

CITY COUNCIL MEETING

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

PRESENT: Deputy Mayor Morley, Councillors Ashley,
Mitchell, Skamperle and Stevenson

ABSENT: Mayor Nelson and Councillor Hosmer

Deputy Mayor Morley said Mayor Nelson is on vacation and Councillor Hosmer's twin boys were born today. There was a consensus of Council to excuse Mayor Nelson and Councillor Hosmer.

PROCLAMATION

1. Councillor Stevenson read a proclamation declaring May 2015 as Building Safety Month.
2. Deputy Mayor Morley read a proclamation declaring May 3 through May 9, 2015 as Municipal Clerk's Week.

PRESENTATION

1. City Comptroller Philip Cosmo presented the 2014 Year End Closeout to Council. (A copy of his presentation material follows these minutes.)

PUBLIC HEARING

1. A public hearing regarding an amendment to the Ogdensburg Municipal Code, Chapter 111 entitled Games of Chance was held. No one being present to speak, the hearing was declared closed.

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2. A public hearing regarding the sale of City-owned property located at 905 Mechanic Street was held. No one being present to speak, the hearing was declared closed.

3. A public hearing regarding an amendment to the Ogdensburg Municipal Code Chapter 181 entitled Solid Waste was held. No one being present to speak, the hearing was declared closed.

4. A public hearing regarding an amendment to the Ogdensburg Municipal Code Chapter 131 entitled Littering was held. No one being present to speak, the hearing was declared closed.

5. A public hearing regarding an amendment to the Ogdensburg Municipal Code Chapter 189 entitled Streets and Sidewalks was held.

Doug Loffler, 311 Paddock Street, stated that residents are required to place brush in the three foot space between the sidewalk and road, but not in the street. Mr. Loffler said this will be difficult for Paterson Street residents now that they only have a two foot space.

No one else being present to speak, the hearing was declared closed.

PERSONAL APPEARANCES

Al Brossoit, a Heuvelton resident, addressed Council and stated that in October he reported a local restaurant had a fire code violation, a door that swings in. Mr. Brossoit said this issue still has not been corrected.

CONSENT AGENDA

Deputy Mayor Morley moved that the claims as enumerated in General Fund Warrant #8-2015 in the amount of \$1,273,456.97 and Library Fund Warrant #8-2015 in the amount of \$24,205.42 and Capital Fund Warrant #8-2015 in the amount of \$7,641.50 and Community Development Fund Warrant #8-2015 in the amount of \$0.00 and Community Renewal Fund Warrant #8-2015 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 Stevenson moved a resolution authorizing the City Manager to execute Addendum No. 6, in the amount of \$92,785.00, to the Agreement for Engineering Services between the City of Ogdensburg and Barton & Loguidice in connection with the Building Demolition and Hazardous Substances Abatement for the Former Shade Roller Building Project, and Councillor Mitchell seconded to wit:

**RESOLUTION AUTHORIZING ADDENDUM NO. 6 TO THE AGREEMENT
BETWEEN THE CITY OF OGDENSBURG AND BARTON & LOGUIDICE FOR
ENGINEERING SERVICES IN CONNECTION WITH THE BUILDING
DEMOLITION AND HAZARDOUS SUBSTANCES ABATEMENT FOR THE
FORMER STANDARD SHADE ROLLER SITE**

WHEREAS, the City of Ogdensburg has executed an Agreement and Addendums totaling \$443,065 with the firm of Barton & Loguidice (B&L) for the Former Standard Shade Roller Site Building Demolition and Hazardous Substances Abatement; and

WHEREAS, the Former Standard Shade Roller site has been accepted into the Brownfields Cleanup Program (BCP); and

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WHEREAS, additional services will be required for the preparation of technical specifications and contract bid documents, on-site construction administration and technical project oversight, clearance sampling, and the preparation and completion of Construction Completion Certification Report for the project, for an estimated total project cost of \$535,850.;

NOW, THEREFORE BE IT RESOLVED, that the City Manager is hereby authorized to execute Addendum No. 6, in the amount of \$92,785., to the Agreement for Engineering Services between the City of Ogdensburg and Barton & Loguidice in connection with the Building Demolition and Hazardous Substances Abatement for the Former Shade Roller Building Project, and;

BE IT FURTHER RESOLVED, that funding for this project will come from Capital Fund H866602.518.

Councillor Skamperle asked if this project is covered by grant funds. Stephen B. LeFevre, P.G., C.P.G., Managing Hydrogeologist at Barton & Loguidice, P.C. explained that the City received a \$700,000 Restore NY Grant, \$200,000 EPA Cleanup Grant, \$100,000 RVRDA and borrowed \$990,000 from the Growth Fund. Mr. LeFevre said there is no funding source for the cleanup of the newly discovered PCB contaminants. Deputy Mayor Morley asked if there are any buildings left to be torn down. Mr. LeFevre said there are no remaining buildings, but there are several concrete slabs. Deputy Mayor Morley questioned the Barton & Loguidice \$92,000 expense. Mr. LeFevre said that expense is for engineering, construction and inspection costs. Mr. LeFevre also explained that DEC requires air monitoring during demolition. Councillor Ashley questioned the thickness of the concrete slabs. Mr. LeFevre said they are between 6" and 1'. Councillor Stevenson asked if it would be easier to market this property if the concrete slabs were not removed. Mr. LeFevre explained we should remove everything and make sure the soil area underneath is contaminant free.

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Deputy Mayor Morley asked where the City would obtain the money for the demolition. Director of Planning and Development Andrea Smith said the remaining funds in the \$30,000 Restore NY Grant could be used for demolition purposes, but the price to remove thirteen slabs could be more than \$30,000. Ms. Smith explained when we receive the bid specifications we will know the exact amount and can prioritize. Deputy Mayor Morley asked if the total to remove the concrete slabs will be \$630,000. Mr. LeFevre said that amount would cover the costs of removing the concrete slabs and moving the debris off site.

The vote was:

CARRIED, AYES ALL

2. Councillor Mitchell moved a Local Law to amend Chapter 111 entitled Games of Chance of the Ogdensburg Municipal Code, and Councillor Stevenson seconded to wit:

LOCAL LAW #3 - 2015

A LOCAL LAW AMENDING CHAPTER 111
ENTITLED GAMES OF CHANCE
OF THE MUNICIPAL CODE OF THE CITY OF OGDENSBURG

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

ITEM ONE: That Chapter 111 entitled Games of Chance, §111-1 entitled “Definitions” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

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As used in this chapter, the following terms shall have the meanings indicated:

AUTHORIZED GAMES OF CHANCE LESSOR -- An authorized organization which has been granted a lessor's license pursuant to the provisions of this chapter or a municipality.

AUTHORIZED ORGANIZATION -- Any bona fide religious or charitable organization or bona fide educational, fraternal or service organization or bona fide organization of veterans or volunteer firemen, that by its charter, certificate of incorporation, constitution, or act of the Legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in this Chapter, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in this Chapter for a period of three years immediately prior to applying for a license under this Chapter. No organization shall be deemed an authorized organization that is formed primarily for the purpose of conducting games of chance and that does not devote at least 75 percent of its activities to other than conducting games of chance. No political party nor civic organization shall be deemed an authorized organization.

