

## CITY COUNCIL MEETING

June 11, 2007

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

PRESENT: Deputy Mayor LaRose, Councillors Ericksen, Hannan, LaMacchia and Morley

ABSENT: Mayor Nelson and Councillor Flynn

### PUBLIC HEARING

1. A public hearing was held regarding an ordinance amending Chapter 73, Article 1, Section 73-2(b) entitled "Breeding and Keeping Certain Animals Restricted" of the Code of the City of Ogdensburg. No one being present to speak the hearing was closed.

2. A public hearing was held regarding a local law to amend Chapter 199 of the Ogdensburg Municipal Code by adding a new Section 199-38.1 entitled "Transfer of Veterans Tax Exemption on Sale of Qualifying Residential Real Property". No one being present to speak the hearing was closed.

### PERSONAL APPEARANCE

1. Sandra Porter, Director of Chamber of Commerce addressed City Council regarding the Green Market and gave a proposal (copy attached). Councillor Hannan suggested this be turned over to staff for review.

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### CONSENT AGENDA

Deputy Mayor LaRose moved that the claims as enumerated in Warrant #11-2007 in the amount of \$359,541.45, and Library Warrant #11-2007 in the amount of \$19,960.09 and CD Block Grant Warrant #11-2007 in the amount of \$10,552.48 and Capital Projects Warrant #11-2007 in the amount of \$575.92 as audited, be and the same are ordered paid and Councillor LaMacchia seconded the motion.

The vote was:

CARRIED, AYES ALL

### APPOINTMENTS

1. Deputy Mayor LaRose moved to appoint Andrew Smith to fill the unexpired term of Matt Mitchell on the Zoning Board of Appeals, term to expire 12/31/08, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

Councillor Hannan thanked Matt Mitchell for his service to the City.

### ITEMS FOR COUNCIL ACTION

1. Councillor Hannan moved an ordinance amending Chapter 73, Article 1, Section 73-2(b) entitled "Breeding and Keeping Certain Animals Restricted" of the Code of the City of Ogdensburg, and Councillor LaMacchia seconded to wit:

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ORDINANCE # 3 OF 2007

AN ORDINANCE AMENDING CHAPTER 73, ARTICLE 1, SECTION  
73-2(b) ENTITLED “BREEDING AND KEEPING CERTAIN ANIMALS  
RESTRICTED”

OF THE CODE OF THE CITY OF OGDENSBURG

Be it ordained by the City Council of the City of Ogdensburg as follows:

Section 1: Section 73-2(B) be and the same is hereby amended to read as follows:

“Customary household pets” are hereby defined to mean any animals, birds, reptiles or fish customarily kept in the home or place of residence which are not vicious, dangerous or otherwise obnoxious, objectionable or offensive. “Customary household pets” shall not include alligators, arachnids, bears, boa constrictors, undomesticated or vicious animals of the cat and dog family, coyotes, crocodiles, falcons, foxes, hawks, opossums, pythons, raccoons, wolves, reptiles in excess of 12 inches in length, snakes in excess of 12 inches in length, or any animal, bird or reptile of a species dangerous to human beings or savage in nature living ordinarily at large and not customarily made tame or gentle by long-continued association with man without regard to whether a specific animal or reptile is considered a pet or domesticated by its keeper or possessor.

Section 2: This ordinance shall take effect ten (10) days after publication of notice that shall give the title and describe the same in summary form.

Councillor Ericksen asked if someone presently has a pet spider now, can they keep it. City Attorney Katherine Wears stated that the ordinance doesn't have a grandfather clause, so they can't keep the spider. Councilor Ericksen asked if a specific animal is not on the list, who decides if it can or cannot be kept. City Attorney Katherine Wears said ultimately it would be the City Judge.

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Councillor Hannan stated it is good to have this on the books and Deputy Mayor LaRose agreed with him as it is our job to put forth ordinances and amendments to protect the citizens.

