

CITY COUNCIL MEETING

January 22, 2007

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

PRESENT: Mayor Nelson, Councillors Ericksen, Flynn, Hannan,
LaMacchia, LaRose and Morley

ABSENT: None

PUBLIC HEARING

1. A public hearing regarding a proposed ordinance amending Chapter 209, Section 209-57, Schedule XX entitled "Handicapped Parking" of the Code of the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding a proposed ordinance amending Chapter 209, Section 209-48, Schedule XI entitled "Parking Prohibited at All Times" of the Code of the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

3. A public hearing regarding a Local Law which would amend the Ogdensburg Municipal Code repealing the existing Chapter 97 and adopt a new Chapter 97 providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building code and matters associated with Housing, Property Maintenance, Unsafe Buildings and related matters was held. No one being present to speak, the hearing was declared closed.

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PERSONAL APPEARANCE

1. Eileen Jarrett, 112 Caroline Street, a representative of Citizens for a Better Ogdensburg (CBO) read a statement updating Council on the most recent developments regarding Bridgeview and civil confinement.
(A copy of Ms. Jarrett's statement follows these minutes).

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in Warrant #2-2007 in the amount of \$500,432.10, and Library Warrant #2-2007 in the amount of \$12,424.76 and CD Block Grant Warrant #2-2007 in the amount of \$20,526.98 and Capital Projects Warrant #2-2007 in the amount of \$50,690.38 as audited, be and the same are ordered paid and Councillor Flynn seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Nelson moved to appoint Donna Pirie to fill the unexpired term of Linda Geary on the St. Lawrence Psychiatric Center Advisory Board, term to expire May 31, 2007, and Councillor LaRose seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved to appoint the following individuals to the City of Ogdensburg Charter Review Commission, and Councillor LaMacchia seconded the motion:

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<u>District 1</u>	Rod Roca	Joe Basta
<u>District 2</u>	John Badlam	Kathy Cary
<u>District 3</u>	Mike Frary	Francine Naccarato
<u>District 4</u>	Mike Herzog	Donna Pirie
<u>District 5</u>	Deb Abel	Bob Seymour
<u>District 6</u>	Laura Ashley	Michael Tooley
<u>District 7</u>	Thomas Patterson	Anna Marie Girard

The vote was:

CARRIED, AYES ALL

City Clerk Kathleen Bouchard administered the oath of office to each of the above mentioned members of the Ogdensburg Charter Review Commission.

ITEMS FOR COUNCIL ACTION

1. Councillor LaRose moved an ordinance amending Chapter 209, Section 209-57, Schedule XX entitled “Handicapped Parking” of the Code of the City of Ogdensburg, and Councillor Morley seconded to wit:

ORDINANCE #1 OF 2007
AN ORDINANCE AMENDING CHAPTER 209 ENTITLED
VEHICLES AND TRAFFIC”
SECTION 209-57, SCHEDULE XX, ENTITLED “HANDICAPPED PARKING”
OF THE 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 Section 209-57 Schedule XX: “Handicapped Parking” is hereby amended as follows:

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Add

Name of Street	Side	Location
David Street	South	2 spaces in the 0 block of David Street from a Point 40' ft. from the west curb line of Congress St. in a westerly direction to a point 40' ft. therefrom.

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.

The vote was:

CARRIED, AYES ALL

2. Councillor LaMacchia moved an ordinance amending Chapter 209, Section 209-48, Schedule XI entitled "Parking Prohibited at All Times" of the Code of the City of Ogdensburg, and Councillor Morley seconded to wit:

ORDINANCE # 2 OF 2007
AN ORDINANCE AMENDING CHAPTER 209 ENTITLED
"VEHICLES AND TRAFFIC"
OF THE 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 Section 209-48, Schedule XI: "Parking Prohibited at All Times" is hereby amended to add the following:

Add

Name of Street	Side	Location
Mansion Avenue	West	From a point 112' feet north of the Rensselaer Avenue north curb line to a point 91 feet therefrom.

