

CITY COUNCIL MEETING

January 26, 2015

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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. City Assessor Bruce Green made a presentation to Council regarding surplus City-owned property. (A copy of his presentation material follows these minutes.)

PUBLIC HEARING

1. A public hearing regarding an ordinance to lease municipal property at 330 Ford Street (Basement) for the Satellite Office of Senator Patricia Ritchie was held. No one being present to speak, the hearing was declared closed.

2. A public hearing to obtain comments on the City's application to New York State Homes & Community Renewal for \$400,000 under the 2015 Community Development Block Grant Program was held. No one being present to speak, the hearing was declared closed.

CORRESPONDENCE

1. City Clerk Kathleen Bouchard read a letter from Gil Jones regarding the Ogdensburg Cinema. (A copy of the letter follows these minutes).

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #2-2015 in the amount of \$560,521.42 and Library Fund Warrant #2-2015 in the amount of \$21,732.05 and Capital Fund Warrant #2-2015 in the amount of \$0.00 and Community Development Fund Warrant #2-2015 in the amount of \$90,164.31 and Community Renewal Fund Warrant #2-2015 in the amount of \$0.00 and NSP Funds Warrant #2-2015 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Nelson moved to appoint Councillors Mitchell, Morley and Stevenson to the Audit Committee for a two-year term, term to expire 12/31/2016, and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved to appoint Julia Wears to a seven-year term on the Recreation Commission, term to expire 12/31/2021, and Councillor Stevenson seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Ashley moved an ordinance authorizing the City Manager to enter into the necessary agreements to lease approximately 840 square feet of office space located at 330 Ford Street (basement) for the Satellite Office of Senator Patricia Ritchie, and Councillor Skamperle seconded to wit:

ORDINANCE #1 OF 2015
AN ORDINANCE TO AUTHORIZE
A LEASE OF MUNICIPAL PROPERTY

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

ITEM ONE: An ordinance to authorize a lease of municipal property at 330 Ford Street (Basement) for the Satellite Office of Senator Patricia Ritchie.

ITEM TWO: The City Manager has presented the attached proposed agreement to lease space at 330 Ford Street. The lease term shall be from January 1, 2015 through December 31, 2016, with an option to renew, unless either party provides prior written notice to the other of its intention not to renew.

ITEM THREE: The City Manager is hereby authorized to execute the attached lease agreement, hereby made part of this ordinance.

ITEM FOUR: Passage of this ordinance shall be by a vote of three-fourths (3/4) of all members of the City Council.

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

The vote was:

CARRIED, AYES ALL

2. Councillor Mitchell moved a resolution authorizing the City Manager to execute an agreement with Marty Murphy to utilize a portion of Maple City Trail to access his property in the Town of Oswegatchie bordering the City and Trail, and Councillor Ashley seconded to wit:

RESOLUTION TO AUTHORIZE
THE CITY MANAGER TO EXECUTE AN AGREEMENT
WITH MARTIN MURPHY TO UTILIZE A PORTION OF THE MAPLE
CITY TRAIL TO ACCESS HIS BORDERING PROPERTY

WHEREAS, an agreement has been negotiated between the City Manager and Martin Murphy to utilize a portion of the Maple City Trail to allow access to his bordering property in the Town of Oswegatchie, and

NOW THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute an agreement with Martin Murphy.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution to call for public notice and public hearing regarding a resolution to increase City of Ogdensburg Parking Fines, effective March 1, 2015, and Councillor Morley seconded to wit:

RESOLUTION CALLING FOR A PUBLIC HEARING AND PUBLIC
NOTICE REGARDING A RESOLUTION TO INCREASE
CITY OF OGDENSBURG PARKING FINES

BE IT RESOLVED, that a resolution to increase City of Ogdensburg Parking Fines, effective March 1, 2015, is hereby 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 resolution to be held at the Council Chambers in the City of Ogdensburg, New York, on Thursday, the 12th day of February, 2015, 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 Local Law in summary form.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution to hold harmless St. Lawrence County for providing shared services to the City of Ogdensburg, and Councillor Stevenson seconded to wit:

RESOLUTION HOLDING HARMLESS THE COUNTY OF ST.
LAWRENCE FOR PROVIDING SERVICE FOR THE CITY
OF OGDENSBURG

WHEREAS, the City of Ogdensburg is desirous of St. Lawrence County Department of Highways providing shared services such as paving, signage, road stripping, blasting, and other routine maintenance activities to the City, and

WHEREAS, both the City of Ogdensburg and the County of St. Lawrence are desirous of promoting partnering efforts for the safety of the traveling public in St. Lawrence County, and

