

CITY COUNCIL MEETING

January 23, 2017

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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. Project Principal Mike Tamblin of GHD Consulting Engineers LLC made a presentation to Council regarding the updates, repairs and improvements required at the wastewater treatment plant. (A copy of his presentation material follows these minutes.) Carrie Tuttle of the Development Authority of the North Country provided Council with a detailed description of the bond and grant application process related to the project.

PUBLIC HEARING

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

2. A public hearing regarding an ordinance to amend the Official City Map to dissolve a portion of Paper Montgomery Street from Paper Prospect east to Paper Barre Street was held.

Donald Layng, 723 Linden Street, asked Council why part of the paper street was being dissolved and if any other lots were available for purchase in that area. Mayor Ashley said all of the lots in that area have been sold. Mr. Layng questioned if selling this paper street would have consequences if paper Barre Street was reopened in the future. Mayor Ashley explained all of the lots are accessible from Paper Barre Street. No one else being present to speak, the hearing was declared closed.

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3. A public hearing regarding an ordinance to sell City-owned property (unpaved portion of Paterson Street Boat Launch spill over parking lot) was held.

Bill Brien, 123 Paterson Street, said he maintained the parcel for 35 years while Newell Manufacturing Company owned the property. Mr. Brien asked how the process would proceed if the sale is approved by Council. City Manager Sarah Purdy advised Mr. Brien he will be notified of the steps necessary to proceed if Council approves the sale. No one else being present to speak, the hearing was declared closed.

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #01-2017 in the amount of \$398,526.50 and Library Fund Warrant #01-2017 in the amount of \$21,059.35 and Capital Fund Warrant #01-2017 in the amount of \$0.00 and Community Development Fund Warrant #01-2017 in the amount of \$0.00 and Community Renewal Fund Warrant #01-2017 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Price seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Ashley moved to reappoint Donald O'Shea and Glory Martel, each to a three-year term on the Ogdensburg Tree Commission, terms to begin January 1, 2017 and end December 31, 2019, and Councillor Stevenson seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Morley moved an ordinance to amend Chapter 181 entitled “Solid Waste” of the Code of the City of Ogdensburg, and Councillor Mitchell seconded to wit:

ORDINANCE # 1 - 2017
AN ORDINANCE AMENDING CHAPTER 181 ENTITLED SOLID WASTE,
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 181 entitled “Solid Waste” (Table of Contents), Article I entitled “Spring Seasonal Cleanup, §181-1. entitled “Collection of yard waste and white goods” is hereby deleted and replaced with the following:

§181-1. Collection of yard waste.

ITEM TWO: That Chapter 181 entitled “Solid Waste”, Article I entitled “Spring Seasonal Cleanup”, is hereby deleted in its entirety and replaced with the following:

ARTICLE I
Seasonal Cleanup

§ 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.

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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 weekend before Memorial Day. There will be no penalties for putting out yard waste early during this cleanup cycle.

The fall cleanup will commence no later than November 1st and will run through the Sunday before Thanksgiving. 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.

Storm related debris will be picked up by the City's DPW on an on-call basis. City residents can contact DPW during regular business hours to schedule a pickup.

Free, year-around drop off of yard waste is available to all City residents at the City's land clearing debris landfill located on outer Champlain Street on scheduled drop-off days.

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 on scheduled drop-off days or on an on-call basis. The City will not pick up trees taken down by a contractor.

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C. 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 code later in this chapter.

ITEM THREE: That Chapter 181 entitled “Solid Waste”, Article II entitled “Waste Haulers”, is hereby deleted in its entirety and replaced with the following:

ARTICLE II
Waste Haulers

§ 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.

§ 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.

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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.

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.

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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.

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.

§ 181-5. Transportation of waste.

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.

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§ 181-6. Source-separation of wastes.

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. 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.

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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.

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.
- (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.

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- (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.

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. 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.

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ITEM FOUR: 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:

AYES: Mayor Ashley, Councillors Davis,
Mitchell, Price and Stevenson

NAYS: Councillors Morley and Skamperle

CARRIED, 5 TO 2

2. Councillor Skamperle moved an ordinance to amend the Official City Map to dissolve a portion of Paper Montgomery Street from Paper Prospect east to Paper Barre Street, and Councillor Davis seconded to wit:

ORDINANCE #2 of 2017
ORDINANCE AMENDING THE OFFICIAL MAP
OF THE CITY OF OGDENSBURG

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

ITEM ONE: Amendment of Official City Map.