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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.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a Local Law which would amend the Ogdensburg Municipal Code repealing the existing Chapter 97 and adopt a new Chapter 97 providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building code and matters associated with Housing, Property Maintenance, Unsafe Buildings and related matters, and Councillor Morley seconded to wit:

Local Law # 1 of 2007

A LOCAL LAW PROVIDING FOR THE
ADMINISTRATION AND ENFORCEMENT OF THE
NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE
AND MATTERS ASSOCIATED WITH HOUSING, PROPERTY
MAINTENANCE, UNSAFE BUILDINGS AND RELATED MATTERS

Be it enacted by the City Council of the City of Ogdensburg in the County of St. Lawrence, as follows:

SECTION 1: Article 97 of the Municipal Code of the City of Ogdensburg be and the same is hereby repealed.

SECTION 2: The Municipal Code of the City of Ogdensburg be and the same is hereby by amended to include:

CHAPTER 97

(A copy of Chapter 97 in its entirety (34 pages) follows these minutes.)

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City Attorney Katherine Wears explained that this local law consolidates and incorporates the new building code mandates of the State effective, January 1, 2007. Mrs. Wears added that this also provides for the transfer of Code Enforcement duties from the Planning Department to the Fire Department. Mrs. Wears said that Fire Chief James Farrell, questioned page 5, section e., which says officers can inspect work as long as they're not also doing work on the side.

Councillor Hannan stated this would impact our Fire Department and questioned if this section should be changed.

Building Inspector II, Gregg Mallette, addressed Council and stated that he hopes to have a pool of inspectors at the Fire Department who will be able to conduct some of the inspections while ethically they couldn't if they had anything to do with the project that we're inspecting. Councillor Hannan questioned if any of the jobs done by firefighters will be inspected by Gregg Mallette, Code Enforcement Officer, or someone independent. Mr. Mallette said yes, he would conduct those inspections. Mr. Mallette added that Code Enforcement is currently down to one inspector and the Fire Department will be utilized to inspect some Place of Assembly buildings and multiple dwelling inspections.

After much discussion among Council, Mayor Nelson moved to amend page 5, Section e., and Councillor Hannan seconded the motion.

Section e. **(before the amendment)** read:

(e) Neither the Code Enforcement Officer nor any inspector thereunder shall engage in any activity inconsistent with his duties or with the interests of the Division of Code Enforcement; nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specification thereof within the City of Ogdensburg excepting only that this provision shall not prohibit any employee from such activities in connection with the construction of a building or structure owned by him and not constructed for sale.

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Section e. (**as amended**) read:

- (e) The Code Enforcement Officer shall not engage in any activity inconsistent with his duties or with the interests of the Division of Code Enforcement; nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specification thereof within the City of Ogdensburg excepting only that this provision shall not prohibit any employee from such activities in connection with the construction of a building or structure owned by him and not constructed for sale. Except as otherwise provided, the Code Enforcement Officer shall be the only person who shall inspect the work of an inspector who is engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specification thereof within the City of Ogdensburg.

The vote to amend Page 5, Section e. was:

CARRIED, AYES ALL

The vote on the local law as amended was:

CARRIED, AYES ALL

4. Councillor Flynn moved a resolution authorizing the Fire Chief to submit a U.S. Department of Homeland Security 2007 Assistance to Firefighters Grant, and Councilor LaMacchia seconded to wit:

RESOLUTION AUTHORIZING THE
FIRE CHIEF TO SUBMIT A
U.S. DEPARTMENT OF HOMELAND SECURITY
2007 ASSISTANCE TO FIREFIGHTERS GRANT REQUEST

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WHEREAS, the federal government has authorized FEMA to distribute \$27,000,000 in grant monies to eligible fire related agencies across the United States and its' related territories, and

WHEREAS, FEMA's share of this grant application would be 95% and the City of Ogdensburg's share would be 5%. Funds will be used to train additional City of Ogdensburg Firefighters as Code Enforcement Officers.

