

CITY COUNCIL MEETING

February 13, 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

PUBLIC HEARING

1. A public hearing regarding the sale of City-owned property (1411 Lafayette Street) was held. Mrs. Thomas Gooshaw, 6224 State Highway 37, advised Council she and her husband are very interested in purchasing this property to build a new home. No one else being present to speak, the hearing was declared closed.

2. A public hearing regarding the sale of City-owned property (Portion of Paper Montgomery Street, 631 Barre Street) was held. No one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Sandy Sanders, 232 Washington Street, addressed Council regarding the two State Street traffic lights at Ford and Washington Streets. Mrs. Sanders said she is against the removal of the no right turn on red restriction at the Washington Street intersection. Mrs. Sanders explained many of the people in that area use wheelchairs or walkers or have diminished eyesight or hearing and urged Council to keep the restriction at that intersection. Mrs. Sanders said the restriction may not be necessary at the Ford Street intersection anymore because Step by Step has moved.

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2. Pamela Smith, 232 Washington Street, addressed Council regarding the two State Street traffic lights at Ford and Washington Streets. Ms. Smith said she is against the removal of the no right turn on red restriction at both of these intersections. Ms. Smith explained these are the only two intersections in the City that are safe to cross. Ms. Smith said drivers do not wait for pedestrians or stop for the crosswalks as required. Ms. Smith asked that signs be posted around the City reminding drivers to yield for pedestrians in crosswalks.

CORRESPONDENCE

1. City Clerk Kathleen A. Bouchard read a letter from Allan Mooney, Amvets Post 19 Adjutant, requesting permission to use the Maple City Trail for a 5K race on April 15, 2017 to raise funds for Memorial Day flags, wreaths and flowers. (A copy of the letter follows these minutes.)

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #02-2017 in the amount of \$1,053,671.11 and Library Fund Warrant #02-2017 in the amount of \$21,029.37 and Capital Fund Warrant #02-2017 in the amount of \$201,942.92 and Community Development Fund Warrant #02-2017 in the amount of \$45.00 and Community Renewal Fund Warrant #02-2017 in the amount of \$30,767.00 as audited, be and the same are ordered paid and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Ashley moved to appoint Michael Crowe and Debbie Hamilton, each to a three-year term on the Frederic Remington Art Museum Board of Trustees, terms to begin February 14, 2017 and end December 31, 2019, and Councillor Stevenson seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Ashley moved to appoint Jane Pinkerton, 506 Elizabeth Street, to a five-year term on the Ogdensburg Library Board, term to begin February 14, 2017 and end December 31, 2021, and Councillor Stevenson seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Mitchell moved an ordinance to sell City-owned property located at 1411 Lafayette Street, and Councillor Stevenson seconded to wit:

ORDINANCE #4 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>
48.080-4-21.1	1411 Lafayette Street	\$16,750. (includes estimated \$400. Attorney & \$350. SLC recording fee)	None

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.

The vote was:

CARRIED, AYES ALL

2. Councillor Stevenson moved an ordinance to sell City-owned property, portion of Paper Montgomery Street located between Paper Prospect Street and Paper Barre Street (631 Barre Street), and Councillor Morley seconded to wit:

ORDINANCE #5 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>
48.080-4-21.1	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	\$2,550. (includes survey \$750., Attorney \$450. & SLC recording fee \$350., Lot Price \$1,000.)	None

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.

The vote was:

CARRIED, AYES ALL

3. Councillor Price moved a resolution to hold St. Lawrence County harmless for providing shared services to the City of Ogdensburg for 2017, and Councillor Skamperle seconded to wit:

RESOLUTION HOLDING HARMLESS THE COUNTY OF ST. LAWRENCE
FOR PROVIDING SERVICE TO
THE CITY OF OGDENSBURG FOR 2017

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,

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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.

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.

