

CITY COUNCIL MEETING

March 9, 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,
Mitchell, Morley, Skamperle and Stevenson

ABSENT: Councillor Hosmer

Mayor Nelson said Councillor Hosmer is out of state for his job. There was a consensus of Council to excuse Councillor Hosmer.

PRESENTATION

1. Director of Planning and Development Andrea Smith and City Attorney Andrew Silver made a presentation to Council regarding the Adaptive Reuse District (ARD). (A copy of the presentation material follows these minutes.)

PUBLIC HEARING

1. A public hearing regarding an ordinance to sell City-owned property located at 801 Washington Street was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding an ordinance to amend Chapter 73, Animals, Article II, Dog Licensing, §73-6 entitled "Fees for Licensing Dogs" of the Code of the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Dean Hebert, 516 Park Street, addressed Council regarding the Adaptive Reuse District (ARD). Mr. Hebert said he is against this proposal.
2. Sue Ellen Piercey, 1407 Knox Street, thanked Council for the ARD changes and asked that the presentation be added to the City website. Mrs. Piercey said she would like a protocol for residents to discuss issues with Council and suggested an open forum at the end of every Council meeting.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #5-2015 in the amount of \$462,108.94 and Library Fund Warrant #5-2015 in the amount of \$22,152.53 and Capital Fund Warrant #5-2015 in the amount of \$0.00 and Community Development Fund Warrant #5-2015 in the amount of \$0.00 and Community Renewal Fund Warrant #5-2015 in the amount of \$0.00 and NSP Funds Warrant #5-2015 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

ITEMS FOR COUNCIL ACTION

1. Councillor Ashley moved an ordinance to sell City-owned property located at 801 Washington Street, and Councillor Skamperle seconded to wit:

ORDINANCE #2 of 2015
AN ORDINANCE TO OFFER FOR SALE AT PUBLIC AUCTION
CITY OWNED PROPERTY

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

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

<u>TAX MAP #</u>	<u>LOCATION</u>	<u>MINIMUM PURCHASE PRICE</u>
48.071-4-5	801 Washington Street	\$ 10,750.00 (amount includes estimated \$400. Attorney fee & \$350. SLC Recording Fee)

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

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

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

SECTION FOUR: This ordinance shall become effective ten days after publication.

The vote was:

CARRIED, AYES ALL

2. Councillor Stevenson moved an ordinance to amend Chapter 73, Animals, Article II, Dog Licensing, §73-6 entitled “Fees for Licensing Dogs” of the Code of the City of Ogdensburg, and Councillor Mitchell seconded to wit:

ORDINANCE #3-2015

AMENDING CHAPTER 73, “ANIMALS”, ARTICLE II, “DOG LICENSING”,
SECTION 73-6, ENTITLED "FEES FOR LICENSING OF
DOGS" OF THE MUNICIPAL CODE OF THE CITY OF OGDENSBURG

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

ITEM ONE: That Chapter 73 entitled “Animals”, Article II entitled “Dog Licensing”, Section 73-6.(B) entitled ”Fees for licensing of Dogs”, is hereby deleted in its entirety and replaced with the following:

B) A late fee of \$10. will be charged if dog license is not renewed within sixty (60) days of license expiration date.

C) Dog license fees will be reviewed by the City Council periodically and may be changed by a resolution of the City Council, if deemed necessary.

ITEM TWO: This ordinance shall take effect June 1, 2015.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution to authorize the extension of the City Manager's employment agreement with the City of Ogdensburg, and Councillor Morley seconded to wit:

RESOLUTION TO AUTHORIZE
THE EXTENSION OF THE CITY MANAGER'S EMPLOYMENT
AGREEMENT WITH THE CITY OF OGDENSBURG

WHEREAS, the employment agreement dated September 17, 2012 between the City of Ogdensburg and City Manager John Pinkerton is scheduled to expire June 30, 2015; and

WHEREAS, the City of Ogdensburg and City Manager John Pinkerton desire to extend the employment agreement past June 30, 2015 as per the terms of this Extension Agreement; and

NOW THEREFORE, BE IT RESOLVED, that Mayor Nelson is hereby authorized to execute said attached Extension Agreement with City Manager John Pinkerton.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution introducing an ordinance and providing for public notice and public hearing with regard to the sale of City-owned property, and Councillor Skamperle seconded to wit:

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

BE IT RESOLVED, that Ordinance No. 4 entitled "An Ordinance to Offer for Sale at Public Auction City-Owned Property " be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid ordinance to be held at the Council Chambers in the City of Ogdensburg, New York, on the 23rd day of March, 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 ordinance in summary form.