The Official City Map of Ogdensburg is hereby amended as follows:

Delete portion of Paper Montgomery Street from Paper Prospect Street North 59°12'21" East 242.99' to Paper Barre Street South 31°34'51" East 59.54', South 59°09'43" West 123.10', S 58°42'00" West 120.61' and North 30°53'26" West being approximately .33 acres.

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

The vote was:

CARRIED, AYES ALL

3. Councillor Stevenson moved an ordinance to sell City-owned property, a portion (72' x 90') of tax map parcel 48.071-3-15.1 located on Paterson Street, and Councillor Skamperle seconded to wit:

ORDINANCE #__ of 2017
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>
48.071-3-15.1	Paterson Street (unpaved portion of Paterson Street Boat Launch Overflow Parking Area 72'x90')	\$1,750.00	combine by deed

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SECTION TWO: The City does not guarantee clear property title in the transfer of properties 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 after public notice has been published at least once each week for three weeks in the official City newspaper.

Mayor Ashley said there was some concern over the sale of this parcel at the last Council meeting. Councillor Davis explained boaters do not park on this particular parcel. Bill Brien, 123 Paterson Street, said the parcel is surrounded by curbing and is only accessible through his property. Councillor Morley said he will not support the sale of this parcel because of possible future use. Director of Public Works Scott Thornhill said the parking lot was paved as part of the Paterson Street reconstruction project. Mr. Thornhill explained the small area in question was difficult to use, and curbing was installed around the entire parking lot to eliminate the frequent flooding of the Riverside Avenue neighbor.

Councillor Price asked if the parking lot will be used for the wastewater treatment plant improvement project. Mr. Thornhill said it could be used to store equipment, but he is not planning to use it during that project. Councillor Price asked how much it would cost to convert the area to gravel. Mr. Thornhill explained the parcel has been leveled and has a light layer of topsoil so our only expense would be the cost of the gravel. Councillor Price said he agrees the parcel should not be sold because we may need it in the future. Councillor Morley said we may be able to increase the number of fishing tournaments in the future and need the parcel. Councillor Skamperle said the parcel cannot be used for parking. Councillor Davis said we have no access to the parcel with the curbing in place. Mayor Ashley asked how the parcel is zoned. Director of Planning and Development Andrea Smith said the parcel is currently zoned Single Family Residential.

The vote was:

AYES: Mayor Ashley, Councillors Davis,
Mitchell, Stevenson and Skamperle

NAYS: Councillors Morley and Price

DEFEATED, 5 TO 2

4. Councillor Morley moved a resolution authorizing the City Manager to sign an amended contract with Pinto, Mucenski, Hooper, VanHouse and Company, to extend audit services until 2016, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN
AMENDED CONTRACT WITH PINTO, MUCENSKI,
HOOPER, VANHOUSE AND COMPANY
FOR 2016 AUDIT SERVICES

WHEREAS, the City Charter, Chapter C-15, requires that the City have an independent annual audit; and

WHEREAS, the City contracted with Pinto, Mucenski, Hooper, Van House and Company to perform the annual audit for the years 2013-2015; and

NOW, THEREFOR BE IT RESOLVED, that the City Manager is authorized to extend the 2013-2015 contract with Pinto, Mucenski, Hooper, Van House and Company for one year, to perform the annual audit for the year 2016 at the price of \$17,800.

Councillor Morley asked if the cost is the same as last year. City Comptroller Timothy Johnson said it is \$200 more.

The vote was:

CARRIED, AYES ALL

5. Mayor Ashley moved a resolution introducing an ordinance and providing for public notice and public hearing with regard to the sale of City-owned property (1411 Lafayette Street), and Councillor Morley 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 2017 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 13th day of February, 2017, at 7:00 p.m., and

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

The vote was:

CARRIED, AYES ALL

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6. Councillor Mitchell moved a resolution introducing an ordinance and providing for public notice and public hearing with regard to the sale of City-owned property (portion of Paper Montgomery Street), and Councillor Stevenson 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 2017 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 13th day of February, 2017, at 7:00 p.m., and

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

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Director of Public Works Scott Thornhill said Council's weekly update contained information regarding the speed limit on the bridge approach and the no turn on red concerns at the intersections of State and Ford Streets and State and Washington Streets.

