

CITY COUNCIL MEETING

March 10, 2014

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

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

ABSENT: None

PRESENTATION

1. Head Facilities Manager Matt Denner made a presentation to Council regarding Apple TV. Mr. Denner explained Council Chambers will need a Wi-Fi connection installed to use Apple TV. City Manager John Pinkerton said there are two options available; the first is to move the City logo to another location and place one 80" television centered at the front of Council Chambers, and the second is to place two 55" televisions on either side of the logo. Councillor Skamperle asked what is wrong with the current projection system. Director of Planning & Development Andrea Smith explained that her department loans the projection system to other departments, but it is not an ideal setup. Councillor Morley asked if an absent member attending via teleconferencing could vote. Mr. Pinkerton said yes they can vote as per the NYS Open Meeting Law. Mr. Pinkerton explained a legal notice stating that the Council Meeting will be teleconferencing due to an absent Councillor, must be posted one week prior to the meeting, so the public can make plans to attend at the absent Councillors location. Councillor Ashley asked for a cost estimate of one large screen television. Mr. Denner said it will be \$788 for a 60" television. Councillor Morley said he likes the idea of two 55" televisions. Councillor Skamperle said he doesn't want to spend the money. Councillor Ashley asked Mr. Denner for his recommendation. Mr. Denner said he recommends Apple TV. Mayor Nelson said he attended a meeting where Apple TV was used, and it was amazing. Councillor Morley asked if the Planning and Zoning Boards could also use the equipment. Mr. Pinkerton explained Open Meeting Law says they can, but he is unsure of their bylaws.

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Councillor Stevenson said this equipment could provide better training and access to webinars. Councillor Skamperle said it is not a pressing issue and he doesn't want to spend money on it. Director of Planning & Development Andrea Smith explained it is needed for Council presentations since there is no system in place, and we need to modernize our equipment. Councillor Morley asked if we can purchase the equipment at Sam's Club to save money. City Comptroller Philip Cosmo said yes as long as we meet the purchasing requirements. Ms. Smith added that the Planning and Zoning Boards currently pay to go to webinars in Watertown and Canton, and installing this equipment would result in a cost savings to the City. There was a consensus of Council to move forward with the purchase of two televisions and all necessary equipment to use Apple TV.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #5-2014 in the amount of \$393,426.82 and Library Fund Warrant #5-2014 in the amount of \$20,032.36 and Capital Fund Warrant #5-2014 in the amount of \$0.00 and Community Development Fund Warrant #5-2014 in the amount of \$795.00 and Community Renewal Fund Warrant #5-2014 in the amount of \$9,807.98 and HOME Fund Warrant #5-2014 in the amount of \$0.00 and AHC Funds Warrant #5-2014 in the amount of \$0.00, RESTORE Program Warrant #5-2014 in the amount of \$0.00 and NSP Funds Warrant #5-2014 in the amount of \$0.00 and Ogdensburg Growth Fund Warrant #5-2014 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

APPOINTMENTS

1. Mayor Nelson moved to appoint Karlyen Manke to a three year term on the Complete Streets Active Living Task Force, term to expire 12/31/2016, and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved to appoint Scott Wright to a two year term on the Complete Streets Active Living Task Force, term to expire 12/31/2015, and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved to appoint Wayne Miller to a two year term on the Complete Streets Active Living Task Force, term to expire 12/31/2015, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved to appoint Michele Caitlin to a three year term on the Complete Streets Active Living Task Force, term to expire 12/31/2016, and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

5. Mayor Nelson moved to appoint Gary Hammond to a three year term on the Complete Streets Active Living Task Force, term to expire 12/31/2016, and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved to appoint Kathryn Rhinebold to a three year term on the Complete Streets Active Living Task Force, term to expire 12/31/2016, and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson moved a resolution to call for a public notice and public hearing regarding an amendment to Article XVIII, Application Fees, of the City's Zoning Ordinance, and Councillor Skamperle seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING
AN AMENDMENT TO THE ZONING ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED that the ordinance entitled "Ordinance Amending Chapter 221 Entitled 'Zoning' of the City of Ogdensburg Municipal Code" be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

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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 in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York, on Monday the 24th day of March, 2014, 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 days before the hearing date, of a notice setting forth the time and place and describing the proposed ordinance in summary form.