The vote was:

CARRIED, AYES ALL

5. Mayor Nelson moved a resolution to approve the issuance of a Bond Ordinance in the amount of \$370,000. to cover the CSO Weir Modifications and Improvements Project, and Councillor Morley seconded to wit:

BOND ORDINANCE DATED MARCH 9, 2015.

AN ORDINANCE AUTHORIZING THE CSO WEIR MODIFICATIONS AND IMPROVEMENTS PROJECT IN AND FOR THE CITY OF OGDENSBURG, ST. LAWRENCE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$370,000, AND AUTHORIZING THE ISSUANCE OF \$370,000 SERIAL BONDS OF SAID CITY, TO PAY THE COST THEREOF.

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BE IT RESOLVED, by the Common Council of the City of Ogdensburg, St. Lawrence County, New York, as follows:

Section 1. The CSO Weir Modifications and Improvements Project in and for the City of Ogdensburg, St. Lawrence County, New York, including incidental improvements and expenses, is hereby authorized at a maximum estimated cost of \$370,000.

Section 2. The plan for the financing thereof is by the issuance of \$370,000 serial bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Ogdensburg, St. Lawrence County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Ogdensburg, St. Lawrence County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the City Comptroller shall deem best for the interests of the City.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

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- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This ordinance, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

City Comptroller Philip Cosmo explained that these bids are lower than the ones we received during budget season, but we still need to bond for the funds to complete the project. Mr. Cosmo said this amount was recommended by the engineering firm. Councillor Morley said the State required this project, but the expense is being passed on to the taxpayers. Councillor Skamperle said the State locked us into a 2% tax cap, mandated this project and provided no funding. Councillor Skamperle asked what the consequences would be if we did not complete the project. City Manager John Pinkerton said he agrees with Councillor Skamperle, but the State made this requirement. Mayor Nelson explained the first estimates to become compliant were very high, but a significantly lower plan has been approved by the DEC. Mayor Nelson said we signed a DEC agreement to be compliant. Mr. Pinkerton said the EFC Director will be here in April, and we can request support.

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Councillor Stevenson asked if this project comes from our water or sewer accounts. Mr. Cosmo said the funds will come from our sewer fund.

Mr. Pinkerton explained that we fixed nine out of seventeen weirs in-house last year and contracting out the complicated ones. Councillor Morley said if we keep borrowing our bond rating will go down. Mayor Nelson said our debt ratio is low. Mr. Cosmo added that the rates are also low.

The vote was:

CARRIED, AYES ALL

6. Councillor Skamperle moved a resolution authorizing the City Manager to submit an application to the St. Lawrence River Valley Redevelopment Agency for \$50,000 under the 2015 Community Development and Environmental Improvement Program, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO
SUBMIT A 2015 ST. LAWRENCE RIVER VALLEY REDEVELOPMENT
AGENCY APPLICATION

WHEREAS, the purpose of the Community Development and Environmental Improvement Program is to assist communities in St. Lawrence County that are planning to undertake a project that will provide a clear and demonstrable economic or community benefit; and

WHEREAS, the City of Ogdensburg is an eligible entity; and

WHEREAS, the City of Ogdensburg is presently seeking \$200,000 from the U.S. EPA for environmental cleanup at 420 Lafayette Street, formerly St. Joseph's Nursing Home to spur economic reinvestment; and

WHEREAS, the City has received an engineer's estimate that Asbestos Abatement of the Building for Renovation Purposes would be approximately \$250,000.

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NOW, THEREFORE BE IT RESOLVED, that the Ogdensburg City Council hereby authorizes the filing of a 2015 Community Development and Environmental Improvement Program Grant Application to secure \$50,000 in funding to complete the asbestos abatement at 420 Lafayette Street; and

BE IT FURTHER RESOLVED, that the City Manager, is hereby authorized to submit the application, and if awarded, to administer the program, including executing all necessary documents relating to the application or administration of the program.

Councillor Morley asked why we are only applying for \$50,000 if the total cost is \$250,000. City Manager John Pinkerton explained we have applied for a \$200,000 EPA grant and a waiver of the City's 20% contribution of the cost. Councillor Morley said an investor from Canada approached Council in December and planned to absorb all renovation costs. Mr. Pinkerton said that investor is currently moving forward with his plans at another facility & if that's successful will be interested in this property. Mr. Pinkerton added what this investor wants to do with this facility would require a PDD. Mr. Pinkerton stated the Canadian investor would not be ready to move forward until September. Mr. Pinkerton said there is also another developer interested, and after the asbestos is removed the City can market the building. Councillor Stevenson added the property will then be more marketable.