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Mr. Thornhill explained the speed limit does not increase to 40mph on the bridge approach until after it intersects with Isabella Street. Mr. Thornhill said NYSDOT will install a 30mph sign in the area when the weather permits.

Mr. Thornhill said without spending \$19,000 on the illuminated signs, there are basically two options available to address the no turn on red concerns at the two intersections: 1) leave the signs in place and change nothing; or 2) remove the signs and program the lights to stay red on all sides for a few moments to give pedestrians time to enter the crosswalk. Mr. Thornhill said pedestrians have the right of way once they enter the crosswalk. Councillor Davis asked if there is any expense associated with reprogramming the lights, and Mr. Thornhill said no. Councillor Price asked when and why the signs were installed. Councillor Skamperle said Council approved the change in February 2014. Councillor Stevenson explained residents of the senior housing in that area requested the change to make it safer for pedestrians crossing those intersections. Councillor Price said he sees no sense in making the change if the signs were just recently installed. Councillor Price reported the number of traffic control signs on several streets in the City and said the wait time at the intersection of State Street and Ford Street is only eleven seconds. Mr. Thornhill explained some extended delays may be caused by vehicles not being in the traffic loop which prevents the light from changing. Mr. Thornhill said he could also ask for a sensitivity adjustment which may reduce delays and decrease complaints. Councillor Davis asked if anyone has been ticketed at the intersection for making a right turn on red. Chief Andrew Kennedy said he was not aware of any tickets issued. Councillor Skamperle said Council approved an illuminated sign, but it was never installed.

Mayor Ashley said the complaints were mainly about the intersection of State Street and Washington Street. Councillor Stevenson agreed and said reprogramming the lights may resolve the issue that pedestrians could not safely enter the crosswalk. Councillor Stevenson added that the no right turn on red restriction may only be necessary at the State Street and Washington Street intersection. There was a consensus of Council to have NYSDOT review the timing on the lights and for Mr. Thornhill to bring a recommendation to Council.

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2. Mayor Ashley said he was contacted by an anti-smoking group willing to donate signs for our parks urging people not to smoke in the area where children are playing. Mayor Ashley said the group also volunteered to do a spring cleanup in the parks. Councillor Stevenson explained Council previously approved the placement of similar signs in the parks, but the signs were never installed. City Manager Sarah Purdy said she will follow up with Recreation Director Matt Curatolo.

NEW BUSINESS

1. City Manager Sarah Purdy reviewed her goals to promote fiscal responsibility and promote transparent and inclusive government with Council. (A copy of her goals follows these minutes.) Council thanked Ms. Purdy for developing a plan.

ITEMS FOR DISCUSSION

1. Councillor Stevenson said two organizations that had their funding from the City reduced this year are holding fundraisers this weekend. Councillor Stevenson encouraged everyone to attend Ogdensburg Command Performance's Trivia Night at The Freight House on Saturday, January 28th and the SPCA's meatloaf dinner at Busy Corner Café on Sunday, January 29th.

2. Councillor Price asked if every property owner pays water and sewer rates, and City Manager Sarah Purdy said yes. Councillor Price asked if rental properties are billed for water and sewer for each unit, and Ms. Purdy said yes. Councillor Skamperle said the Ogdensburg Housing Authority is exempt from paying for individual units. Councillor Stevenson asked if the Ogdensburg Housing Authority is billed a flat rate or metered. City Comptroller Timothy Johnson said their buildings are metered.

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3. Councillor Morley said the City owes the school district a large amount of money to make it whole on unpaid school taxes. Councillor Morley said the City cannot afford to make the school district whole every year, and changing that law needs to become our number one priority. Mayor Ashley and Council members agreed. Councillor Price cautioned that change would then put the school district in financial crisis. City Manager Sarah Purdy said another option is to look at who collects the taxes.

4. Mayor Ashley asked for Council members to bring their recommendations for the Charter Commission to the next regular Council meeting. City Manager Sarah Purdy said she would ask City Clerk Kathleen Bouchard to prepare a list of the names provided to her.

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