

## CITY COUNCIL MEETING

April 10, 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. City Comptroller Timothy Johnson made a presentation to Council on the 2016 year end closeout. (A copy of his presentation material follows these minutes.)

### PUBLIC HEARING

1. A public hearing regarding an ordinance to license municipal property in the Greenbelt to M&T's Concession operated by Mary Jo and Tom Montana was held. No one being present to speak, the hearing was declared closed.

### PROCLAMATION

1. Mayor Ashley read a proclamation declaring April 28, 2017 as Arbor Day and presented the proclamation to Recreation Director Matthew Curatolo. (A copy of the proclamation follows these minutes.)

### CORRESPONDENCE

1. City Clerk Kathleen Bouchard read an invitation from the Kiwanis Club of Ogdensburg, OFA Key Club and OFA Builders Club to the soldiers monument dedication ceremony on May 29, 2017 at 11:00 a.m. at the Ogdensburg Cemetery. (A copy of the invitation follows these minutes.)

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2. City Clerk Kathleen Bouchard read a letter from Allan Mooney, Amvets Post 19 Adjutant, requesting permission to hold the Memorial Day Parade on State Street (Route 68) on May 29, 2017. (A copy of the letter follows these minutes.)

### CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #06-2017 in the amount of \$459,734.55 and Library Fund Warrant #06-2017 in the amount of \$20,355.36 and Capital Fund Warrant #06-2017 in the amount of \$0.00 and Community Development Fund Warrant #06-2017 in the amount of \$11,795.00 and Community Renewal Fund Warrant #06-2017 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 re-appoint Cynthia Cole and Kathryn Rhinebold, each to a three year term on the Pride and Beautification Commission, terms to begin April 11, 2017 and end December 31, 2019, and Councillor Mitchell seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Ashley moved an ordinance to authorize a license of municipal property in the Greenbelt to M&T's Concession, Mary Jo and Tom Montana, and Councillor Skamperle seconded to wit:

ORDINANCE #6 OF 2017  
AN ORDINANCE TO AUTHORIZE A LICENSE OF  
MUNICIPAL PROPERTY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
OGDENSBURG, NEW YORK, AS FOLLOWS:

ITEM ONE: An ordinance to authorize a license of municipal property in the Greenbelt to M&T's Concession, Mary Jo and Tom Montana.

ITEM TWO: The City Manager has presented the attached proposed agreement to license space at the asphalt pad in the Greenbelt on Riverside Avenue, commonly referred to as the "Concession Stand Area".

ITEM THREE: The City Manager is hereby authorized to execute the attached license agreement, hereby made part of this ordinance.

ITEM FOUR: Passage of this ordinance shall be by a vote of three-fourths (3/4) of all members of the City Council.

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

The vote was:

CARRIED, AYES ALL

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2. Councillor Skamperle moved a resolution introducing public notice and a public hearing regarding a proposed ordinance amending Chapter 221, entitled 'Zoning', Article XVII entitled 'Administration and Enforcement', §221-83 "Zoning Board of Appeals" of the Code of the City of Ogdensburg, and Councillor Morley seconded to wit:

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

WHEREAS, New York State General City Law, Article 3 §81 states City's shall appoint "a board of appeals consisting of three or five members as shall be determined by local law or ordinance"; and

WHEREAS, currently, OMC §221-83 states that the zoning board of appeals shall consist of "seven members" which shall be revised to reflect five members in accordance with NYS statute and General City Law.

NOW, THEREFORE BE IT RESOLVED that the Ogdensburg City Council shall hold a public hearing on the 24<sup>th</sup> day of April, 2017 at 7:00 p.m., at the City Council Chambers in the Ogdensburg City Hall, 330 Ford Street Ogdensburg NY, regarding this proposed ordinance change.

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the official City newspaper at least ten (10) days prior to the date of the public hearing setting forth the time and place and describing the proposed application in summary form.

The vote was:

CARRIED, AYES ALL

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3. Mayor Ashley moved a resolution to approve the issuance of a Bond Ordinance in the amount of \$500,000 to cover the Strategic Demolition of Blighted Properties Project, which includes the demolition of former Garn's Supply Building on 17 Main Street and former St. Joseph's Nursing Home on Lafayette Street, and Councillor Morley seconded to wit:

BOND ORDINANCE DATED APRIL 10, 2017.