The vote was:

CARRIED, AYES ALL

7. Councillor Skamperle moved a resolution supporting legislation to repeal the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013, and Councillor Ashley seconded to wit:

RESOLUTION SUPPORTING LEGISLATION
TO REPEAL THE NEW YORK SECURE AMMUNITION AND FIREARMS
ENFORCEMENT (SAFE) ACT OF 2013

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WHEREAS, several bills have been introduced in the New York State Senate and Assembly in 2015 which would repeal all or part of the New York Secure Ammunition and Firearms Enforcement Act of 2013, and;

WHEREAS, these bills include Senate bills S511 introduced by Senator Michael Nozzolio, S1193 by Katherine Marchione, Assembly bill A3943 by Assemblyman David DiPietro, and Senate and Assembly Bills S2611, A5628, S2612, S2613, A5629, and S2614 by Senator James L. Seward and Assemblyman Anthony Brindisi, and;

WHEREAS, the Second Amendment of the United States provides for the “right of the people to keep and bear arms” as a natural right which is a necessity for the security of a free state, and further states that this right “shall not be infringed”, and

WHEREAS, members of the Ogdensburg City Council, being elected to represent the people of Ogdensburg, are duly sworn by their oath of office to uphold the Constitution of the United States, and;

WHEREAS, members of the New York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States, and;

WHEREAS, the Civil Rights Law of the State of New York states in Article 2 Section 4, “Right to keep and bear arms. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms cannot be infringed” and;

WHEREAS, this legislative body voted to oppose the New York Secure Ammunition and Firearms Enforcement Act of 2013 in RESOLUTION NO. 23-2013 of the Ogdensburg City Council meeting on February 12, 2013 because it is “unconstitutional” by nature, and;

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WHEREAS, the lawful ownership of firearms is a recreational benefit to our residents through hunting and target shooting, along with an economic and environmental benefit to our region with several locally owned and operated gun/sporting businesses, and;

WHEREAS, the New York State Secure Ammunition and Firearms Enforcement (NY SAFE Act) of 2013 which was rushed to passage by the New York State Senate, Assembly and Governor, will have a detrimental effect on law-abiding hunters, sportsmen and gun owners, creating a hostile environment both for them and for the sale and manufacture of legal firearms and ammunition, and;

WHEREAS, the legislation severely impacts the possession and use of firearms now employed by the residents of Ogdensburg and New York State for the defense of life, liberty and property, and;

WHEREAS, the legislation severely impacts the possession and use of firearms now employed for safe forms of recreation including, but not limited to hunting and target shooting, and;

WHEREAS, this legislation effectively treats countless New York State law-abiding gun owners as criminals, and;

WHEREAS, the enactment of the NY SAFE Act has engendered significant controversy over both the undemocratic process by which it was enacted and certain provisions contained within, and;

WHEREAS, the manner in which this legislation was brought forward for vote in the State Legislature is disturbing to the Ogdensburg City Council;

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council does hereby support Senate and Assembly bills S511-2015, S1193-2015, A3943-2015, S2611-2015, A5628-2015, S2612-2015, S2613-2015, A5629-2015 and S2614-2015 to repeal all or part of the New York Secure Ammunition and Firearms Enforcement Act of 2013, and

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BE IT FURTHER RESOLVED, that the Ogdensburg City Council supports efforts by the New York State Legislature to remove funds for enforcement of the New York Secure Ammunition and Firearms Act of 2013 from the New York State Budget, and;

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Senator Patty Ritchie, Senator Joseph Griffo, Senator Elizabeth Little, Assemblyman Ken Blankenbush, Assemblyman Marc Butler, Assemblywoman Addie Russell, Assemblywoman Janet Duprey, St Lawrence County Sheriff Kevin Wells, NYS Sheriffs' Association president Sheriff Christopher Moss, Superintendent of the NY State police Joseph A. D'Amico, Congresswomen Elise Stefanik, Senator Schumer, Senator Gillibrand and the New York State Conference of Mayors.

Councillor Ashley said the State caused problems for law abiding citizens with this law. Councillor Stevenson suggested Senator Schumer and Senator Gillibrand also receive a certified copy of the resolution. Councillor Skamperle thanked Senator Ritchie for addressing this issue on all bills listed in the resolution.

