

## CITY COUNCIL MEETING

April 11, 2016

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

PRESENT: Mayor Ashley, Councillors Davis, Mitchell,  
Morley, Price, Skamperle and Stevenson

ABSENT: None

### PRESENTATION

1. City Comptroller Philip Cosmo provided Council with the 2015 year end closeout report. (A copy of his presentation material follows these minutes.)

### PUBLIC HEARING

1. A public hearing regarding an ordinance to amend the Ogdensburg Municipal Code, Chapter 193 entitled Subdivisions of Land was held. No one being present to speak, the hearing was declared closed.

### CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #7-2016 in the amount of \$351,853.38 and Library Fund Warrant #7-2016 in the amount of \$19,932.38 and Capital Fund Warrant #7-2016 in the amount of \$5,993.98 and Community Development Fund Warrant #7-2016 in the amount of \$0.00 and Community Renewal Fund Warrant #7-2016 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Stevenson moved an ordinance to amend Chapter 193 entitled "Subdivisions of Land", §193-7 entitled "Required Improvements", §193-7 (D)(2) entitled "Sidewalks", of the Code of the City of Ogdensburg, and Councillor Skamperle seconded to wit:

ORDINANCE #3 - 2016

AN ORDINANCE AMENDING CHAPTER 193 ENTITLED SUBDIVISIONS OF LAND 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 193 entitled "Subdivisions of Land", §193-7. entitled "Required Improvements", §193-7. (D)(2) entitled "Sidewalks", of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

§ 193-7. (D)(2) Sidewalks.

- (2) Sidewalks shall be constructed to the following minimum specifications: Sidewalks shall be four thousand five hundred (4,500) pounds minimum strength concrete or better, with a minimum of four (4) feet width and four (4) inches thickness except at driveway crossings where the sidewalk should be increased to six (6) inches thickness.

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 Skamperle asked if this change is necessary to meet State requirements. Director of Public Works Scott Thornhill said the inconsistency was found by mistake. Mr. Thornhill explained the City has been requiring 4500 minimum concrete strength since 2002, but the Municipal Code was never updated when the change was made.

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The vote was:

CARRIED, AYES ALL

2. Councillor Price moved a resolution to approve the 2016 Tax Warrant, and Councillor Skamperle seconded to wit:

Resolution

WHEREAS, the Tax Roll of the City of Ogdensburg, for the fiscal year January 1, 2016 through December 31, 2016, has been completed, and,

WHEREAS, Section C70 of the City Charter directs that when the tax rolls have thus been completed, a warrant signed by the City Manager and the City Clerk shall be attached hereto directing the Comptroller to collect from the persons named in the rolls the sum specified as levied against the parcels as owned by them, and

WHEREAS, the tax was computed on the taxable valuation of \$270,632,819 and the tax rate is \$17.364343 per thousand for the General City Tax and the taxable valuation of \$270,766,220 and the tax rate is \$9.992306 per thousand for the General County Tax for the fiscal year January 1, 2016 through December 31, 2016 and the tax roll will produce the following:

Councillor Morley asked for an explanation of omitted taxes. City Comptroller Philip Cosmo explained a new owner must pay the amount omitted for tax exemptions that expired upon transfer.

CITY AND COUNTY TAX	\$	7,404,940.67
DUE WATER ACCOUNT		188,333.25
DUE SEWER ACCOUNT		196,716.67
DUE MISCELLANEOUS ACCOUNT		19,723.93
OMITTED TAXES		<u>7,883.92</u>
TOTAL	\$	<u>7,817,598.44</u>

NOW THEREFORE, pursuant to Section C70 of the City Charter, the Tax Roll of the fiscal year 2016 is confirmed and the warrant in the sum of \$7,817,598.44 annexed thereto and be signed for the collections of all taxes in two installments; the first installment commencing April 15, 2016 and the second installment commencing July 15, 2016, and that all taxes shall be liens on the real property against which the sum levied is superior to all other liens and encumbrances from the date of signing of said warrant.