AN ORDINANCE AUTHORIZING THE STRATEGIC DEMOLITION OF BLIGHTED PROPERTIES, INCLUDING FORMER GARN'S BUILDING SUPPLY AND FORMER ST. JOSEPH'S NURSING HOME, FOR THE CITY OF OGDENSBURG, ST. LAWRENCE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$500,000 AND AUTHORIZING THE ISSUANCE OF \$500,000 SERIAL BONDS OF SAID CITY, TO PAY THE COST THEREOF.

BE IT RESOLVED, by the Common Council of the City of Ogdensburg, St. Lawrence County, New York, as follows:

Section 1. The Strategic Demolition of Blighted Properties, including the former Garn's Building Supply Building and former St. Joseph's Nursing Home, in and for the City of Ogdensburg, St. Lawrence County, New York, is hereby authorized at an aggregate maximum estimated cost of \$500,000.

Section 2. The plan for the financing thereof is by the issuance of \$500,000 serial bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, allocated as set forth in Section 1; provided, however, that the amount of serial bonds ultimately to be issued shall be reduced dollar for dollar by the amount of RESTORE NY funds awarded to the City of Ogdensburg for the Demolition of Blighted Properties (#AB795) received therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five to ten years, pursuant to subdivision 89 (12)(a) & (b) of paragraph a of Section 11.00 of the Local Finance Law.

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Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Ogdensburg, St. Lawrence County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Ogdensburg, St. Lawrence County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the City Comptroller shall deem best for the interests of the City.

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Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

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Section 10. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This ordinance, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The vote was:

CARRIED, AYES ALL

4. Councillor Morley moved a resolution to approve the 2017 Tax Warrant, and Councillor Stevenson seconded to wit:

Resolution

WHEREAS, the Tax Roll of the City of Ogdensburg, for the fiscal year January 1, 2017 through December 31, 2017, 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 \$270,987,395 and the tax rate is \$19.667781 per thousand for the General City Tax and the taxable valuation of \$271,090,272 and the tax rate is \$9.780935 per thousand for the General County Tax for the fiscal year January 1, 2017 through December 31, 2017 and the tax roll will produce the following:

CITY AND COUNTY TAX	\$ 7,981,237.06
DUE WATER ACCOUNT	196,992.76
DUE SEWER ACCOUNT	186,231.97
DUE MISCELLANEOUS ACCOUNT	28,085.80
OMITTED TAXES	<u>20,184.13</u>
TOTAL	\$ <u>8,412,731.72</u>

NOW THEREFORE, pursuant to Section C70 of the City Charter, the Tax Roll of the fiscal year 2017 is confirmed and the warrant in the sum of \$8,412,731.72 annexed thereto and be signed for the collections of all taxes in two installments; the first installment commencing April 15, 2017 and the second installment commencing July 15, 2017, 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

5. Councillor Stevenson moved a resolution to amend Title VI Plan to address 24CFR8.53, 24CFR8.54 and 28CFR35.107(b) on Section 504 ADA Grievance Procedures, and Councillor Morley seconded to wit:

RESOLUTION TO AMEND  
CITY OF OGDENSBURG TITLE VI PLAN

WHEREAS, Section 504 of the Rehabilitation Act of 1973 as amended, provides that no qualified individual shall, solely by reason of his or her handicap, be excluded from program participation, including employment, be denied program benefits, or be subjected to discrimination. The Americans with Disabilities Act of 1990 establishes provisions for assuring equality of opportunity, full participation, independent living and self-sufficiency of disabled persons relative of employment, benefits and services accommodations, commercial facilities, and multi-family housing; and

WHEREAS, 24CFR8.53 requires adoption and 24CFR8.54 requires providing notice of grievance procedures for municipalities with 15 or more employees; and

WHEREAS, 28CFR35.107(b) requires publication of grievance procedures where a public entity employs 50 or more employees; and

WHEREAS, in accordance with the City's NYS CDBG Comprehensive Monitoring Report for project #838HR77-12 (Ford Street Gateway), the City was found not to have such a procedure in place.

NOW, THEREFORE BE IT RESOLVED that the Ogdensburg City Council shall amend its adopted Title VI Plan to include Appendix 4: Notice of Grievance Procedures as attached.

BE IT FURTHER RESOLVED, that the City Council directs the Director of Planning and Development to submit a copy of this resolution and the amended Title VI Plan to New York State Homes and Community Renewal in response to the Comprehensive Monitoring Report received on March 20, 2017.