City Manager John Pinkerton explained that we are making the fees generic so that we do not have to change the Municipal Code every time the County changes their fees. Councillor Morley asked if the Planning Board fees and County fees are a duplication of services. Director of Planning & Development Andrea Smith said Municipal Code §239(m) and §239(n) mandate that County review is required on certain properties. Ms. Smith said it is based on proximity to certain State and County roads. Ms. Smith explained there is a two month lag for us to change our fees when the County changes their fees because we must call for a Public Hearing to make the change. Ms. Smith said during that two month period, the City absorbs those price increases. Councillor Stevenson said both boards look at it for different reasons. Ms. Smith said the City fees will not change.

The vote was:

CARRIED, AYES ALL

2. Councillor Ashley moved a resolution authorizing the City Manager to enter into an agreement with Richard Sears Tree Experts, for a sum not to exceed \$12,835., for the removal of 54 trees along Paterson Street, and Councillor Skamperle seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO
ENTER INTO AGREEMENT WITH RICHARD SEARS TREE EXPERTS
FOR THE PATERSON STREET TREE REMOVAL PROJECT

WHEREAS, the City desires to proceed with the Paterson Street Reconstruction project during this construction season; and

WHEREAS, the City has been notified that the 54 trees along Paterson Street that are scheduled for removal during the project could be habitat for the endangered Northern Long Eared Bat and can only be removed during the months of November to March utilizing NYS DOT funding; and

WHEREAS, the City solicited quotes for the removal of the trees along Paterson Street; and

WHEREAS, four quotes were received and City staff evaluated the quotes and recommended the City enter into an agreement with Black River Tree Removal LLC, and

WHEREAS, Black River Tree Removal has informed the City they are now doing FEMA work in North Carolina and will be unable to meet the agreement deadline; and

WHEREAS, Richard Sears Tree Experts submitted the next lowest proposal, are DOT certified, and are willing to enter into an agreement with the City to complete the work;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to enter into an agreement with Richard Sears Tree Experts for a sum not to exceed \$12,835., for the removal of 54 trees along Paterson Street; and

BE IT FURTHER RESOLVED that funding for these services will come from the Paterson Street Reconstruction Project – H5110.518.

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City Manager John Pinkerton said our cost is 5% different. Mr. Pinkerton added that the company was given permission to bring their equipment into the City today but then began removing two trees before we stopped them. Councillor Hosmer asked if there is a penalty clause in the contract if they do not complete the project by March 31st. Mr. Pinkerton said no. Councillor Ashley said they left 5' stumps where they removed the two trees. Mr. Pinkerton said a construction crew will remove the stumps and chip them as the project continues.

The vote was:

CARRIED, AYES ALL

3. Councillor Skamperle moved a resolution authorizing the City Comptroller, Philip A. Cosmo, to execute the Cooperative Investment Agreement in the name of and on behalf of the City of Ogdensburg, and Councillor Morley seconded to wit:

MUNICIPAL COOPERATION RESOLUTION

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o ("Section 119-o" empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts boards of cooperative educational services, counties, cities, town and villages] and districts to enter into, amend, cancel and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers and duties on a cooperative or contract basis;

WHEREAS, the City of Ogdensburg wishes to invest certain of its available investments funds in cooperation with other corporations and/or districts pursuant to a municipal cooperation agreement;

WHEREAS, the City of Ogdensburg wishes to assure the safety and liquidity of its funds;

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NOW, THEREFORE BE IT RESOLVED that the City Comptroller, Philip A. Cosmo, is hereby authorized to execute and deliver the Investment Agreement in the name of and on behalf of the City of Ogdensburg.

City Comptroller Philip Cosmo explained this is a NYCLASS investment tool, and he is currently serving a three year term on the Board. Mr. Cosmo said it allows municipalities to pool their funds with safety as a first priority. Mr. Cosmo said this allows us to switch to the Public Asset Management Company which replaces the current company. Mr. Cosmo explained the new lead participant is the Village of Potsdam so all deposits and withdrawals are handled locally making funds available overnight. Mr. Cosmo said the rates are low, and we do not have much money invested. Mr. Cosmo explained all of the 300+ members need this resolution passed to move forward.