AUTHORIZED SUPPLIER OF GAMES OF CHANCE EQUIPMENT -- Any person, firm, partnership, corporation or organization licensed by the New York State Gaming Commission to sell or lease games of chance equipment or paraphernalia that meets the specifications and regulations established by the New York State Gaming Commission.

Nothing herein shall prevent an authorized organization from purchasing common articles, such as cards and dice, from normal sources of supply of such articles or from constructing equipment and paraphernalia for games of chance for its own use. However, no such equipment or paraphernalia, constructed or owned by an authorized organization that has previously obtained an identification number, shall be sold or leased to any licensed authorized organization without written permission from the New York State Gaming Commission.

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BELL JARS -- Includes coin boards, merchandise boards and seal cards and includes those games in which a participant shall draw a card from a jar or other suitable container or from a commission-approved vending machine, that contains numbers, colors or symbols that are covered and that, when uncovered, may reveal that a prize shall be awarded on the basis of a designated winning number, color or symbol or combination of numbers, colors or symbols. Coin board and merchandise board mean a board used in conjunction with bell jar tickets bearing the same serial number, that contains and displays various coins and/or merchandise prizes that are awarded to players whose bell jar ticket number matches the pre-designated number reflected on the board for a specific prize. Seal card means a board or placard used in conjunction with a deal of bell jar tickets bearing the same serial number, that contains one or more concealed areas that, once uncovered reveal a pre-designated winning number, letter or symbol.

CLERK -- The City Clerk of the City of Ogdensburg.

COMMISSION -- New York State Gaming Commission.

GAMES OF CHANCE -- Only the games known as “merchandise wheels,” “raffles,” “bell jars,” “coin boards,” “merchandise boards,” “seal cards” and such other specific games as may be authorized by the New York State Gaming Commission, in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance, but not including games commonly known as “bingo” or “lotto” and also not including “slot machines,” “bookmaking,” “policy or numbers games” and “lottery,” as defined in section 225.00 of the Penal Law. Only games of chance designated by the New York State Gaming Commission may be conducted. No game of chance shall involve wagering of money by one player against another player.

GAMES OF CHANCE CURRENCY -- Legal tender or a form of scrip or chip authorized by the New York State Gaming Commission any of which may be used at the discretion of the games of chance licensee.

GAMES OF CHANCE PREMISES -- A designated area within a building, hall, tent or grounds reasonably identified for the conduct of games of chance. Nothing herein shall require such area to be enclosed.

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LAWFUL PURPOSE -- one (1) or more of the following causes, deeds or activities:

A. Those that benefit needy or deserving persons indefinite in number by enhancing their opportunity for religious or educational advancement, by relieving them from disease, suffering or distress, or by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded and enhancing their loyalty to their governments.

B. Those that initiate perform or foster worthy public works or enable or further the erection or maintenance of public structures.

C. Those that initiate, perform or foster the provision of services to veterans by encouraging the gathering of such veterans and enable or further the erection or maintenance of facilities for use by such veterans that shall be used primarily for charitable or patriotic purposes or those purposes that are authorized by a bona fide organization of veterans, provided however that such proceeds are disbursed in accordance with the rules and regulations of the New York State Gaming Commission.

D. Those that otherwise lessen the burdens borne by government or that are voluntarily undertaken by an authorized organization to augment or supplement services that government would normally render to the people.

LICENSE -- A license issued pursuant to the provisions of this chapter, Article 9-A of the General Municipal Law and the rules and regulations of the New York State Gaming Commission. The restrictions set forth in this definition shall not apply when only the game of bell jar is conducted.

LICENSE PERIOD -- A period of time not to exceed fourteen (14) consecutive hours and for the purpose of the game of chance known as a "bell jar," "license period" shall mean a period of time running from January 1 to December 31 of each year.

MUNICIPALITY -- The City of Ogdensburg.

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NET LEASE -- a written agreement between a lessor and lessee under the terms of which the lessee is entitled to the possession, use or occupancy of the whole or part of any premises from any authorized games of chance lessor for which the lessee pays rent to the lessor.

NET PROCEEDS --

A. In relation to the gross receipts from one or more license periods of games of chance, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for supplies and equipment, prizes, security personnel, stated rental if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the New York State Gaming Commission, janitorial services and utility supplies if any, license fees, and the cost of bus transportation, if authorized by the clerk or department; and

B. In relation to the gross rent received by an authorized game of chance lessor for the use of its premises by a game of chance licensee, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for janitorial services and utility supplies directly attributable thereto if any.

OFFICER -- The chief law enforcement officer of the City of Ogdensburg.

ONE (1) OCCASION -- The successive operations of any one single type of game of chance that results in the awarding of a series of prizes amounting to \$500 or \$400 during any one license period, in accordance with the provisions of subdivision 8 of section 189 of the General Municipal Law, as the case may be. For purposes of the game of chance known as "merchandise wheels," or "raffles," one occasion shall mean the successive operations of any one such merchandise wheel or raffle for which the limit on a series of prizes provided by subdivision 6 of section 189 of the General Municipal Law shall apply.

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For purposes of the games of chance known as a bell jar, coin boards, merchandise boards and seal cards, one occasion shall mean the successive operation of any one such bell jar, coin board, merchandise board or seal card deal that results in the awarding of a series of prizes not to exceed \$3,000. For the purposes of the game of chance known as “raffles”, one occasion shall mean a calendar year during which successive operations of such game are conducted.

RAFFLES -- those games in which a participant pays money in return for a ticket or other receipt and in which a prize is awarded on the basis of a winning number or numbers, color or colors, or symbol or symbols designated on the ticket or receipt, determined by chance as a result of a drawing from among those tickets or receipts previously sold.

SERIES OF PRIZES -- the total amount of single prizes minus the total amount of wagers lost during the successive operations of a single type of game of chance, except that for merchandise wheels and raffles, series of prizes means the sum of the fair market value of merchandise awarded as single prizes during the successive operations of any single merchandise wheel or raffle. In the game of raffle, a series of prizes may include a percentage of the sum of cash received from the sale of raffle tickets.

SINGLE PRIZE -- The sum of money or actual value of merchandise awarded to a participant by a games of chance licensee in any one operation of a single type of game of chance in excess of his wager.

SINGLE TYPE OF GAME -- the game of chance known as “merchandise wheels” and each other specific game of chance authorized by the New York State Gaming Commission, regardless of the number of merchandise wheels and locations at which such other single type of game of chance may be conducted.

ITEM TWO: That Chapter 111 entitled Games of Chance, §111-2 entitled “Games Authorized; days conduct prohibited” of the Code of the City of Ogdensburg is hereby deleted in its entirety and replaced with the following:

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Except as provided in the Games of Chance Licensing Law, no games of chance shall be commenced under any license issued under this Chapter on Sunday, unless it shall be otherwise provided in the license issued for the conducting thereof, pursuant to the provisions of a local law or an ordinance duly adopted by the governing body of the municipality wherein the license is issued, authorizing the conduct of games of chance under this Chapter on that day between the hours of noon and midnight only, except if the following day is a legal holiday. Notwithstanding the foregoing provisions of this section, no games of chance shall be conducted on Easter Sunday or Christmas Day.