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Councillor Morley asked if Council has approved this type of agreement in the past. Assistant City Manager Andrea Smith said it is an agreement entered into annually. Public Works Director Scott Thornhill said this is the same agreement used every year since his employment with the City began. Mr. Thornhill said it a good arrangement to have in place in case an emergency occurs in the City that our staff cannot handle alone.

The vote was:

CARRIED, AYES ALL

4. Councillor Skamperle moved a resolution authorizing the City Manager to sign a Home Rule Request for the enactment of Senate bill #S.3652 and Assembly bill #A.3949 entitled “An act authorizing the Commissioner of General Services to convey real property at the St. Lawrence Psychiatric Center to the City of Ogdensburg, and Councillor Stevenson seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO SIGN A HOME RULE REQUEST

WHEREAS, pursuant to Article IX of the State Constitution, the City of Ogdensburg requests the enactment of Senate bill #S.3652 and Assembly bill #A.3949 entitled “An act authorizing the Commissioner of General Services to convey real property at the St. Lawrence Psychiatric Center to the City of Ogdensburg”, and

WHEREAS, the Commissioner of the Office of General Services is authorized and empowered to transfer and convey this parcel to the City of Ogdensburg or a private buyer; and

WHEREAS, this transfer of state property to the City of Ogdensburg or a private buyer will be for fair market value and follow any of the terms and conditions the Commissioner of General Services assigns; and

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WHEREAS, due to the proximity of the land and improvements to be transferred and conveyed to existing mental health and correctional facilities, said terms and conditions of any transfer and conveyance, including the proposed use of said land, shall be subject to the approval of the Commissioner of the Office of Mental Health, the Commissioner of the Department of Corrections and Community Supervision, and the Director of the Division of Budget; and

WHEREAS, the land authorized by this act consists of one parcel of land at the St. Lawrence Psychiatric Center, in the City of Ogdensburg, St. Lawrence County; and

WHEREAS, the authorized property is generally described as follows:

Parcel D: 25 acres for Co-Gen development, bounded to the south by Entrance Ave., on the east by Cottage Drive, on the north by Office of Mental Health long-term property, on the west by buildings 32, 34, 35, 37 and 42 which are not to be included, to include the Co-generation Plant and building numbers 47, 54, 55, and 103.

WHEREAS, the above description of Parcel D is not intended to be a legal description, but is intended only to identify the premises to be conveyed. As a condition of purchase, the prospective buyer shall submit to the Commissioner of the Office of General Services for said Commissioner's approval an accurate survey and description of the lands generally described as Parcel D; and

WHEREAS, the Commissioner of the Office of General Services shall not grant the land description of Parcel D unless application and improvements are made by the City of Ogdensburg within one year after the effective date of this act.

NOW, THEREFORE, BE IT RESOLVED that the City Manager, Sarah Purdy, is hereby authorized and directed to sign a HOME RULE REQUEST for enactment of a Special Law to convey real property, Parcel D., at the St. Lawrence Psychiatric Center to the City of Ogdensburg.

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Councillor Morley questioned the fair market value of this parcel. Assistant City Manager Andrea Smith said we do not know the fair market value yet. Ms. Smith explained the Home Rule Request must be passed before the State will do an appraisal. Ms. Smith said the purchase of this property is open to the public, and the City has no commitment to purchase it.

Councillor Skamperle said he will support the Home Rule Request because it moves the process along for the Co-gen plant. Councillor Skamperle explained the plant will at least be able to get the power up and running and make use of their facility. Councillor Skamperle thanked Senator Patricia Ritchie and Assemblywoman Addie Jenne for their assistance in moving this matter forward. Councillor Morley asked if the land can be subdivided by the purchaser. Ms. Smith explained a buyer could subdivide the property in accordance with our Municipal Code.