The vote was:

CARRIED, AYES ALL

3. Councillor Skamperle moved a resolution to approve the sale of Lincoln Avenue and 11 Rensselaer Avenue, to Transitional Living Services of NNY Inc., for \$2,062.00 and \$3,750.00, and Councillor Price seconded to wit:

RESOLUTION TO APPROVE THE SALE OF  
TAX PARCEL 59.022-4-58 AND 59.022-4-59  
TO TRANSITIONAL LIVING SERVICES OF NNY INC.

WHEREAS, the Ogdensburg City Council, on March 14, 2016, authorized the public auction of surplus City-owned real property, and

WHEREAS, the City held an auction on March 30, 2016 to sell said property, and

WHEREAS, the City received bids that met the minimum bids set by City Council,

NOW THEREFORE BE IT RESOLVED, that the City Council approves the following sale of:

<u>TAX MAP #</u>	<u>LOCATION</u>	<u>MINIMUM PURCHASE PRICE</u>	<u>RESTRICTION(S)</u>
59.022-4-58	Lincoln Avenue	\$2,062. (includes legal and filing fees)	None

(Section of the former railroad bed, between Rensselaer Avenue and King Street, dimensions are approximately 50' x 330' x 30' x 167' x 25' x 165')

and

59.022-4-59	11 Rensselaer Avenue	\$3,750. (includes legal and filing fees)	None
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BE IT FURTHER RESOLVED, that the sale shall be subject to the terms of the March 14, 2016 resolution.

The vote was:

CARRIED, AYES ALL

4. Mayor Ashley moved a resolution authorizing the City Manager to accept a \$10,000 grant from the NYS Department of State to assist the City in establishing the City Docks as a secure docking facility for foreign vessels, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER  
TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$10,000  
FROM THE NYS DEPARTMENT OF STATE

WHEREAS, the City of Ogdensburg desires to establish a secure docking facility to accept foreign vessels, including cruise ships; and

WHEREAS, in furtherance of this goal the City is partnering with the Ogdensburg Bridge and Port Authority who, in support of the cruise ship initiative has agreed at their cost of \$5,000 to amend their United States Coast Guard Approved Facility Security Plan to include the City's Visitor's Center Dock for the public benefit of City residents; and

WHEREAS, through the NYS Legislative Initiative Program Assemblywoman Russell has secured \$10,000 to support this project; and

WHEREAS, the funding through this grant will procure the purchase of security fencing, and signage to meet the requirements of the U.S. Coast Guard.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ogdensburg that it hereby authorizes the City Manager to accept this allocation of \$10,000 from the NYS Department of State and to administer the grant program, including executing all necessary documents relating to the project or administration of the program.

Councillor Morley asked if there will be any cost to the City. City Manager Sarah Purdy said the grant will cover the entire project. Councillor Morley asked if the City can look at the cost of adding phones at the Dobisky Center for boaters to report to Customs. Recreation Director Matt Curatolo said a phone system is already available for boaters at the Dobisky Center. Mayor Ashley thanked Ogdensburg Bridge and Port Authority and Assemblywoman Addie Russell.

The vote was:

CARRIED, AYES ALL

5. Councillor Mitchell moved a resolution calling for a public hearing on a Local Law to amend Chapter 215 (Section 41) of the Ogdensburg MC entitled “Water Rates”, and Councillor Stevenson seconded to wit:

RESOLUTION  
INTRODUCING LOCAL LAW # OF 2016

BE IT RESOLVED that proposed Local Law # of the year 2016 entitled:

Amendment to the OMC Chapter 215 entitled Water Rates be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council, and

BE IT FURTHER RESOLVED, that the City Council hold a Public Hearing on said proposed Local Law at the City Council Chambers at 7:00 pm on Monday, April 25, 2016, and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication, in the newspaper so designated for the publication of legal notices, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed Local Law in summary form.

The vote was:

CARRIED, AYES ALL

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6. Councillor Morley moved a resolution to hold St. Lawrence County harmless for providing shared services to the City of Ogdensburg for 2016, and Councillor Mitchell seconded to wit:

RESOLUTION HOLDING HARMLESS THE COUNTY OF  
ST. LAWRENCE FOR PROVIDING SERVICE TO THE  
CITY OF OGDENSBURG FOR 2016

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

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

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

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

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

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

General Liability Insurance On an "Occurrence" basis, with the following limits:

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

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

Councillor Skamperle asked if the County passes a similar resolution to hold the City harmless. City Manager Sarah Purdy said she will discuss it with County representatives.