WHEREAS, in this joint cooperative endeavor, the City of Ogdensburg and the County of St. Lawrence desires to be reimbursed for their expenditures, and

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WHEREAS, the City is aware that the County may incur liability in the providing of the services and wishes to indemnify the County in this regard,

NOW, THEREFORE, BE IT RESOLVED that to the fullest extent permitted by law, the City of Ogdensburg will indemnify and hold harmless the County, their officers, directors, partners, representatives, agents and employees from and against any and all claims, suits, liens, judgments, damages, losses and expenses, including legal fees and all court costs and liability (including statutory liability) arising in whole or in part and in any manner from injury and/or death of person or damage to or loss of any property relating to or arising out of any negligent or intentional acts and/or omissions of the City of Ogdensburg or any of its directors, officers, employees, contractors, representatives, or agents.

BE IT FURTHER RESOLVED that the following request for General Liability (GL) coverage is as follows:

General Liability Insurance

On an "Occurrence" basis, with the following limits:

\$1,000,000 Each Occurrence
\$3,000,000 General Aggregate
\$1,000,000 Products Aggregate
\$1,000,000 Personal Injury
\$ 50,000 Fire Damage Legal Liability
\$ 5,000 Medical Payment Expense

BE IT FURTHER RESOLVED, that St. Lawrence County shall be an additional insured on the GL Policy, via ISO endorsement CO 2026.

The vote was:

CARRIED, AYES ALL

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5. Mayor Nelson moved a resolution to provide public notice and a public hearing regarding the addition of Chapter 38, Joint Planning and Zoning Commission, to the Ogdensburg Municipal Code, and Councillor Ashley seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING
THE ADDITION OF CHAPTER 38 – JOINT PLANNING AND ZONING
COMMISSION TO THE CODE OF THE CITY OF OGDENSBURG
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED that the ordinance entitled "Ordinance Adding Chapter 38 Entitled 'Joint Planning and Zoning Commission' to the Code of the City of Ogdensburg" 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 in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York, on Thursday the 12th day of February, 2015, 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.

Mayor Nelson stated that residents at the last town hall meeting were concerned that support from six Council members would be required to overturn the action of the Joint Commission. There was a consensus of Council to amend the requirement from six affirmative votes to a majority vote. Planning Director Andrea Smith stated Section 221-67(b) as amended would read as follows:

“The City Council shall act to approve, disapprove or approve with modifications, the application for an Adaptive Reuse Permit and preliminary development plan, and shall report its decision to the City’s Joint

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Commission and Planning Board. Should the City Council wish to act contrary to any recommendation for disapproval or approval with modifications made by the Joint Commission or the County Planning Board under authority of §239-m of the General Municipal Law, it may do so only with a majority vote of its full membership.”

Mayor Nelson thanked the public for their feedback and reminded them that the public hearing will be held on Thursday, February 12, 2015 at 7 p.m. Councillor Stevenson thanked Planning Director Andrea Smith for the audio recording of the town hall meeting.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved a resolution to provide for public notice and public hearing to add Article VII, Adaptive Reuse District, to the Ogdensburg Municipal Code pending County review, and Councillor Morley seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING
THE ADDITION OF ARTICLE VII – ADAPTIVE REUSE DISTRICT
TO THE CODE OF THE CITY OF OGDENSBURG
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED that the ordinance entitled "Ordinance Adding Article VII Entitled ‘Adaptive Reuse District (ARD)’ to the Code of the City of Ogdensburg" 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 in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York, on Thursday the 12th day of February, 2015, 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.

The vote was:

CARRIED, AYES ALL

7. Councillor Stevenson moved a resolution to authorize the City Manager to execute an Undertaking in Connection with Permits issued by the NYS Department of Transportation, and Councillor Skamperle seconded to wit:

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
AN UNDERTAKING IN CONNECTION WITH PERMITS ISSUED BY
THE NYS DEPARTMENT OF TRANSPORTATION**

WHEREAS, the City of Ogdensburg from time to time receives permits from the NYS Department of Transportation (DOT) allowing the City to temporarily obstruct, install, construct, maintain, operate or replace any facilities within the bounds of a State highway right-of-way, and

WHEREAS, the City is required by NYS DOT to indemnify or hold harmless agencies and/or officials of the State of New York for such temporary obstructions, installations, construction or maintenance,

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute the Undertaking in Connection with Highway Permits Issued by NYS DOT agreement.

