concern in the City from the renters when the fee was increased by \$5.00. Councillor Morley asked about alternate uses and suggested placing a floor over the ice. Mr. Pinkerton said the arena has been used for lacrosse, adult soccer tournaments and a circus. Mr. Pinkerton said we are trying to reduce the deficit, noting the arena and Community Center rental rates were recently increased. Councillor Cilley said we need to look at revenues and determine the value of services versus the cost.

CITY COUNCIL MEETING

May 13, 2013

Page 140

Councillor Morley asked what percentage of the population is using the arena and suggested calculating the cost per person. Councillor Morley said a loss of \$6,500 is acceptable. Mr. Pinkerton said we will keep working at it. Councillor Skamperle asked for a calendar of events at the arena this summer, and Mr. Pinkerton said he would forward the list to Council.

3. Councillor Morley asked for an update on the Cheese Plant. Councillor Ashley asked if the silos have fluid in them, and Mr. Pinkerton said yes. Mayor Nelson said the City does not own the milk in the tanks. Councillor Ashley asked if this is a health hazard. Mr. Pinkerton said it is a tricky situation that is being left to our attorney. Mr. Pinkerton explained there are many liens on the equipment inside the building, and we are making sure our equipment doesn't leave. Mr. Pinkerton said he will have City Attorney Andy Silver provide Council with an update.

4. Councillor Morley stated that Massena passed a curfew and asked if the City has considered one. Councillor Cilley said a City curfew is unenforceable and may be illegal. Police Chief Richard Polniak said he looked at a curfew in the past, but we are not experiencing the same type of problems with our youth. Chief Polniak said the Parent Responsibility Act takes care of the problem. Chief Polniak explained it has been on the books for 10-15 years, and his department issues a warning and then a ticket.

5. Councillor Morley said we should be installing curbing with the extra CHIPS money. Councillor Cilley said he would like to see the extra CHIPS money used to improve the pavement on our streets. Councillor Stevenson said on Ford Street there is a drastic difference in the properties that have curbing and those that do not. Mr. Pinkerton said the only way to replace curbing is with CHIPS money.

6. Councillor Morley asked when C.W. Augustine, Inc. will be done working for the City. City Manager John Pinkerton said we do not have a final date yet. Mr. Pinkerton said Planning Director Andrea Smith has a list of their duties, and he is checking to see what resources we have at City Hall to take care of those duties. Mr. Pinkerton said he has had three meetings and is working on setting up another.

CITY COUNCIL MEETING

May 13, 2013

Page 141

7. Councillor Morley asked if the NSP funds disbursed on the consent agenda were incoming or outgoing. City Comptroller Philip Cosmo said he will email Council an explanation on the warrant expenditures. Mayor Nelson asked Mr. Pinkerton to provide info to Council when there is a NSP warrant.

8. Councillor Skamperle said Crescent Hill looks great. Councillor Cilley asked if there will be a controlled burn. Mr. Pinkerton said that is the plan, and the bamboo is still a problem.

NEW BUSINESS

1. Councillor Stevenson asked for an update on the fire hydrant damaged by a City truck on the corner of Ford and Tate Streets. Councillor

Stevenson asked that the owner of the property on that corner be given an update. Mr. Pinkerton said he would have City staff look at it.

2. Councillor Ashley said he is concerned about taxicabs in the City without identification. Councillor Ashley moved to call for a Public Hearing at the May 28, 2013 Council meeting for amendment of §203 of the Municipal Code. Councillor Cilley suggested the City License number be listed on the taxicab. Police Chief Richard Polniak said it would be a good idea for public safety. Mayor Nelson turned the matter over to Mr. Pinkerton for review by City staff.

3. Councillor Cilley said the break wall on the east side of the Oswegatchie has holes that should be filled with crusher run and leveled. Mr. Pinkerton said he will have City staff look at it.

4. Mayor Nelson said he received a request to do a dedication of a bench near the Vietnam Wall monument. Mayor Nelson said Council authorizes City Manager John Pinkerton to approve the site and then give approval to move forward. Mr. Pinkerton said he will keep Council updated.