The vote was:

CARRIED, 4 to 1

2. Deputy Mayor LaRose moved a resolution calling for a public hearing and public notice regarding an ordinance to amend Chapter 143-12 entitled "Squealing of vehicle tires" of the Code of the City of Ogdensburg, and Councillor Hannan seconded to wit:

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

BE IT RESOLVED, that Ordinance No. 4 of 2007, entitled, Ordinance Amending Chapter 143, Article II, Section 143-12 entitled "Squealing of vehicle tires" of the Code of the City of Ogdensburg 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 25th day of June, 2007 at 7:00 p.m., and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the official newspaper at least seven (7) days before the hearing date of a notice setting forth the time and place and describing the proposed ordinance in summary form.

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The vote was:

CARRIED, AYES ALL

3. Deputy Mayor LaRose moved a resolution calling for a public hearing and public notice regarding an Ordinance to add a Chapter entitled "Child Protection Act" to the Municipal Code of the City of Ogdensburg, and Councillor LaMacchia seconded to wit:

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

BE IT RESOLVED, that Ordinance No.5 of 2007, entitled, Ordinance to add a new Chapter 87\_ entitled "Child Protection Act" to the Municipal Code of the City of Ogdensburg and be 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 25th day of June, 2007 at 7:00 p.m., and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the official newspaper at least seven (7) days before the hearing date of a notice setting forth the time and place and describing the proposed ordinance in summary form.

Deputy Mayor LaRose requested the City Manager get this information out to the public in the newspaper and make the detailed map available to the public so they can see the areas affected by the 200 foot restriction.

City Manager Arthur Sciorra stated there was a large map in the back of the room that would be available in City Hall for the public to see and also a smaller map in the City Clerk's Office.

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Councillor LaMacchia asked if the map could be put on the City website. City Manager Art Sciorra stated he would see if this could be done.

The vote was:

CARRIED, AYES ALL

4. Councillor LaMacchia moved a resolution to authorize the City Manager to enter into a Contract 1 – Structural Alterations for the Ogdensburg Mall Building 1A/1B separation, and Councillor Morley seconded to wit:

AUTHORIZING AWARD OF CONTRACTS  
FOR THE OGDENSBURG MALL BUILDING 1A/1B SEPARATION  
CONTRACT 1 - STRUCTURAL ALTERATIONS

WHEREAS, bids have been solicited and received for the Ogdensburg Mall Building 1A/1B Separation, Structural Alterations; and

WHEREAS, Brooks Washburn, the City's architect for this project, has evaluated the bids and recommended the contract be awarded to the responsible low bidder;

NOW, THEREFORE, BE IT RESOLVED that Arthur J. Sciorra, City Manager, is authorized to enter into the following contract, for a sum not to exceed \$4,526.00, on behalf of the City:

CONTRACTOR	BID AMOUNT	CONTINGENCY
John J. Doyle Builders, Inc. P.O. Box 387, 7838 SH 68 Ogdensburg, NY 13669	\$4,311.00	\$215.00

BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from CD - Misc. Revenue.

The vote was:

CARRIED. AYES ALL

5. Councillor Morley moved a resolution to authorize the City Manager to enter into a Contract 2 – Sprinkler Alterations for the Ogdensburg Mall Building 1A/1B separation, and Councillor LaMacchia seconded to wit:

AUTHORIZING AWARD OF CONTRACTS  
FOR THE OGDENSBURG MALL BUILDING 1A/1B SEPARATION  
CONTRACT 2 - SPRINKLER ALTERATIONS

WHEREAS, bids have been solicited and received for the Ogdensburg Mall Building 1A/1B Separation, Sprinkler Alterations; and

WHEREAS, Brooks Washburn, the City's architect for this project, has evaluated the bids and recommended the contract be awarded to the responsible low bidder;

NOW, THEREFORE, BE IT RESOLVED that Arthur J. Sciorra, City Manager, is authorized to enter into the following contract, for a sum not to exceed \$2,835.00, on behalf of the City:

CONTRACTOR	BID AMOUNT	CONTINGENCY
Skelly Contractors, Inc. 878 Rt. 68, P.O. Box 541 Ogdensburg, NY 13669	\$2,700.00	\$135.00

BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from CD - Misc. Revenue.