ITEM THREE: That Chapter 111 entitled “Games of Chance”, §111-3 entitled “Restrictions” of the Code of the City of Ogdensburg is hereby deleted in its entirety and replaced with the following:

Any games of chance operator or games of chance licensee shall be subject to the following restrictions in addition to such other restrictions as may be provided herein or contained in Article 9-A of the General Municipal Law or contained in the rules and regulations of the New York State Gaming Commission.

A. No person, firm, partnership, corporation or organization, other than a licensee under the provisions of § 191 of Article 9-A of the General Municipal Law, shall conduct such game or shall lease or otherwise make available for conducting games of chance, premises for any consideration whatsoever, direct or indirect.

B. No game of chance shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

C. No authorized organization licensed under the provisions of Article 9-A of the General Municipal Law shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of games of chance from other than a supplier licensed by the New York State Gaming Commission or from another authorized organization.

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D. The entire net proceeds of any game of chance shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same and the net proceeds of any rental derived therefrom shall be exclusively devoted to the lawful purposes of the authorized games of chance lessor.

E. No single prize in any casino-type game of chance shall exceed the sum or value of \$300. In the game of chance known as merchandise wheels, no single prize consisting of merchandise shall exceed a value, defined in section 4622.13 of NYCRR Title 9, of \$250. In the game of chance known as bell jars, no single prize shall exceed the sum of \$500. In the game of chance known as raffle no single prize shall exceed the sum of \$100,000. Except for merchandise wheels, bell jars and raffles, no series of prizes on any one occasion shall aggregate more than \$400 for each single type of game of chance when the licensed authorized organization conducts five single types of games of chance during any one license period. Except for merchandise wheels, bell jars and raffles, no series of prizes on any one occasion shall aggregate more than \$500 for each single type of game of chance when the licensed authorized organization conducts less than five single types of games of chance during any one license period. Except for the limitations on the sum or value for single prizes and series of prizes for each type of game of chance, no limit shall be imposed on the total number, sum or value of prizes awarded to any one participant during any occasion or any license period. No single wager shall exceed the amount designated for each type of game, as set forth in Part 4620 of NYCRR Title 9. In the case of merchandise wheels, no series of prizes consisting of merchandise shall exceed the actual value of \$10,000 during the successive operations of any one merchandise wheel. In the case of bell jars, no series of prizes shall exceed the sum of \$3,000 during the successive operations of any one bell jar deal. In the case of raffles, the series of prizes shall not exceed the sum of \$500,000. One or more signs limiting the wager to the amount designated for each type of game, as set forth in Part 4620 of NYCRR Title 9, shall be prominently displayed in each playing area. In the case of bell jars, the applicable flare(s) shall be displayed in each playing area.

F. In addition to merchandise wheels and bell jars no more than five (5) other single types of games of chance shall be conducted during any one (1) license period.

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G. Except for the limitations on the sum or value for single prizes and series of prizes, no limit shall be imposed on the sum or value or prizes awarded to any one (1) participant during any occasion or any license period.

H. No person except a bona fide member of the licensed authorized organization shall participate in the management of such games; no person except a bona fide member of the licensed authorized organization, its auxiliary or affiliated organization, shall participate in the operation of such game, as set forth in § 195-c of Article 9-A of the General Municipal Law. No person under the age of eighteen (18) years of age shall be permitted to assist in the conduct of games of chance or take part in the play of any games or games of chance. Nonmembers may assist the licensee in any activity other than in arranging or operating games of chance.

I. No person shall receive any remuneration for participating in the management or operation of any such game.

J. No authorized organization shall extend credit to a person to participate in playing a game of chance.

K. No game of chance shall be conducted on other than the premises of an authorized organization or an authorized game of chance lessor.

L. The unauthorized conduct of a game of chance shall constitute and be punishable as a misdemeanor.

M. Beer may be offered for sale and consumed during the conduct of games of chance in games of chance premises. Nothing herein shall be construed to limit the offering for sale and consumption of any other alcoholic beverage in areas other than the games of chance premises, or the sale of any other alcoholic beverage in premises where only the game of chance known as bell jar, coin board, merchandise board, seal card and raffles are conducted. One or more signs setting forth the restrictions of this section shall be prominently displayed in each playing area.

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N. Except as provided in Subsection Q below with respect to the conduct of games of chance on Sunday, no games of chance shall be conducted under any license issued hereunder on the first day of the week, commonly known and designated as "Sunday" and no games of chance shall be conducted on Easter Sunday or Christmas Day.

O. Persons under the age of eighteen (18) years may be permitted to attend games of chance license periods at the discretion of the games of chance licensee, but shall not be allowed to participate in the operation or play of any game or games of chance. One (1) or more signs restricting participation of persons under eighteen (18) years of age shall be prominently displayed in each playing area. No person under the age of eighteen (18) years shall be permitted to operate any game of chance conducted pursuant to any license issued under this chapter or to assist in the conduct of any game of chance.

P. No more than five single types of games of chance approved by the New York State Gaming Commission, excluding merchandise wheels, raffles, bell jars, coin boards, merchandise boards and seal cards shall be conducted during any one license period. No game of chance shall be conducted during a license period unless such game has been listed on the application for license to conduct games of chance (form GC-2) and license to conduct games of chance (form GC-5), or on an application to amend a license (form GC-6).

Q. No authorized organization shall be licensed to conduct games of chance more than 12 times in any calendar year. No particular premises shall be used for the conduct of games of chance on more than 24 license periods during any one calendar year. Games shall be conducted only between the hours of noon and midnight on Monday, Tuesday, Wednesday and Thursday, and only between the hours of noon on Friday and 2 a.m. Saturday, and only between the hours of noon on Saturday and 2 a.m. Sunday. The 2 a.m. closing period shall also apply to a license period beginning at noon on the day preceding and terminating upon a legal holiday. The restrictions set forth in this section shall not apply when the games of bell jar and raffles are conducted. License periods for the games "bell jar," "coin board," "merchandise board," "seal card" and "raffle" shall commence on January 1 and extend through December 31 of each year.

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ITEM FOUR: That Chapter 111 entitled Games of Chance, §111-4 entitled “License applications” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

A. A license to conduct games of chance. Each applicant for such a license shall, after obtaining an identification number from the New York State Gaming Commission, file with the Clerk a written application for a license to conduct games of chance, which application shall be made in a form to be prescribed by the New York State Gaming Commission, and in compliance with Article 9-A of the General Municipal Law, and the regulations thereunder, duly executed and verified.

B. Authorized games of chance lessor. Each applicant for a license to lease premises to a licensed organization for the purpose of conducting games of chance therein shall file with the Clerk a written application therefor in a form to be prescribed by the New York State Gaming Commission, and in compliance with Article 9-A of the General Municipal Law, duly executed and verified.

ITEM FIVE: That Chapter 111 entitled Games of Chance, §111-5 entitled “Investigation; license issuance; fee; duration” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

A. The Clerk shall make an investigation of the qualifications of each applicant and the merits of each application with due expedition after filing of the application.

B. If the Clerk shall determine that the applicant is duly qualified to be licensed to conduct games of chance under this chapter, Article 9-A of the General Municipal Law and the rules and regulations of the New York State Gaming Commission, the Clerk shall issue a license to the applicant for the conduct of games of chance upon payment of the license fee of twenty-five dollars (\$25.) for each license period.