The vote was:

CARRIED, AYES ALL

5. Councillor Stevenson moved a resolution authorizing the City Manager to sign a Home Rule Request for the enactment of Senate bill #S.861 entitled “An act authorizing the Commissioner of General Services to convey real property at the St. Lawrence Psychiatric Center to the City of Ogdensburg, and Councillor Morley seconded to wit:

**RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO SIGN A HOME RULE REQUEST**

WHEREAS, pursuant to Article IX of the State Constitution, the City of Ogdensburg requests the enactment of Senate bill #S.861 entitled “An act authorizing the Commissioner of General Services to convey real property at the St. Lawrence Psychiatric Center to the City of Ogdensburg”, and

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WHEREAS, this transfer of state property to the City of Ogdensburg will be for fair market value and follow any of the terms and conditions the Commissioner of General Services assigns; and

WHEREAS, due to the proximity of the land and improvements to be transferred and conveyed to existing mental health and correctional facilities, said terms and conditions of any transfer and conveyance, including the proposed use of said land, shall be subject to the approval of the Commissioner of the Office of Mental Health, the Commissioner of the Department of Corrections and Community Supervision, and the Director of the Division of Budget; and

WHEREAS, the land authorized by this act consists of one parcel of land at the St. Lawrence Psychiatric Center, in the City of Ogdensburg, St. Lawrence County; and

WHEREAS, the authorized property is generally described as follows:

Parcel B: 50 acres for residential development bounded by the Saint Lawrence River to the northwest, on the south by River Drive, northeast of Bridgeview to include all of the surplus land abutting the Saint Lawrence River between Bridgeview and Trinity buildings NOT to include building numbers 10, 13, 17, 31, 62, 63, 64, 65, 66, 67, 88, 89, or 217.

WHEREAS, the above description of Parcel B is not intended to be a legal description, but is intended only to identify the premises to be conveyed. As a condition of purchase the City of Ogdensburg shall submit to the Commissioner of the Office of General Services for said Commissioner's approval an accurate survey and description of the lands generally described as Parcel B; and

WHEREAS, the Commissioner of the Office of General Services shall not grant the land description of Parcel B unless application and improvements are made by the City of Ogdensburg within one year after the effective date of this act.

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NOW, THEREFORE, BE IT RESOLVED that the City Manager, Sarah Purdy, is hereby authorized and directed to sign a HOME RULE REQUEST for enactment of a Special Law to convey real property, Parcel B., at the St. Lawrence Psychiatric Center to the City of Ogdensburg.

Mayor Ashley asked for an explanation of improvements as noted in the agreement. Assistant City Manager Andrea Smith explained improvements are defined as the actions the City would take to show an interest in the property, such as obtaining the fair market value and moving forward with the transaction.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Mayor Ashley said the Remington Festival and Elks Club Father/Daughter dance held this past weekend were very well attended and thanked everyone who made the events possible.

2. Councillor Morley said he was absent from the special meeting when Council approved the bond for the Wastewater Treatment Plant Improvement Project. Councillor Morley recommended an independent, thirty party opinion on the work required at the plant before moving forward. Councillor Morley explained all parties involved have an interest in how much money is spent on the project since they will receive a percentage.

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Public Works Director Scott Thornhill explained he has reviewed the draft agreement from GHD Consulting Engineers LLC (GHD) and provided feedback. Mr. Thornhill said the Development Authority of the North Country (DANC) is looking out for our best interest with respect to this project. Mr. Thornhill explained ultimately Council will decide which particular improvements, repairs and/or upgrades are completed, and the bond amount is the worst possible scenario. Councillor Morley said none of the Council members are experts in the area of wastewater treatment plants and recommended a second opinion. Mr. Thornhill reminded Council a second opinion would cost money and likely be performed by a local company that did not give the City the best advice in the past. Mr. Thornhill explained GHD worked on our plant in 1963 and again in 1978 and is very familiar with our facility and operations.