The vote was:

CARRIED, AYES ALL

4. Councillor Morley moved a resolution authorizing the City Manager to enter into a purchase contract with Joe Johnson Equipment USA, Inc., for the purchase of a new 10 Yard, Single-Stage Fan Sewer Cleaner Truck, for a sum not to exceed \$308,195., and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING AWARD OF
CONTRACT FOR PURCHASE OF NEW SEWER CLEANER TRUCK

WHEREAS, bids have been solicited and received for the purchase of a new 10 Yard, Single-Stage Fan Sewer Cleaner Truck for the Department of Public Works; and

WHEREAS, City staff evaluated the one bid received and recommended the contract be awarded to that bidder;

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NOW, THEREFORE, BE IT RESOLVED that John M. Pinkerton, City Manager, is authorized to enter into the following purchase contract, for a sum not to exceed \$308,195.00, on behalf of the City; and

| SUPPLIER | BID AMOUNT |
|--|---|
| Joe Johnson Equipment USA, Inc. 62 LaGrange Avenue Rochester, NY 14613 | \$345,195.00 - 37,000.00 Trade In Allowance <u>\$308,195.00</u> |
| TOTAL | \$308,195.00 |

BE IT FURTHER RESOLVED that the funds to pay for the sewer cleaner truck will come from the following sources; and

| | |
|-----------|----------|
| A5110.310 | \$63,000 |
| F8340.310 | \$92,000 |
| G8120.310 | \$92,000 |

BE IT FURTHER RESOLVED that the City Comptroller is hereby authorized to transfer \$30,598 in funds from the Water Fund - Fund Balance to F8340.310 and transfer \$30,597 in funds from the Sewer Fund – Fund Balance to G8120.310 to allow for payment of the balance of the purchase of the sewer cleaner truck.

Interim Director of Public Works Gregg Harland said without a new vactor truck the DPW will be out of business. Mr. Harland said these trucks have a 12-13 year life expectancy. Mr. Harland explained the new truck will be delivered about 210 days after it is ordered and is expected to arrive in 2014. Councillor Stevenson asked Mr. Harland to describe the condition of the old truck. Mr. Harland said it has been overhauled once and has had the tanks patched twice. Mr. Harland added that a new tank would cost \$80,000. City Manager John Pinkerton said Mr. Harland had originally requested a new dump truck and a front end loader but dropped those requests to get this truck.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Ashley asked if the DPW crews will finish the Crescent cleanup this spring. City Manager John Pinkerton said he believes it was finished last year, and added our biggest concern this year is the bamboo. Councillor Stevenson said we keep adding new tasks to the DPW crews and are not taking any away. Councillor Stevenson said she would like to see suggestions to streamline processes such as alternate side of the street parking for daytime plowing and brush cleanup so the DPW can continue providing quality services.

2. Councillor Morley thanked the DPW crews for cutting back the snow banks on the City streets.

3. Councillor Morley asked if the property at State & Lafayette Streets will be auctioned. City Manager John Pinkerton said the property has an underground sewer line running through the middle of it. Mr. Pinkerton explained City staff is trying to determine if we can shut off that sewer line to make it a buildable lot that we can offer for sale. Interim Director of Public Works Gregg Harland said there are two 8" sewer mains, but they don't go all the way to the corner. Mr. Harland explained we are trying to locate the nearest sewer main to reroute the sewer lines for neighboring properties. Mayor Nelson said he is not in favor of that parcel becoming a parking lot because it is at a critical location in the City. Mr. Pinkerton added that within one week all of the City's surplus property available for sale should be posted on the City website.

4. Councillor Hosmer said Council should receive applications or bios for all City appointments.

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NEW BUSINESS

1. Mayor Nelson congratulated the OFA Boys Basketball team who will be heading to the Final 4 in Glens Falls this weekend.
2. Mayor Nelson congratulated the Massena Boys Hockey Team on becoming New York State Champions.
3. Mayor Nelson reminded everyone that the Ogdensburg Boys and Girls Club Expo begins on Friday, March 21st.
4. City Comptroller Philip Cosmo updated Council on the Patterson Street Project funding. Mr. Cosmo said the local share for the Paterson Street project will be increased due to State DOT determinations that parts of the project are for the betterment of the City and are not reimbursable. Mr. Cosmo distributed a breakdown of the figures for Council for review. (A copy of the project information follows these minutes.) Mr. Cosmo explained we will need to borrow the minimum of \$2.5 million and a maximum of \$4 million, to maintain a cash flow for the project while waiting for State reimbursement. Mr. Cosmo said our share of the project will be approximately \$998,000 and this will be financed over the next 15 years. Mr. Cosmo said a bond resolution will be presented to Council at the next meeting. Mr. Cosmo explained the total project didn't change, but the State took out "betterment parts" that they won't pay for. Mr. Cosmo said the RFP will go out soon and it is a five week bid period. Councillor Skamperle asked if the storm water project at the end of Paterson Street will be part of that bond resolution. Mr. Cosmo said no. Councillor Stevenson asked if we should wait and finance both projects together. Mr. Cosmo said it will be a separate project and explained we saved money by not replacing items which had recently been replaced. City Manager John Pinkerton explained storm water sewer lines and water lines require a 10 foot separation, but we do not meet that requirement. Mr. Pinkerton said Interim Public Works Director Gregg Harland explained it to the Department of Health and our existing lines have been approved.