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C. If the Clerk shall determine that the applicant seeking to lease premises for the conduct of games of chance to a games of chance licensee is duly qualified to be licensed under this chapter, Article 9-A of the General Municipal Law and the rules and regulations of the New York State Gaming Commission, the Clerk shall issue a license permitting the applicant to lease said premises for the conduct of such games to the games of chance licensee or licensees specified in the application during the period therein specified or such shorter period as the Clerk shall determine upon payment of a license fee of fifty dollars (\$50.).

D. On or before the 30th day of each month, the Treasurer of the municipality shall transmit to the State Comptroller a sum equal to fifty percent (50%) of all authorized games of chance lessor license fees and the sum of fifteen dollars (\$15.) per license period for the conduct of games of chance collected by such Clerk during the preceding calendar month.

E. No license shall be issued under this chapter which shall be effective for a period of more than one (1) year.

ITEM SIX: That Chapter 111 entitled Games of Chance, §111-7 entitled “Form of license” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

Each license to conduct games of chance and each license to lease premises for the conducting of games of chance will be in such form as shall be prescribed in the rules and regulations of the New York State Gaming Commission and shall state such information as is prescribed by §193 of the General Municipal Law of the State of New York as that section may be amended.

ITEM SEVEN: That Chapter 111 entitled Games of Chance, §111-8 entitled “Supervision; suspension of license; inspections” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

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The officer shall have and exercise rigid control and close supervision over all games of chance conducted under any license, to the end that the same are fairly conducted in accordance with the provisions of such license, the provisions of the rules and regulations promulgated by the New York State Gaming Commission and the provisions of Article 9-A of the General Municipal Law and such officer and the New York State Gaming Commission shall have the power and the authority to temporarily suspend a license issued by the Clerk pending a hearing, and after notice and hearing, the Clerk or New York State Gaming Commission may suspend or revoke any license and additionally impose a fine in an amount not exceeding one thousand dollars (\$1,000.) for violation of any such provisions and shall have the right of entry, by their respective officers and agents, at all times into any premises where any game of chance is being conducted or where it is intended that any such game shall be conducted or where any equipment being used or intended to be used in the conduct thereof is found for the purpose of inspecting the same. An agent of the appropriate officer shall make an on-site inspection during the conduct of all games of chance licensed pursuant to this chapter.

ITEM EIGHT: That Chapter 111-12 entitled Games of Chance, §111-9 entitled “Game Operators; equipment; expenses” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

No person shall operate any game of chance under any license issued under this chapter except a bona fide member of the authorized organization to which the license is issued or a bona fide member of an organization or association which is an auxiliary to the licensee or a bona fide member of an organization or association of which such licensee is an auxiliary or a bona fide member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association. Nothing herein shall be construed to limit the number of games of chance licensees for whom such persons may operate games of chance nor to prevent nonmembers from assisting the licensee in any activity other than managing or operating games. No game of chance shall be conducted with any equipment except such as shall be owned or leased by the authorized organization so licensed or used without payment of any compensation therefor by the licensee. The head or heads of the authorized organization shall, upon request, certify under oath that the persons operating any game of chance are bona fide members of such authorized organization, auxiliary or affiliated organization. Upon request by an officer or the Clerk, any such person involved in such games of chance

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shall certify that he or she has no criminal record. No items of expense shall be incurred or paid in connection with the conducting of any game of chance pursuant to any license issued under this chapter except those that are reasonable and are necessarily expended for games of chance supplies and equipment, prizes, security personnel, stated rental, if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the New York State Gaming Commission, janitorial services and utility supplies, if any, and license fees, and the cost of bus transportation, if authorized by such Clerk.

ITEM NINE: That Chapter 111 entitled Games of Chance, §111-10 entitled “Admission fees; prizes” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

No licensee shall restrict the general public from admission to games of chance periods, unless prior written permission is obtained from the New York State Gaming Commission. A fee may be charged by any licensee for admission to any game or games of chance conducted under any license issued under the Games of Chance Licensing Law.

ITEM TEN: That Chapter 111 entitled Games of Chance, §111-12 entitled “Statement of receipts and expenses; additional fees” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

A. Within seven (7) days after the conclusion of any license period, the authorized organization which conducted the same and its members who were in charge thereof and when applicable the authorized games of chance lessor which rented its premises therefor, shall each furnish to the Clerk a statement subscribed by the member in charge and affirmed by him as true, under the penalties of perjury, showing the amount of the gross receipts derived therefrom and each item of expense incurred, or paid, and each item of expenditure made or to be made other than prizes, the name and address of each person to whom each such item of expense has been paid, or is to be paid, with a detailed

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description of the merchandise purchased or the services rendered therefor, the net proceeds derived from the conduct of games of chance during such license period, and the use to which such proceeds have been or are to be applied, and it shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement.

B. All authorized organizations licensed to sell bell jar tickets shall, upon filing financial statements of bell jar ticket operations, tender to the New York State Gaming Commission a sum in the amount of five percent of the net proceeds from the sale of each deal of bell jar tickets for that portion of license period covered by such statement.

ITEM ELEVEN: That Chapter 111 entitled Games of Chance, §111-13 entitled “Examination of books and records” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

The Clerk and the New York Gaming Commission shall have power to examine or cause to be examined the books and records of:

A. Any authorized organization which is or has been licensed to conduct games of chance, so far as they may relate to games of chance, including the maintenance, control and disposition of net proceeds derived from games of chance or from the use of its premises for games of chance, and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game under any such license, the use of its premises for games of chance or the disposition of net proceeds derived from games of chance, as the case may be.

B. Any authorized games of chance lessor so far as they may relate to leasing premises for games of chance and to examine said lessor or any manager, officer, director, agent or employee thereof under oath in relation to such leasing. Any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this chapter.

ITEM TWELVE: That Chapter 111 entitled Games of Chance, §111-14 entitled “Appeals” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

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Any applicant for or holder of any license issued or to be issued under this chapter aggrieved by any action of an officer or Clerk, to which such application has been made or by which such license has been issued, may appeal to the New York State Gaming Commission from the determination of said officer or Clerk by filing with such officer or Clerk a written notice of appeal within thirty (30) days after the determination or action appealed from, and upon the hearing of such appeal, the evidence, if any, taken before such officer or Clerk and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue, and the action of the New York State Gaming Commission upon said appeal shall be binding upon such officer or Clerk and all parties to said appeal.

ITEM THIRTEEN: This Local Law shall take effect immediately upon filing with the Secretary of State.

The vote was:

CARRIED, AYES ALL

3. Councillor Ashley moved an ordinance to sell City-owned property located at 905 Mechanic Street at public auction, and Councillor Skamperle seconded to wit:

ORDINANCE #7 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 properties 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>	<u>RESTRICTION(S)</u>
59.023-12-2	905 Mechanic Street	\$1,950. (includes estimated \$400. Attorney, \$350. SLC recording fee & \$700. survey fee)	A Non-Conforming lot. An adjacent owner would need to combine & record.

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

Deputy Mayor Morley made a motion to table the ordinance because six affirmative votes would be required and only five members of Council were present. Councillor Ashley seconded his motion.