NOW THEREFORE, BE IT RESOLVED, that the Fire Chief is authorized to submit a United States Department of Homeland Security 2007 Assistance to Firefighters grant request, not to exceed \$43,200 with the City of Ogdensburg's share not to exceed \$2,160. If this grant were successful, the City of Ogdensburg's share would be budgeted for 2008.

Councillor Morley questioned the second paragraph, last line that reads: Funds will be used to train additional City of Ogdensburg Firefighters as Code Enforcement Officers. Councillor Morley questioned if it should read Inspectors instead of Code Enforcement Officers, as there can only be one Code Enforcement Officer in the department along with many inspectors. It was the consensus of Council to change the last line of paragraph two from Code Enforcement Officers to Inspectors.

The resolution now read:

RESOLUTION AUTHORIZING THE
FIRE CHIEF TO SUBMIT A
U.S. DEPARTMENT OF HOMELAND SECURITY
2007 ASSISTANCE TO FIREFIGHTERS GRANT REQUEST

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The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor LaMacchia stated he volunteered to be on the Council Committee to meet with representatives of the Fort Committee and would like to know the will of the Council, whether they want to sell the property, lease it or keep it, prior to the meeting.

Mayor Nelson stated that he spoke with Andrew Smith, the chair of the Fort Committee, and they would like to do a presentation and update on the Fort Project at the February 12 meeting, and also meet with Council afterwards. Mayor Nelson stated that the editor of the local paper is blowing this out of proportion. Councillor Hannan stated that it's unfortunate that Council was never given an opportunity to discuss this issue with the Fort Committee. Councillor Hannan said the impression that Council is trying to impede the Fort is ridiculous. Mayor Nelson stated that Council has supported the Fort project since day one.

2. Councillor Hannan asked for an update on the Visitor's Center. City Manager Arthur Sciorra said the construction schedule was revised in November and the project is moving according to that schedule.

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3. Councillor Morley asked if we have heard anything regarding contractor's dates to demolish City owned buildings. City Manager, Arthur Sciorra, stated that the money was approved, but we are waiting for the State contract.

NEW BUSINESS

1. Councillor Flynn stated that he and members of Council received a letter from County Legislator Sam Burns to open dialogue between the County and City representatives. After much discussion among Council, it was the consensus of Council to invite St. Lawrence County Legislature representatives to come and address the entire City Council when the need arises. Mayor Nelson said he will advise County Legislator Sam Burns.

2. Councillor LaMacchia questioned why the State DOT can't take over Canton Street, and how we can convince them to extend Route 68 through Canton Street. Mayor Nelson explained that Council has contacted the State in the past regarding Canton Street, but we can revisit it again and also ask our senators for their help on our behalf.

3. Councillor Hannan thanked Mrs. Jarrett for updating Council on the SVP information and urged her to continue to bring this information to Council.

ITEMS FOR DISCUSSION

1. Presentation of Strategic Management Plan 2007-2012

City Manager Arthur Sciorra updated Council on the Strategic Management Plan process. Mr. Sciorra passed out copies of the Strategic Management Plan Process and Schedule. (A copy follows these minutes.) Councillor Hannan questioned if the Strategic Management Plan will tie into performance evaluation and raises of non-represented employees. Mr. Sciorra said it will be tied into Department Head's performance, in the form of a true merit system.

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Councillor Flynn questioned the lack of 2005 workload indicators for the City Attorney. City Attorney Katherine Wears stated that her secretary was compiling the 2005 numbers, but noted there is no way to measure court cases.

2. Mayor Nelson stated that when Council contacts DOT representatives about Canton Street, we also need to discuss a traffic device at the intersection of Route 37 and Champlain Street.

3. Councillor LaMacchia stated that the visibility near the post office is not good.

4. Mayor Nelson stated that he was advised that Richard Bennett, of Bennett Yarger Associates, the recruiter for the City Manager's replacement, passed away recently. Mayor Nelson said Dick Bennett was a very nice guy and very professional.

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