Councillor Stevenson said she is comfortable with the current plan. Councillor Stevenson explained she reviewed the types of improvements, repairs and/or upgrades planned when she toured our facility and the Clayton facility. Councillor Stevenson said she believes GHD has a good plan for our facility and trusts that DANC will safeguard our interests. Mayor Ashley said Council has already received three opinions on the project from Mr. Thornhill, DANC and GHD. Councillor Price cautioned Council is only listening to one group and recommended the project be put out to bid. Mr. Thornhill said he will only choose those improvements, repairs and/or upgrades which are absolutely necessary and noted a new plant would cost the City about \$65 million. Mr. Thornhill explained there is a meeting Thursday regarding the draft agreement, and he will forward the report to Council for review afterwards. Mr. Thornhill said all aspects of the project will be brought to Council for approval, and he has no intentions of spending the City's money frivolously. Councillor Mitchell asked what the delays in obtaining a third party opinion would cost us. Mr. Thornhill said GHD had requested a 15 month window for design and then 2 years for construction, but he has asked them to accelerate the project. Mr. Thornhill said a third party opinion would certainly slow the process. Councillor Davis asked if GHD will create a critical path, and Mr. Thornhill said absolutely.

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2. Councillor Stevenson updated the public on the status of the two State Street traffic lights at Washington and Ford Streets. Public Works Director Scott Thornhill explained he asked the State to thoroughly investigate their determination regarding those intersections and check sensitivity. Councillor Price said he is still opposed to removing the restriction at either intersection since the change was only made recently. Councillor Morley said many people are happy the restriction at the Ford Street intersection might be removed.

NEW BUSINESS

1. Councillor Skamperle asked if the request from Amvets regarding their 5K race will be referred to the City Manager. Councillor Morley said yes.

2. Councillor Price said he had questions regarding the Parks & Recreation update. Councillor Price explained providing revenue figures without expenses makes it difficult to determine profit and loss. Recreation Director Matthew Curatolo said he intends to provide Council with a full report on the arena after the ice is removed. Councillor Morley asked when the ice will be removed, and Mr. Curatolo said March 6th. Councillor Morley asked if the ice is booked into March. Mr. Curatolo said the ice is reserved for the entire weekend before removal.

Councillor Price asked for more information regarding the donation of a new metal gazebo and the decision to rehab and move the old gazebo. Mr. Curatolo said the old one has been evaluated and can be refurbished at minimal cost for continued use at a new location. Councillor Price questioned if moving the old gazebo to the proposed location will simply add to the aging look of that area instead of inviting people to the waterfront area. Director of Public Works Scott Thornhill said the old gazebo is structurally sound. Mr. Thornhill explained the plan is to move it to the DPW garage and begin the minimal rehabilitation work. Councillor Davis asked if the old gazebo sits on a cement pad, and Mr. Thornhill said no. Councillor Price asked why we wouldn't just place the new gazebo at Kids Kingdom. Mr. Curatolo explained the Ogdensburg Garden Club preferred the little park area on the waterfront for the new gazebo.

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2. Councillor Morley asked if Mr. Curatolo intends to upgrade the City's boat launches. Mr. Curatolo explained a major upgrade will be completed upon receipt of the State funding, but his department will certainly repair as much as possible in the spring.

3. Councillor Stevenson reminded everyone of the Fort la Presentation battle re-enactment scheduled for Saturday. Councillor Stevenson said there will be events held all day long and encouraged everyone to come out and learn about our history.

CITIZEN PARTICIPATION

1. Sandy Sanders, 232 Washington Street, addressed Council regarding the old and new gazebos. Mrs. Sanders reminded Council of the vandalism that commonly occurs in the Greenbelt area. Mayor Ashley said the police department has over seventy miles of street to patrol, and it would be a shame to take opportunities like this away from citizens just because the area might be vandalized. Councillor Stevenson said it may be a good time for Council to review the idea of cameras in the Greenbelt area again.

Councillor Price made a motion to adjourn to Executive Session to discuss a personnel evaluation, and Councillor Morley seconded the motion.

The vote was:

AYES ALL

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