The vote to table the ordinance was:

CARRIED, AYES ALL

ARTICLE I
Seasonal Cleanup
[Adopted 4-10-1989]

§ 181-1. Collection of yard waste.

The following policy shall be established by the City Council for the collection of yard waste:

- A. A spring and fall cleanup for yard waste shall be completed by the Department of Public Works (DPW) on an annual basis. The Director of Public Works shall ensure that the dates for the cleanups are publicized in advance and done on an area-by-area basis.

In the spring, yard waste may be placed on the home owners' property between the edge of the street and the sidewalk or along the edge of the street if no sidewalk exists as soon as weather permits. It is prohibited to place yard waste in the street. Collection will start no later than May 1 of each year and will run through the beginning of the regularly scheduled collection dates. There will be no penalties for putting out yard waste early during this cleanup cycle.

The fall cleanup will commence with the completion of the last scheduled pickup in late October. As with the spring cleanup, yard waste may be placed between the edge of the street and the sidewalk or along the edge of the street if no sidewalk exists on the home owners' property. It is prohibited to place yard waste in the street. DPW will continue the fall collection process until late November or until weather no longer permits.

Free, year-around drop off of yard waste and other acceptable items is available to all City residents at the City's land clearing debris landfill located on outer Champlain Street during DPW's regular business hours Monday through Friday.

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B. "Yard waste" shall be defined as:

- (1) Leaves
- (2) Brush
- (3) Small branches, sticks and twigs cut to manageable sizes.
- (4) Tree limbs and small trees less than six (6) inches in diameter. They must be cut into sections less than six (6) feet in length.

Note: Larger trees and limbs taken down by the home owner or a contractor may be dropped off at no charge at the City's land clearing debris landfill located on outer Champlain Street during DPW's regular business hours Monday through Friday. The City will not pick up trees taken down by a contractor.

C. Scheduled Yard Waste Collection Process

- (1) Scheduled collections will commence on or about June 1 of each year. The schedule for the season will be publicized in advance and followed without exception.
- (2) The scheduled pickup week and day will correspond to the ward number. For example, the first ward will be picked up on the first Monday of the month; the second ward will be picked up the second Monday of the month, etc. The Proctor Avenue area will be picked up with the first ward.
- (3) Yard waste shall be placed on the home owners' property at the street's edge, between the street and sidewalk, if a sidewalk exists, no sooner than the Saturday just before the scheduled pick up date.
- (4) Lanes and alleys will be treated the same as a street.
- (5) Placing items out early, once spring cleanup has been completed, is prohibited.
- (6) Placing items in the street is prohibited by State and local code.
- (7) Placing items in contact with stationary objects like trees, poles and fences is prohibited.
- (8) Piles or materials must not block fire hydrants.

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(9) Prohibited materials include:

- (a) Debris from tree removal or land clearing performed by the home owner or a contractor.
- (b) Oversized limbs and trees greater than six (6) inches in diameter.
- (c) Pet waste
- (d) Construction and Demolition Debris (C&D). This includes lumber, pallets, rock, stone, brick, concrete and any other building supplies.
- (e) Absolutely no bags or containers of any kind.

Note: Larger trees and limbs taken down by the home owner or a contractor may be dropped off at no charge at the City's land clearing debris landfill located on outer Champlain Street during DPW's regular business hours Monday through Friday.

D. Prohibited materials, prohibited activities clearly identified in this section and other solid waste left at curbside and for which a complaint has been filed by a neighbor or a city official shall be subject to enforcement as a violation of the City or State Housing Code. After due notice to the property owner, the DPW may be assigned to perform such pickup at full cost to the property owner. Such cost shall include city labor, equipment, applicable tipping fee and fines as defined in City Municipal Code later in this chapter.

ARTICLE II

Waste Haulers

[Adopted 1-28-1991 by L.L. No. 1-1991
(Ch. 48 of the 1975 Ogdensburg Municipal Code)]

§ 181-2. Intent.

The City Council of the City of Ogdensburg hereby determines it appropriate to promote the separation and recovery of reusable and recyclable materials from the waste stream to the extent that economic markets or alternate uses exist. Further the City Council is desirous of complying with the provisions of New York State General Municipal Law §120-aa.

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§ 181-3. Definitions.

As used in this article, the following terms shall have the following meanings:

CITY -- The territory within the incorporated boundaries of the City of Ogdensburg.

CITY COLLECTION -- The seasonal collection of yard waste (leaves, brush and tree limbs less than six inches in diameter) by City Department of Public Works crews as advertised in the official newspaper of the City.

CITY COUNCIL -- The City Council of the City of Ogdensburg.

COMMINGLED WASTE -- The presence of solid waste and recyclables in same bag or container.

COMPOSTABLE -- A form of recycling where vegetable and other organic materials are biologically decomposed under conditions which discourage nuisance odors, vermin and/or litter to produce humus, a valuable soil additive.¹

PERSON -- Any individual, head of household, landlord, tenant, chief executive person, owner or manager of a commercial or industrial establishment or institution which generates or collects and transports solid waste, and any other generator of solid waste as defined herein.

RECYCLABLES -- Any material that after having served its intended specific purpose still has useful or physical or chemical properties that enables it to be feasibly separated, recovered, processed, marketed and/or reused. "Feasibly recovered" shall mean that an "economic market" as defined in the General Municipal Law, § 120-aa exists for a material that is recyclable.

REUSABLES -- Any item which has been discarded by an owner but has an effective life and use for another person.

¹ Editor's Note: The former definition of "permit," which immediately followed this definition, was repealed 1-24-2000 by Ord. No. 00-1.

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SOLID WASTE -- All non-recyclable materials or substances discharged or rejected as being spent, useless or worthless to the owners at the time of such discard or rejection or as being accumulated, stored or physically, chemically and biologically treated prior to being discarded or rejected having served their intended use in having no economic reuse as measured by the cost of processing such waste for reuse as compared to the cost of discarding said waste in landfills, storage or incinerators. "Solid wastes" are, in addition, all portions of the waste stream which do not have "economic markets" as defined in the General Municipal Law § 120-aa. The medical waste is hereby excluded from this definition.

SOURCE SEPARATION -- The segregation of reusable and/or recyclable materials at the point of generation for separate collection, sale or other disposition.

§ 181-4. Restrictions. [Amended 1-24-2000 by Ord. No. 1-2000]

A. Hours of collection. It shall be unlawful and a violation of this article to make any collection within the City of Ogdensburg prior to 5:00 a.m. and after 7:00 p.m., Monday through Saturday, or at any time on Sunday.

B. Standards for recycling.

(1) All solid waste haulers conducting business within the City of Ogdensburg shall provide a source separation system designed to achieve maximum on-site recovery of reusable or recyclable materials specified herein and shall collect and transport said materials directly to market or to resource recycling facilities in compliance with the laws of the State of New York and regulations implementing those laws. A copy of the acceptable recyclables list, sorting and handling requirements, and best practices is available through the St Lawrence County Solid Waste Department or North Country Recycles.