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The vote was:

CARRIED, AYES ALL

6. Councillor Hannan moved a resolution authorizing the City Manager to execute a State Assistance Contract for \$100,000. to assist with the renovation of 420 Ford Street, and Councillor Ericksen seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE  
STATE ASSISTANCE CONTRACT FOR FUNDING TO ASSIST WITH  
RENOVATION OF 420 FORD STREET

WHEREAS, the Ogdensburg Growth Fund Development Corporation has acquired the property located at 420 Ford Street for the purpose of building rehabilitation and downtown revitalization; and,

WHEREAS, Senator James Wright has secured funding in the amount of \$100,000 to assist with these renovation efforts;

NOW, THEREFORE BE IT RESOLVED, the City Manager is hereby authorized to execute said State Assistance Contract; and,

BE IT FURTHER RESOLVED, these funds are to be appropriated to and made available for improvements as deemed necessary and appropriate by Ogdensburg Growth Fund Development Corporation.

Deputy Mayor LaRose asked City Manager Arthur Sciorra to give them some information on this from the Growth Fund perspective. City Manager Arthur Sciorra commented that Senator Wright has been following this acquisition and secured funding to assist with the renovations. The City's job will be to turn the monies over to the Growth Fund for the renovations.

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Councilor Morley questioned why these funds are coming to us since we do not have jurisdiction over the Growth Fund. City Manager Arthur Sciorra explained that the money could not be granted directly to the Growth Fund but had to be granted to the City for Growth Fund purposes.

Deputy Mayor LaRose commented that although he was certainly going to approve \$100,000, he was concerned about using the Growth Fund and the city intermingled. He asked if any thought had been given to the Growth Fund reimbursing the City for the staff time used. Mr. Sciorra stated that we do use some Growth Fund dollars and Community Development dollars to pay staff salaries.

Deputy Mayor LaRose questioned whether Council will be made aware of how the \$100,000 is spent. City Manager Arthur Sciorra stated the money would be used for basic renovations, which are going to run somewhere over \$300,000. He stated there is a list of renovations, which the public and Council are welcome to see.

Councillor Morley asked if the Growth Fund had that much money. City Manager Arthur Sciorra stated that although they do have that much money, they may decide to mortgage a portion of the building. City Planner Marty Murphy stated that although the Growth Fund voted to use Growth Fund money to purchase the building, they have not yet decided how they will finance any of the renovations or improvements not covered by this \$100,000.

The vote was:

CARRIED, AYES ALL

### OLD BUSINESS

1. Councillor Morley asked for the status on Mr. Flavin's request to close the river to fishing on the North side of the twin bridges to the dam.

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City Manager Arthur Sciorra stated that Council received information in an update. Deputy Mayor LaRose stated this will be a lengthy process. Councillor Morley asked that it be put on the next agenda under Items for Discussion.

2. Councillor LaMacchia asked Kit Smith to clarify what is happening on Ford Street by the Nice and Easy Store, as he has had calls about the new curbs being torn up. Kit Smith, Director of Public Works, stated that to realign the street, curbs in that area will be torn out and CHIPS money will be used to reinstall the curbing. Councillor LaMacchia asked what the cost will be to do this. Mr. Smith stated he presently has bids out and it will be between 13 and 20 dollars a foot, depending on the bid and grant money is being used to fund it.

Councillor LaMacchia asked if the work would be done before or after Seaway Festival. Kit Smith stated his goal is to have the curbs in before the festival. Councillor LaMacchia asked if people would be able to park vehicles in that area for the Seaway Festival parade. Mr. Smith stated they would be able to put up tents, but no vehicles as there would still be construction going on.

Councillor Hannan asked if this realignment was a safety issue. Kit Smith stated it was.

3. Councillor LaMacchia asked for an update on the City Hall façade work. City Manager Arthur Sciorra stated it was a continuation of work started last year. He added that Lupini Construction Co. has recast the stone and the work will take most of summer to complete. Councillor LaMacchia stated that this project would be during Seaway Festival also. City Manager Arthur Sciorra said that they are beginning on the front of the building first because of the Seaway Festival.