The vote was:

CARRIED, AYES ALL

8. Councillor Mitchell moved a resolution to authorize the City Manager to enter into a contract with Continental Construction, LLC for the CSO Weir Modifications & Improvements Project, for a sum not to exceed \$298,563, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR THE
CSO WEIR MODIFICATIONS & IMPROVEMENTS PROJECT

WHEREAS, bids have been solicited and received for the CSO Weir Modifications & Improvements Project; and

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WHEREAS, the City's Consulting Engineer, GHD Consulting Services, Inc. has evaluated the bids received and recommended the contract be awarded to the lowest bidder; and

NOW, THEREFORE, BE IT RESOLVED that John M. Pinkerton, City Manager, is authorized to enter into the following contract, for a sum not to exceed \$298,563.00, on behalf of the City; and

CONTRACTOR	BID AMOUNT	CONTINGENCY
Continental Construction, LLC 2125 State Hwy 812 Gouverneur, NY 13642	\$277,563.00	\$21,000.00

BE IT FURTHER RESOLVED that the funds to pay for this contract will come from following source:

Capital Project - CSO Weir Modification & Improvement Project
\$298,563.

Councillor Morley asked for the project start date. Director of Public Works Scott Thornhill said the contractor plans to start work as soon as the frost is out of the ground. Mr. Thornhill explained the contractor plans to have a substantial amount of work completed by October, and the project must be finished in November.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Mayor Nelson requested the ARD information be added to the City website.

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2. Councillor Stevenson said the Assessment Department made a presentation last week but attendance was low. Councillor Stevenson suggested we expand publicity to include radio and television. City Manager John Pinkerton said the City publicized the presentation on our website, Facebook, the local newspaper and www.northcountrynow.com.

3. Councillor Stevenson asked for the procedure to handle a citizen complaint. City Manager John Pinkerton said when he receives a snow complaint; he addresses the issue with the owner of the property and updates the complainant.

4. Councillor Ashley thanked City Manager John Pinkerton for renewing his employment contract with the City.

5. Councillor Ashley thanked City Manager John Pinkerton and Director of Planning and Development Andrea Smith for revamping the ARD and said he would like Council to act on this issue. Mayor Nelson said City staff and Council have listened to the public's concerns and amended the plan. Councillor Skamperle said City Attorney Andy Silver is researching the requirement of a supermajority vote. Mr. Pinkerton recommended Council wait until we receive a response on that question from the City Attorney.

6. Councillor Skamperle said Council received a letter from the Fort Drum liaison. Mayor Nelson said he will send a letter of support on behalf of Council and the City. Mayor Nelson explained there will be a public rally at 5pm on March 20, 2015, and the public can also register their comments online. There was a consensus of Council that a resolution supporting Fort Drum be prepared for the next Council meeting.

7. Councillor Skamperle said citizens can find answers to most questions by accessing the City Charter on the City website. Mayor Nelson added the City Attorney is our ethics advisor on any potential conflict of interest.

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8. Councillor Morley asked if the frozen water line calls have slowed down. City Manager John Pinkerton said yes. Mr. Pinkerton explained it would cost approximately \$13,000 to create a second thawing unit. Mr. Pinkerton said we will see what next winter brings before spending the money. Public Works Director Scott Thornhill explained this is a service we offer to residents, but they can hire a contractor. Councillor Ashley asked if we charge by the hour or by the service. Mr. Thornhill said we charge by the hour. Mr. Thornhill said the City charges less than private contractors. Councillor Ashley asked why only some lines are freezing. Mr. Thornhill explained the frost was 4 ½ to 5 feet into the ground and some water lines became encased in ice especially if the area above was plowed. Mr. Pinkerton said DPW crews typically handle 8-10 frozen water line calls per winter, but this winter has been excessive. Mr. Thornhill said he is running a second and third crew, but we do not know how long each thaw job will take. Mr. Thornhill explained borrowing a thawing unit from NYSDOT enabled his crews to work around the clock. Councillor Stevenson said an Elizabeth Street resident advised her that he was very pleased with City staff when his water line froze recently. Councillor Skamperle said we have a great DPW crew.

Councillor Morley asked if we are still cutting back snow banks. Mr. Thornhill said the snow banks on Elizabeth Street are done, State Street will be next for the Expo parking and crews will continue around the City.

NEW BUSINESS

1. Councillor Stevenson said she would like other municipalities polled regarding public comment policies at their Council Meetings. Councillor Stevenson asked for the results to be discussed at an upcoming meeting.

2. Councillor Mitchell said the Old Timers Hockey League members were very pleased with the Lockwood Arena and recreation staff. City Manager John Pinkerton said the Recreation Department's March report will be provided to Council when completed. Mr. Pinkerton said the Lockwood Arena will be used for lacrosse now that the hockey leagues have ended.

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ITEMS FOR DISCUSSION

1. Mayor Nelson said the Ogdensburg Boys and Girls Club Expo opens this weekend.

2. Councillor Stevenson thanked the Recreation Department for assistance with the SNOLF Tournament which is an annual SPCA fundraiser.

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