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§ 181-5. Transportation of waste. [Amended 1-24-2000 by Ord. No. 1-2000]

All persons, firms or corporations who carry or transport solid waste shall when so carrying said items over the city streets in the City of Ogdensburg, New York, cover such solid waste with a tarpaulin or other material or shall carry such solid waste in containers so as to prevent such material in being bounced, jarred or blown off from the transporting vehicle. No person, firms or corporations who carry or transport solid waste over the city streets in the City of Ogdensburg shall operate in any manner which violates the Vehicle and Traffic Law of the State of New York or unreasonably endangers the safety of passengers in the vehicle carrying waste or other persons on the city streets in the City of Ogdensburg, New York.

§ 181-6. Source-separation of wastes. [Amended 1-24-2000 by Ord. No. 1-2000]

A. No person shall dispose of solid waste, including recyclable materials, in the City of Ogdensburg unless the solid waste is picked up by a hauler or transported to an approved County or private facility. A person may engage in composting within the City of Ogdensburg, provided that composting meets all applicable state laws and regulations. Composting on home grounds shall be permitted provided that:

- (1) The composting process is carried out within a bin or other suitable aboveground enclosure.
- (2) The compost pile is turned or otherwise aerated as required to prevent nuisance odors from developing.
- (3) Fresh kitchen or garden wastes that could attract vermin are buried within the pile.

B. No person shall bring solid wastes into the City of Ogdensburg for the purpose of disposing of them unless all solid wastes are source-separated as defined in this article and unless those solid wastes are destined to be delivered to a solid waste management facility as defined in Part 360 of the regulations of the Department of Environmental Conservation.

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A person shall be permitted to dispose of solid waste and recyclable materials or reusable materials by transferring or selling those materials to a hauler or to another person for that person's use or by transporting them to a "solid waste management facility" as defined in Part 360 of the regulations of the Department of Environmental Conservation of the State of New York, provided that the solid waste management facility is designed to accept the materials so delivered. A person within the City of Ogdensburg shall be in violation of this article by disposing of solid waste or recyclable materials in any other manner.

- C. The hauler shall prohibit residential customers from using opaque or translucent plastic bags for the disposal of solid waste or recyclables at curbside. Transparent plastic bags are acceptable. Haulers who collect opaque or translucent plastic bags or transparent bags with commingled waste that is not separated shall be subject to the enforcement penalties noted in § 181-7.

§ 181-7. Enforcement; penalties for offenses. [Amended 1-24-2000 by Ord. No. 1-2000]

- A. All provisions of this article shall be enforced by the City of Ogdensburg.
- B. Failure to comply with this article by any person or hauler shall be an offense punishable as provided herein and shall be treated as a "violation" as it relates to this chapter.
- C. Maximum penalties for the violation of the provisions of this chapter shall be:
 - (1) A first offense of any violation of this chapter shall be punishable by a maximum fine of \$25, a charge to the violator for all costs incurred by the City of Ogdensburg in removing the yard waste, prohibited yard waste materials, solid waste and/or recyclables which caused the violation and a ten (10%) percent administration fee and shall be payable upon demand of the City of Ogdensburg.

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- (2) A second offense within one year of the first violation of this chapter shall be punishable by a fine of not more than \$85, all removal costs incurred by the City of Ogdensburg in removing the yard waste, prohibited yard waste materials, solid wastes and/or recyclables which caused the violation and a ten (10%) percent administration fee and shall be payable upon demand of the City of Ogdensburg.
- (3) Subsequent violations within a year of the date of the first violation of this chapter shall be punishable by a fine of not more than \$500, a charge for all costs incurred by the City of Ogdensburg in removing the yard waste, prohibited yard waste materials, solid wastes and/or recyclables which caused the violation and a ten (10%) percent administration fee and shall be payable upon demand of the City of Ogdensburg.

§ 181-8. Exemptions.

The removal of building demolition debris shall be exempt from the provisions of this article where the hauler is in possession of a valid demolition permit from the City of Ogdensburg Code Enforcement Office.

§ 181-9. Unlawful acts. [Amended 4-26-2010 by Ord. No. 5-2010]

No person shall drop, deposit or otherwise dispose of any solid waste or recyclables within the boundaries of any street, road, highway or public place of said City of Ogdensburg or upon any private property adjacent to any such street, road, highway or public place except as permitted by this article. No person shall allow, permit or cause to exist any unsanitary or filthy condition in or about any premises owned, used or occupied by said persons. No person shall ignite or burn or cause to be ignited or burned within the City of Ogdensburg any solid waste or recyclables unless permitted by this article and unless those wastes are placed in an incinerator constructed for such purpose and properly installed and equipped in conformity with all laws, rules and regulations pertaining thereto.

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No person shall bury on private property any solid waste, garbage, whole or portions of buildings with the exception of foundation walls consisting of stone, brick or masonry. This section may be enforced by either the City of Ogdensburg Police Department or the Code Enforcement Division of the Ogdensburg Fire Department.

ARTICLE III

Placement for Collection

[Adopted 12-7-1992 by L.L. No. 3-1992]

§ 181-10. Placement for collection; disposal.

All items intended for disposal are to be placed on the city's right-of-way, immediately adjacent to, but not on or obstructing public streets, alleys, lanes, fire hydrants, sewers, catch basins, sidewalks or walkways, in a neat and orderly manner. Items may be placed immediately in front of the property from which the debris or other materials is taken, and on no other location or property. It is the property owner's responsibility to arrange for the proper and prompt disposal of these items from the appropriate disposing entity.

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

Councillor Mitchell asked if pet waste must be removed when raking lawns. City Manager John Pinkerton said pet waste should be disposed of separately. Public Works Director Scott Thornhill explained our policy prohibits certain materials classified by DEC as biohazard. Mr. Thornhill said small amounts of pet waste intermingled with brush is not a concern, but large amounts of pet waste will not be picked up. Deputy Mayor Morley said branches over 6" wide will not be picked up. Mr. Pinkerton explained branches less than 6" in diameter must be cut into less than 6' sections.

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Councillor Skamperle said last week he saw large amounts of brush piled in the street and suggested Council remove the section prohibiting the placement of material in the street from OMC §181-1a. Councillor Ashley said we should not encourage residents to break the law. Mr. Pinkerton stated a tree limb placed in the street for pickup in Watertown scratched a car and the City of Watertown was liable. Councillor Skamperle said we should be protecting our residents' lawns or the City should be responsible for repairing damage caused during brush pickup. Mr. Pinkerton explained this process worked last year. Councillor Stevenson said the City cannot pass a law contrary to New York State Law.

Mr. Thornhill said he has reviewed the entire Municipal Code, and Council has three topics to address here: 1) recycling trash; 2) making the language of our Municipal Code consistent with State Law; and, 3) clarification.

The vote was:

AYES: Councillors Stevenson, Ashley and Mitchell

NAYS: Deputy Mayor Morley and Councillor Skamperle

DEFEATED, 3 TO 2

5. Councillor Ashley moved an ordinance to amend the Ogdensburg Municipal Code Chapter 131 entitled Littering, and Deputy Mayor Morley seconded to wit:

ORDINANCE #9 - 2015

AN ORDINANCE AMENDING CHAPTER 131 ENTITLED LITTERING
OF THE MUNICIPAL CODE OF THE CITY OF OGDENSBURG

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

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ITEM ONE: That Chapter 131 entitled Littering, §131-2. entitled “Depositing materials in streets and gutters” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

§ 131-2. Depositing materials in streets and gutters.