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4. Councillor LaMacchia commented that he noticed there is a drop off at the Visitor's Center that runs down towards the water and sidewalk on the East side of the parking lot. He asked if this area is going to be blended in or a railing placed there. City Manager Arthur Sciorra stated the landscape architect will look at it and give options on how it can be done most aesthetically and cost effectively.

5. Councillor LaMacchia stated the community got a scare last week when a community landmark was in danger of being demolished. He said he spoke in October or November of last year about a Historical Preservation ordinance, on how we protect things and help the landowners keep it. He asked City Manager Arthur Sciorra if we would be premature to talk about what was discussed with the owner. City Manager Arthur Sciorra stated the owner was very explicit about wanting to keep it private, but his hope is that we can work things out. Mr. Sciorra stated that he and Marty Murphy had looked at some Historic Preservation Models, including the one that Councillor LaMacchia gave them from the Houston area. Mr. Sciorra added that one of these models would be a good way to kick off a dialogue. Councillor LaMacchia stated he would like to look this over with City Manager and City Planner and share with Council.

6. Councillor Hannan said they had received the recommendations from the Charter Review Committee and they are looking for Council to set up a meeting for discussion of these recommendations. After much discussion among Council, there was a consensus of Council to put this under Items for Discussion at the June 25<sup>th</sup> meeting.

### NEW BUSINESS

1. Councillor Ericksen asked City Attorney Katherine Wears to clarify whether property sold by land contract is exempt from our housing inspections.

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Councillor Ericksen said there is a building in town that has been sold many times on a land contract and has not been inspected. City Attorney Katherine Wears said there is no mandate requiring inspections for single family homes when sold. She stated that, if it is a newly constructed home, it would have to be inspected to receive a Certificate of Occupancy. Councillor Ericksen asked how a building with exposed wires and broken pipes could continually be sold on a land contract and not be inspected for safety. City Attorney Katherine Wears stated there was nothing in either the State or local code mandating inspections. Councillor LaRose stated it was a matter of personal responsibility. Councillor Ericksen said that we need to protect the citizens and something should be done. Deputy Mayor LaRose said Councillor Ericksen could bring forth an ordinance if he wanted.

2. Councillor Morley said he had been approached by a contractor who asked if all contractors working in the City were required to have liability insurance. City Attorney Katherine Wears stated if they were doing work for the City it was required, but not otherwise. Councillor Morley stated this same contractor had driven around City and saw at least twelve home renovations in progress without building permits. Deputy Mayor LaRose encouraged Councillor Morley to have his source turn over the addresses of those properties without permits. Councillor Morley stated the person was going to do this.

3. Councillor Hannan said in light of the public hearing to be held at the next meeting regarding the 200 foot restriction for sexually violent predators, he recommends the City Council meet with the Association for Neighborhood Rehabilitation (ANR) to find out what their mission is since they house some of these people. It was the consensus of Council to request a Council meeting of the Whole with ANR sometime after the July 9<sup>th</sup> meeting to discuss the mission of ANR in relation to this.

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### ITEMS FOR DISCUSSION

1. Councillor LaMacchia commented that communities across the country are talking about “being green” and environmentally friendly. He asked Chief Wells about an idling law with regard to starting your car and letting it idle. Chief Wells said that is called “unattended motor vehicle”. Councillor LaMacchia asked if this law was on our books. Chief Wells stated it was. Councillor LaMacchia said, although he is not advocating such a thing, some communities have cracked down on this due to the emissions from the vehicles.

2. Deputy Mayor LaRose reminded everyone that the Blessing of the Boats is this Saturday at 1pm at the City docks along with a lot of other activities.

3. Deputy Mayor LaRose asked for a big round of applause for the organizers of the Relay for Life. He said that it was a fabulous event and they did a great job of raising \$90,000. Councillor Hannan said the Key Club also played a very important role as they do at a lot of these functions. Councillor LaMacchia commented that the City School District also did a great job and the event demonstrated not only the community spirit of Ogdensburg but City youth involved and focused.

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