CITY COUNCIL MEETING

May 13, 2013

Page 142

5. Mayor Nelson said he received a call from the Mayor Todd of Prescott explaining that the Town of Johnstown is petitioning the Federal Government of Canada to change the name of the bridge to Johnstown/Ogdensburg Bridge. Mayor Nelson said Mayor Todd asked that Council pass a resolution to show support for keeping the name as Ogdensburg/Prescott International Bridge. City Manager John Pinkerton said last year Johnstown didn't have a mailing zip code. Councillor Cilley said he is not sure we should get involved in a squabble that has been going on for a couple years. Mayor Nelson said he believes the name should remain Ogdensburg/Prescott International Bridge. Mr. Pinkerton said three of the Prescott councilors' parents met their spouses on the ferry and recognized the long-standing history of working together. Mayor Nelson said he will get more information.

6. Mayor Nelson welcomed Bill Eckerd, the new Journal reporter who will be covering Council business.

ITEMS FOR DISCUSSION

1. City Manager John Pinkerton discussed the proposed purchase of Haley Park by Mr. & Mrs. Dana. Mr. Pinkerton explained there are two parcels in the proposal, Bigelow Street and Haley Park. Mr. Pinkerton said Mr. & Mrs. Dana are still interested in the purchase, have been in contact with some of the Haley relatives and would be willing to maintain the park. Mr. Pinkerton said he thought the monument could be moved to Library Park and the garden club could maintain it. Councillor Cilley asked if there are special requirements if the area is designated as a State park. Mr. Pinkerton said Haley Park is a City park, not a State park. Councillor Morley asked if the City obtained these properties from a property owner in the past. Councillor Stevenson said we should get background information about Haley Park from the City Clerk. Mayor Nelson said he believes there was a request to sell it in the past and Council was told it couldn't be sold. Mr. Pinkerton said he will get the information and bring it to Council. Mayor Nelson said the cost to survey the property has to be covered by the purchase price. Mayor Nelson said there is a consensus of Council to sell the parcel.

CITY COUNCIL MEETING

May 13, 2013

Page 143

2. Mr. Pinkerton said he provided Mr. Axtell with the assessed value of the Lake Street property (\$5,093), and it is more than he would like to pay for the property. Councillor Morley asked if this is one of the parcels that were sold to the Cheese Plant in the past and then the City took back for unpaid taxes. Councillor Skamperle asked if there are testing wells on this parcel and if Mr. Axtell just wanted to pay what the City has into the parcel. Mr. Pinkerton said there are no testing wells on the part of the parcel Mr. Axtell requested to purchase. Mr. Pinkerton explained there are multiple years of lost tax arrears of over \$4,800, and he was concerned about setting precedence by selling a parcel for less than the assessed value. Councillor Stevenson said Mr. Axtell could bid at the next sale of all City-owned property if he is still interested. Councillor Hosmer asked why this parcel was not included in the sale last July. Director of Planning & Development Andrea Smith said she initially thought the property was part of the Cheese Plant properties, but it is not. Ms. Smith explained Mr. Axtell wants to purchase a portion of the property (54 x 90) without the wells. Ms. Smith said a building lot has frontage requirements of 55 feet, but Councillor Skamperle said Mr. Axtell wanted to tie this property in with his to create a parking lot. Ms. Smith explained we are not holding Mr. Axtell up on his purchase, and he has already received site plan approval.

3. Mayor Nelson said the Municipal Code does not allow accessory structures on a parcel unless you have a primary structure on it. Mayor Nelson said a person cannot put up a fence without a variance and maybe some things should not be considered accessory structures. Mayor Nelson asked if we should have City staff look at the issue and give a recommendation. Mr. Pinkerton said City-owned property is transferred by Quit Claim Deed and changing over to a Warranty Deed would be expensive. Mayor Nelson said when a structure is torn down and the property sold, people can't build a shed or a fence. Councillor Stevenson said she thinks it should be different if the properties are contiguous properties. Councillor Morley said if the City offers the property for sale, we should help the buyers do something with their property. Mayor Nelson said we need to get these properties back on the tax rolls and need a recommendation. Mr. Pinkerton said Ms. Smith is working on it. Mayor Nelson said we need to explore this issue and make the process more user-friendly.

CITY COUNCIL MEETING

May 13, 2013

Page 144

Mayor Nelson said there was a need for Executive Session to discuss a personnel matter, and Councillor Skamperle seconded the motion.

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