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Mr. Pinkerton said our departments went block by block looking at the age and condition of our infrastructure and the cost to replace it.

5. Councillor Morley said he received a pamphlet from Senator Ritchie describing the proposed uses for the SLPC property. Councillor Morley asked if there are any specific details of construction that Council is not aware of yet. City Manager John Pinkerton said he gave Council all of the information he had.

6. Councillor Skamperle said he saw a news report that the District Attorney is granting permission for Police to prosecute traffic crimes and he is concerned about the extra cost to our Police Department. Police Chief Richard Polniak said it is an optional process. Chief Polniak explained the NYS Troopers needed formal authorization from the District Attorney's office to prosecute in Court.

7. Mayor Nelson reminded Council of the Mayor's dinner in Massena Thursday night.

ITEMS FOR DISCUSSION

1. Director of Planning and Development Andrea Smith distributed a draft Memorandum of Understanding (MOU) between the Growth Fund and the City for the Diamond project. (A copy of the MOU follows these minutes.) Ms. Smith explained the Growth Fund has expressed an interest in partnering with the City. Ms. Smith said there is no formal agreement yet, but the Growth Fund will review a draft MOU Wednesday at 8 a.m. Ms. Smith explained this is being brought to Council for review and she is looking for feedback.

Councillor Ashley asked if the City Attorney has reviewed the MOU. Ms. Smith said no, but the Growth Fund Attorney has reviewed it. Councillor Hosmer asked that City Attorney Andy Silver be present at the next Council meeting. Mayor Nelson said he would like a PowerPoint presentation at the next meeting listing the benefits of such an agreement. Mayor Nelson said the Growth Fund is the economic development board for the City.

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Ms. Smith said the Growth Fund was part of this project from the beginning. Councillor Morley said he doesn't believe City Council should be involved with the Growth Fund, and Council should have no influence on Growth Fund Board decisions because it is political. Mayor Nelson said that is an insult to the Growth Fund Board. Ms. Smith said the Growth Fund meets the second Wednesday of every month at 8 a.m. in Room #3. Ms. Smith added the agenda is posted in advance and meetings usually last about an hour and aren't political. City Manager John Pinkerton proposed a Council liaison on the Growth Fund Board. Councillor Morley said the Growth Fund should be separate from the City. Councillor Hosmer said the Growth Fund is now separate from the City. Mr. Pinkerton said the Growth Fund pays for City services. Councillor Stevenson said Council has a lot of questions and she wants to read the MOU before discussion. Mayor Nelson said he would like to call for a work session with the Growth Fund Board and Council, and Councillor Hosmer agreed. Ms. Smith said there are four ex-officio members (Mayor, City Manager, OBPA Chairman and President of the Chamber of Commerce) on the eleven member board. Ms. Smith urged Council members to attend a meeting. Mayor Nelson said he wants Council to attend Growth Fund Board meetings. Councillor Stevenson said she has many concerns and would like legal questions answered. Ms. Smith also distributed the 2014 Growth Fund operating budget. Councillor Hosmer asked where it fits into our budget. Mr. Pinkerton said we do not have any income from the Growth Fund budget going into our current budget. City Comptroller Philip Cosmo said the Growth Fund receives federal reimbursement for staff time as noted on pages 15 & 16. Mr. Pinkerton said the budget breakdown is included in the Growth Fund minutes of October 29, 2013. Ms. Smith apologized to Council, explaining she thought Council had received the MOU in advance of this meeting. Mayor Nelson said he will have his secretary canvas Council and the Growth Fund members to schedule a work session. Mayor Nelson explained the Growth Fund's intention is to partner side by side with the City to better Ogdensburg. Councillor Morley said there is an appearance of politics when the Mayor appoints the members. Mayor Nelson stated that up until January 1st, Council appointed the Growth Fund members.

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