Director of Public Works Scott Thornhill explained standing permits with NYS DOT are renewed periodically and this will simplify the process.

The vote was:

CARRIED, AYES ALL

8. Mayor Nelson moved a resolution authorizing the City Manager to apply to the State of New York Office of General Services for transfer and conveyance of a certain parcel of state land known as the "Parcel A" located in the City of Ogdensburg in St. Lawrence County, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO
APPLY TO THE STATE OF NEW YORK OFFICE OF GENERAL
SERVICES FOR TRANSFER AND CONVEYANCE OF A CERTAIN
PARCEL OF STATE LAND KNOWN AS THE "PARCEL A" LOCATED
IN THE CITY OF OGDENSBURG IN ST. LAWRENCE COUNTY

WHEREAS, the State of New York ("State") is the owner of a parcel of property located at St Lawrence Psychiatric Center in the City of Ogdensburg, County of St. Lawrence, consisting of approximately 45 acres with improvements thereon, hereinafter referred to as the "Premises;" and

WHEREAS, the State is authorized to convey its right, title and interest in the Premises to the City of Ogdensburg pursuant to Chapter 55 Part GG of the Laws of 2014 pursuant to the terms set forth in said statute; and

WHEREAS, it is the desire of the City of Ogdensburg to apply for a transfer and conveyance of the Premises pursuant to the terms set forth in said statute; and

WHEREAS, the consideration for the transfer and conveyance of the Premises as set forth in said statute is fair market value.

NOW, THEREFORE BE IT RESOLVED, that the City Manager is hereby authorized, pursuant to Chapter 55 Part GG of the Laws of 2014, to apply to

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the State of New York, Office of General Services, for the transfer and conveyance of the Premises for the purposes of economic development,

BE IT FURTHER RESOLVED that the City Manager is authorized to execute all documents necessary to effectuate said use and transfer and conveyance of the Premises and that such documents shall be subject to the review thereof by the City Attorney as to form and substance.

City Manager John Pinkerton explained there is legislation that allows the State to sell this parcel of land to the City at fair market value. Mr. Pinkerton said this resolution obligates the State to work exclusively with the City while we decide if we want to move forward. Mr. Pinkerton explained we must meet the March 31, 2015 deadline or the State could dispose of this legislation. Councillor Morley said he believes the parcel should be transferred to the City below fair market value. Councillor Skamperle asked why all four parcels are not incorporated into one transaction. Mr. Pinkerton said the State wishes to address the parcels individually and explained we are also in discussions regarding "Parcel B" along the river.

The vote was:

CARRIED, AYES ALL

9. Mayor Nelson moved a resolution to adopt the NYS Unified Solar Permit for use by the Building Department as part of the permitting process for small-scale Photovoltaic Systems, and Councillor Hosmer seconded to wit:

RESOLUTION TO ADOPT NYS UNIFIED SOLAR PERMIT

WHEREAS, the City of Ogdensburg is a New York Climate Smart Community and has adopted a the Climate Smart Communities pledge committing to the goal of encouraging renewable energy; and

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WHEREAS, the New York State Unified Solar Permit is a standardized permit for use by all NY municipalities that simplifies and streamlines the permitting of small-scale photovoltaic systems and increases consistency and transparency in permitting.

NOW THEREFORE BE IT RESOLVED, by the City of Ogdensburg, St. Lawrence County, New York, that the Ogdensburg City Council hereby adopts the NYS Unified Solar Permit for use by the Building Department as part of the permitting process for small-scale Photovoltaic Systems.

City Manager John Pinkerton explained New York State is promoting renewable energy sources and would like communities to have a systematic and standardized permit system. Mr. Pinkerton said New York State is providing a \$2,500 stipend as an incentive for communities to implement this process.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Ashley said numerous sidewalks around the City are not being maintained for snow and ice removal. City Manager John Pinkerton explained we are taking action and issuing tickets.

2. Councillor Morley said he was happy to see City crews trimming trees along the roadway.

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NEW BUSINESS

1. Mayor Nelson thanked Police Chief Richard Polniak, the Ogdensburg Police Department, the Ogdensburg Fire Department and everyone involved in the recent drug bust.

2. City Manager John Pinkerton explained he has been searching for a party interested in Gil Jones' cinema property, and he will update Mr. Jones. Mayor Nelson explained the City bought the marquee sign and the Growth Fund tried to loan Mr. Jones money to re-open and upgrade the facility as a private business. Mayor Nelson said the City cannot own and operate a movie theatre. Mr. Pinkerton stated many Council members have also been involved trying to assist Mr. Jones with this property.

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