The vote was:

CARRIED, AYES ALL

7. Mayor Ashley moved a resolution to amend the 2016 Sewer Fund – Water Pollution Control budget to allow for the replacement of pump #2 at the South Water Street Pump Station by moving funds between two budgeted accounts, and Councillor Skamperle seconded to wit:

A RESOLUTION TO AMEND THE 2016 SEWER FUND – WATER  
POLLUTION CONTROL BUDGET IN CONNECTION WITH SOUTH WATER  
STREET PUMP STATION

WHEREAS, the City budgeted and approved fifty-five thousand dollars for the replacement of Pump #2 at the South Water Street Pump Station; and

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WHEREAS, the City conducted a bid for the replacement of the pump and the winning bid came in at fifty-five thousand two hundred and ten dollars; and

WHEREAS, that as a result of the bid being two hundred and ten dollars greater than the budgeted amount that additional funds will be required to completed the required pump replacement.

NOW, THEREFORE BE IT RESOLVED, that the City Council amends the 2016 Fund G – Water Pollution Control budget to allow for the replacement of pump #2 by moving funds between accounts. The net effect to the overall budget is zero dollars. The requested changes are as follows:

	<u>Modifications</u>		
<u>Account</u>	<u>2016 Budget</u>	<u>Modification</u>	<u>2016 Revised Budget</u>
G8130.440 – Equipment Maintenance	\$55,000	-\$210	\$54,790
G8130.310 – Capital Equipment	\$55,000	\$210	\$55,210

The vote was:

CARRIED, AYES ALL

8. Councillor Skamperle moved a resolution authorizing the City Manager to enter into an agreement with John J. Doyle Builders Inc. for a sum not to exceed \$55,210 for the South Water Street Pump Station – Vertical Open Shaft Solids Handling Wastewater Pump #2 Replacement Project, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING AWARD OF CONTRACT  
FOR THE SOUTH WATER STREET PUMP STATION WASTEWATER PUMP

WHEREAS, bids have been solicited and received for the South Water Street Pump Station Vertical Open Shaft Solids Handling Wastewater Pump #2 Replacement project; and

WHEREAS, Tisdell Associates has evaluated the bids and recommended the contract be awarded to the responsible low bidder;

WHEREAS, the low bidder is a company that has previously performed services for the City on similar projects and have been more than adequate in their delivery of service;

NOW, THEREFORE, BE IT RESOLVED that Sarah Purdy, City Manager, is hereby authorized to enter into the following contract, for a sum not to exceed \$55,210.00, for the designated project, on behalf of the City;

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
John J. Doyle Builders Inc. 7838 St. Hwy 68 Ogdensburg, NY 13669	\$ 55,210.00 * *includes Alternate No.1 & 2

BE IT FURTHER RESOLVED that the funds to pay for this work will come from the Sewer Fund Water Pollution Control Capital Equipment - G8130.310.

The vote was:

CARRIED, AYES ALL

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### OLD BUSINESS

1. Councillor Morley asked if the City received additional CHIPS funding. City Manager Sarah Purdy said we should know soon. Councillor Morley said the southerly side of the roadway from Lafayette Street to Hasbrouck Street frequently experiences flooding and suggested this area be evaluated. Mayor Ashley said he also received the same complaint.

### NEW BUSINESS

1. Councillor Stevenson said the Community Garden will need to be relocated approximately 500 feet west to prepare for the Fort project. Councillor Stevenson explained it will be scheduled on a Sunday afternoon and volunteers will be needed.

2. Mayor Ashley asked if there are any plans to clear the weed growth along the crescent. City Manager Sarah Purdy said we can look into it. Councillor Morley suggested we look at clearing other City-owned parcels at the same time.

### CITIZEN PARTICIPATION

1. Doug Loffler, 311 Paterson Street, asked how much revenue will be generated by the increased assessments. City Manager Sarah Purdy said she will obtain that information.

Mayor Ashley said there was a need for Executive Session to consult with the City Attorney regarding pending litigation, and Councillor Stevenson seconded.

The vote to adjourn to Executive Session was:

### CARRIED, AYES ALL

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