A. No person shall sweep, throw or deposit or cause to be swept, thrown or deposited any ashes, dirt, stone, brick, leaves, grass, weeds, brush or any other debris or rubbish of any kind or any water or liquid of any kind except for purposes of cleansing the same into any public highway, street, gutter or public place or upon any sidewalk within the city.

ITEM TWO: That Chapter 131 entitled Littering, §131-4. entitled “Penalties” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

§ 131-4. Penalties.

Failure to comply with this section by any person shall be an offense punishable as provided herein, and a conviction shall be a “violation” as defined by the Penal Law of the State of New York. Violations shall be punishable by a fine of up to \$100. Each 24 hours that a violation is continued shall be deemed a separate offense.

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

Deputy Mayor Morley said he would like “water” removed from OMC §131-2. City Manager John Pinkerton explained this section already exists in our current Municipal Code. Councillor Skamperle said he would like the fine removed under the penalties section. Councillor Mitchell asked if anyone was fined last year. Mr. Pinkerton said no and explained that we give written notice first, but need a regulatory tool.

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Deputy Mayor Morley made a motion to have “water” removed from OMC §131-2, and Councillor Skamperle seconded his motion. A vote on this motion was never called for.

Public Works Director Scott Thornhill said our Municipal Code must be compliant with New York State Law, and §131-2 was missing “brush”. Mr. Thornhill explained “water” becomes a concern when the temperature is below 30 degrees. Mr. Thornhill said 119 notices of non-compliance and over 60 information notices were issued last week. Mr. Thornhill said we are trying to train people on the process. Mr. Thornhill said twenty letters were mailed regarding second and third violations, and he will personally contact those homeowners. Deputy Mayor Morley asked if brush was picked up after the residents became compliant, and Mr. Thornhill said yes.

Deputy Mayor Morley made a motion to table the ordinance, and Councillor Skamperle seconded his motion.

The vote to table the ordinance was:

AYES: Deputy Mayor Morley, Councillors Ashley,
Mitchell and Skamperle

NAYS: Councillor Stevenson

CARRIED, 4 TO 1

6. Deputy Mayor Morley moved to table an ordinance to amend the Ogdensburg Municipal Code Chapter 189 entitled Streets and Sidewalks, and Councillor Mitchell seconded his motion.

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The vote to table the ordinance was:

AYES: Deputy Mayor Morley, Councillors Ashley,
Mitchell and Skamperle

NAYS: Councillor Stevenson

CARRIED, 4 TO 1

7. Councillor Stevenson moved a resolution authorizing the City Manager to sign a NYSDOT Undertaking Agreement to allow the Memorial Day Parade route to be designated as State Street, and Councillor Ashley seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO SIGN A NYSDOT UNDERTAKING AGREEMENT

WHEREAS, the New York State Department of Transportation (NYSDOT) requires an Undertaking Agreement to allow the Memorial Day Parade route to be designated as State Street (Route 68), and

NOW, THEREFORE, BE IT RESOLVED that the City Manager, John M. Pinkerton, is hereby authorized and directed to sign an Undertaking Agreement with the NYSDOT to allow the Memorial Day Parade route to be designated as State Street (Route 68).

Deputy Mayor Morley said he does not recall this agreement request being brought before Council in the past. City Manager John Pinkerton said it has been a requirement for the past two years. Police Chief Richard Polniak explained it is required by NYSDOT to use a state highway, State Street, as a parade route. Councillor Stevenson read the letter from Al Mooney and the VFW/American Legion. (A copy of the letter follows these minutes.)

The vote was:

CARRIED, AYES ALL

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8. Deputy Mayor Morley moved a resolution to call for public notice and public hearing on a proposed ordinance to license municipal property in the Greenbelt to Scott Strader, and Councillor Ashley seconded to wit:

A RESOLUTION CALLING FOR A PUBLIC NOTICE AND PUBLIC HEARING
REGARDING THE LICENSE OF CITY-OWNED PROPERTY IN THE CITY OF
OGDENSBURG

WHEREAS, the City of Ogdensburg has received interest from a qualified vendor, Scott Strader, to operate a seasonal food and beverage concession in the Greenbelt

WHEREAS, the City Council hereby accepts the proposal of Scott Strader to operate a concession located in the Greenbelt, subject to approval of license;

WHEREAS, the City Charter mandates that a License be finalized only after giving public notice in a local newspaper and conducting a public hearing;

BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing on the 11th day of May, 2015 at 7:00 p.m., at the Council Chambers in the City of Ogdensburg, New York, regarding this proposed License of City-owned property; and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the newspaper so designated by the City Council of the City of Ogdensburg for legal and public notices 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.

City Manager John Pinkerton said the City received two bids, and the property was licensed to Mr. Strader last year.

The vote was:

CARRIED, AYES ALL

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9. Deputy Mayor Morley moved a resolution authorizing the City Manager to sign an agreement with Caterpillar Financial Services Corporation, and Councillor Skamperle seconded to wit:

RESOLUTION

WHEREAS, the laws of the State of New York (the “State”) authorize the CITY OF OGDENSBURG, NY (the “Government Entity”), a duly organized political subdivision, municipal corporation or similar public entity of the State, to purchase, acquire and lease personal property for the benefit of the City of Ogdensburg and its inhabitants and to enter into any necessary contracts; and

WHEREAS, the City of Ogdensburg wants to lease, purchase and/or finance equipment (“Equipment”) from Caterpillar Financial Services Corporation and/or an authorized Caterpillar dealer (“Caterpillar”) by entering into that certain Governmental Equipment Lease-Purchase Agreement (the “Agreement”) with Caterpillar; and

WHEREAS, the form of the Agreement has been presented to the governing body of the City of Ogdensburg at this meeting; and

RESOLVED, that (i) the Agreement, including all schedules and exhibits attached to the Agreement, is approved in substantially the form presented at the meeting, with any Approved Changes (as defined below), (ii) the City of Ogdensburg enter into the Agreement with Caterpillar and (iii) the Agreement is adopted as a binding obligation of the City of Ogdensburg; and

RESOLVED, that changes may later be made to the Agreement if the changes are approved by the City of Ogdensburg’s counsel or members of the governing body of the City of Ogdensburg signing the Agreement (the “approved Changes”) and that the signing of the Agreement and any related documents is conclusive evidence of the approval of the changes; and

RESOLVED, that the person listed below, who is the incumbent officer of the City of Ogdensburg (the “Authorized Persons”):

John Pinkerton, City Manager

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RESOLVED, that City Manager John Pinkerton is authorized, directed and empowered, on behalf of the City of Ogdensburg, to (i) sign and deliver to Caterpillar, and its successors and assigns, the Agreement and any related documents, and (ii) take or cause to be taken all actions he deems necessary or advisable to acquire the Equipment, including the signing and delivery of the Agreement and related documents; and

WHEREAS, the Clerk of the City of Ogdensburg is authorized to attest to these resolutions and affix the seal of the City of Ogdensburg to the Agreement, these resolutions, and any other related documents; and

WHEREAS, that nothing in these resolutions, the Agreement or any other document imposes a pecuniary liability or charge upon the general credit of the City of Ogdensburg or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the City of Ogdensburg as provided in the Agreement; and

WHEREAS, that a breach of these resolutions, the Agreement or any related document will not impose any pecuniary liability upon the City of Ogdensburg or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the City of Ogdensburg as provided in the Agreement; and

BE IT FURTHER RESOLVED, that the authority granted by this resolution will apply equally and with the same effect to the successors in the office of the City Manager.