The vote was:

CARRIED, AYES ALL

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6. Mayor Ashley moved a resolution authorizing the City Manager to sign an agreement between the City of Ogdensburg and NRC Environmental for the removal of metals-contaminated soil at the former Standard Shade Roller Site in the amount of \$65,050., and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING AWARD AND AGREEMENT BETWEEN  
THE CITY OF OGDENSBURG AND NRC ENVIRONMENTAL IN  
CONNECTION WITH THE REMOVAL OF METALS-CONTAMINATED  
SOILS AT THE FORMER STANDARD SHADE ROLLER SITE

WHEREAS, the City of Ogdensburg, in fulfillment of US EPA Brownfield Grant Agreement No. BF97219900, desires to complete the removal of metals-contaminated soils at the former Shade Roller Site; and

WHEREAS, the Former Standard Shade Roller site has been accepted into the Brownfields Cleanup Program (BCP), National Grid Shovel Ready Brownfield Remediation Program, and has been awarded a US EPA Cleanup Grant to help achieve this goal; and

WHEREAS, on March 22<sup>nd</sup> the City received three responses to our request for bids to remove the remaining metals-contaminated soils; and

WHEREAS, NRC Environmental submitted the lowest responsible bid of \$65,050 to complete the scope of work outlined in the base bid.

NOW, THEREFORE BE IT RESOLVED, that the City Manager is hereby authorized to execute an agreement, in the amount of \$65,050., between the City of Ogdensburg and NRC Environmental in connection with the removal of metals-contaminated soils at the Former Shade Roller Site, and;

BE IT FURTHER RESOLVED, that funding for this project will come from Capital Fund H866602.518.

The vote was:

CARRIED, AYES ALL

7. Councillor Price moved a resolution authorizing the City Manager to sign a NYSDOT Undertaking Agreement to allow the Memorial Day Parade route to be designated as State Street (Route 68), and Councillor Skamperle seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER  
TO SIGN A NYSDOT UNDERTAKING AGREEMENT

WHEREAS, the New York State Department of Transportation (NYSDOT) requires an Undertaking Agreement to allow the Memorial Day Parade route to be designated as State Street (Route 68), and

NOW, THEREFORE, BE IT RESOLVED that the City Manager, Sarah Purdy, is hereby authorized and directed to sign an Undertaking Agreement with the NYSDOT to allow the Memorial Day Parade route to be designated as State Street (Route 68).

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Morley thanked the Recreation Department for placing a safety fence along the Crescent area immediately after he reported his concerns.

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2. Councillor Morley asked for budget meetings to be scheduled to keep Council updated on the budget. Councillor Stevenson agreed and suggested quarterly meetings. Councillor Skamperle suggested a presentation at a Council Meeting, but Councillor Stevenson and Councillor Morley both said they would prefer a separate meeting specifically for budget discussion. City Manager Sarah Purdy said she will present Council with suggested meeting dates.

3. Councillor Morley asked if the asbestos removal project at the Washington Street building could be postponed to save money. Ms. Purdy said the bids for that project came in higher than expected so the project may in fact be delayed. Public Works Director Scott Thornhill explained he may be able to use funds allocated to the roof projects because the cost of those projects is less than anticipated. Mr. Thornhill said a National Grid grant may also be available for the asbestos removal. Ms. Purdy explained she will discuss the project and available options with Mr. Thornhill and update Council.

4. Councillor Morley asked for a meeting to be scheduled for the Executive Compensation Committee. There was a consensus of the committee to schedule a meeting.

5. Mayor Ashley asked if a final figure has been calculated for the demolition of the old Garn's building. Ms. Purdy said we are still waiting on the cost for the removal of the underground storage tank, but she will update Council once the final figure is available.

6. Councillor Stevenson requested an update on the Paterson Street bike route.

### ITEMS FOR DISCUSSION

1. Councillor Stevenson reminded everyone of the Amvets Post 19 Run scheduled for April 15<sup>th</sup> and encouraged everyone to support the event.

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CITIZEN PARTICIPATION

1. Karl Mayhew, 110 Lake Street, addressed Council regarding the noise level in his neighborhood. Mr. Mayhew asked for assistance with enforcement of the noise ordinance.

Mayor Ashley said there was a need for Executive Session to discuss the sale of the former Newell's property and Councillor Morley seconded the motion.

The vote to adjourn to Executive Session was:

CARRIED, AYES ALL

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