Public Works Director Scott Thornhill said the purchase of this front end loader was approved at budget time. Mr. Thornhill explained rather than purchase the equipment at \$129,000, we will lease it for five years. Mr. Thornhill said the equipment has a 12-17 year life expectancy. Councillor Skamperle asked if we will pay \$30,000 every 5 years. Mr. Thornhill said yes and said the price includes an attachment as well as the 10' broom for the water tank. Councillor Ashley asked if this is the same loader that was test driven by a City employee, and Mr. Thornhill said yes. Mr. Thornhill explained an employee's committee comprised of those who use the equipment daily has been established at the Department of Public Works. Deputy Mayor Morley asked why the broom and water tank are needed.

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Mr. Thornhill explained this equipment keeps the dust down and will attach to any of our loaders. Mr. Thornhill said New York State loaned us a 10' broom last year which saved his crews a great deal of time. Councillor Stevenson commended Mr. Thornhill and City Manager John Pinkerton on the new policy developed for staff input and participation. Mr. Pinkerton credited Mr. Thornhill.

The vote was:

CARRIED, AYES ALL

10. Deputy Mayor Morley moved to table a resolution to approve the sale of 909,915 Lafayette Street to Edward & Robin E. Chambers, and Councillor Stevenson seconded his motion.

The vote to table the resolution was:

CARRIED, AYES ALL

11. Deputy Mayor Morley moved a resolution introducing an ordinance and providing for public notice and public hearing with regard to the sale of City-owned property located at 1420 Ford Street, and Councillor Ashley seconded to wit:

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

BE IT RESOLVED, that Ordinance No. 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 11th day of May, 2015, at 7:00 p.m., and

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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

12. Deputy Mayor Morley moved a resolution introducing an ordinance and providing for public notice and public hearing with regard to a proposed ordinance amending Chapter 221 entitled “Zoning”, specifically a request from St. Mary’s Cathedral, owner of parcel #48.071-4-1.1 (the old Bishop Conroy School consisting of approximately .619 acres bounded by Washington and Morris Streets), to rezone this property from Single-Family Residential (SFR) to Residential Business (R/B), 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

WHEREAS, 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

WHEREAS, the Ogdensburg 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 11th day of May, 2015, at 7:00 p.m., and

BE IT 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, and

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BE IT FURTHER RESOLVED, that the City Council hereby refers this request to amend the zoning map to the Ogdensburg Planning Board for a report and recommendation in accordance with OMC §221-87.

City Manager John Pinkerton explained developers are anxious to move forward and are looking at alternatives due to the delay with the ARD proposal. Mr. Pinkerton said the Fire Station and United Helpers are adjacent to this parcel and already zoned Residential Business. Councillor Skamperle asked if this property is changed to Residential Business and the ARD is approved, could the property then be zoned as both. Director of Planning and Development Andrea Smith said a parcel cannot be zoned for two districts. Deputy Mayor Morley said the public hearing for the ARD is May 11th. Ms. Smith explained Council cannot vote on the ARD on May 11th because required reports will not be available. Ms. Smith said the City Planning Board meets on May 5th, but the County Planning Board does not meet until May 13th. Ms. Smith added the City Planning Board meeting is a public meeting but a public hearing will not be held. Deputy Mayor Morley asked if public comments are permitted at City Planning Board meetings. Ms. Smith said public comments are allowed if approved by the Chairman.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Ashley said the Chamber of Commerce Sportsman Show was held last weekend at the Lockwood Arena. Councillor Stevenson said it was a nice show. Deputy Mayor Morley said the event was originally scheduled to be held at the Rescue Squad building. City Manager John Pinkerton explained the building did not meet code.

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2. Councillor Skamperle asked if City housing inspections are performed on properties owned by the Ogdensburg Housing Authority. City Manager John Pinkerton said the City only inspects their assembly areas. Mr. Pinkerton explained the Housing Authority claims their properties are exempt from City inspection because they are a federal program. Mr. Pinkerton said he is waiting for clarification from the City Attorney.

3. Councillor Skamperle asked for an update on zombie properties and pending legislation. City Manager John Pinkerton said it has been proposed in both the NYS Assembly and NYS Senate. Mr. Pinkerton explained the Attorney General has requested a resolution of support from Council which will be prepared for an upcoming meeting.

4. Councillor Skamperle thanked City Manager John Pinkerton for a great report with detailed information regarding the LED lights. Councillor Skamperle asked if we plan to replace all of our lights in the City. City Manager John Pinkerton said at least 75 of the 86 lights purchased for around the Spring Street bridge, on the Maple City Trail, at the Greenbelt, at the boat launches and at City Hall have already been installed. Mr. Pinkerton stated we also own twenty four lights on the arterial, and he is looking into funding to replace some of those lights. Mr. Pinkerton explained he has requested an estimate from National Grid on the depreciated cost of the 1,100 street lights for which the City pays over \$180,000 per year. Councillor Ashley asked if the process of replacing blown lights has been improved. Mr. Pinkerton explained we experienced some issues last year, but he has not heard of any problems lately. Mr. Pinkerton explained repairs are completed by one contractor servicing a very large area.

5. Councillor Skamperle said a request was made at the last Council meeting for homing pigeons to be permitted in the City. Councillor Stevenson said there was also a discussion about chickens and doves. There was a consensus of Council for City Staff to obtain more information. Police Chief Richard Polniak said the presence of chickens will increase the number of wild animals in the City. Chief Polniak explained we have done a good job of ridding the City of skunks and raccoons.

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6. Deputy Mayor Morley said a neighbor inquired if the City plans to sell the parcel at the corner of State and Lafayette Streets. Mr. Pinkerton said that parcel is on the list of available City-owned properties. Councillor Ashley said the neighbor should submit a letter of interest to the City Manager.

7. Deputy Mayor Morley said before Council votes on the ARD, PDD or Lincoln School he wants a legal opinion from the Attorney General. Deputy Mayor Morley said he wants clarification that Councillor Stevenson can vote on those matters so policies are not overturned.

NEW BUSINESS

1. Councillor Skamperle said Mosaic wants to do a community project and paint Kid's Kingdom. City Manager John Pinkerton said it will be stained. Councillor Skamperle explained solid stain should not be used because it will peel. Mr. Pinkerton said he will check into the type of stain being used.

2. Councillor Ashley said there will be a radio telethon fundraiser for the Snack Pack program on May 2nd from 9 am to 3 pm. Councillor Stevenson said it is a food project for the benefit of school-age children at home on the weekends.

ITEMS FOR DISCUSSION

1. Councillor Skamperle said Council tabled the ordinances regarding littering and streets and sidewalks and requested new public hearings be held on those matters.

2. Councillor Ashley asked for an update on the format of Council meetings. City Manager John Pinkerton said he has requested information from neighboring communities, and he is waiting for responses.

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