

AGENDA
Council Meeting
Monday, May 14, 2018
7:00 P. M.

I. Pledge of Allegiance

II. Call to Order

III. Presentation

1. Erin Covell, The People Project

IV. Public Hearing

1. A public hearing regarding an ordinance to amend Chapter 83 entitled Brush, Grass and Weeds of the Municipal Code of the City of Ogdensburg. (Bill #18)

V. Personal Appearance

(Anyone wishing to address the Council should notify the Clerk prior to the meeting)

VI. Correspondence

1. A letter from Allan Mooney, VFW Post 2936 and American Legion Post 69, requesting permission to hold Memorial Day Parade on May 28, 2018 at 10:00 a.m.

VII. Consent Agenda

(All Matters listed under this item are considered to be routine and will be enacted by one motion in the form below without separate discussion. If discussion is desired, the item will be removed from the consent agenda and considered separately.)

1. Approval of previous minutes
2. Approval of warrant

VIII. Appointments

IX. Items for Council Action

1. An ordinance to amend Chapter 83 entitled Brush, Grass and Weeds of the Municipal Code of the City of Ogdensburg. (Bill #18)
2. A resolution to approve the sale of 2 King Street, Tax Parcel #48.078-5-27, for \$1,000. to Adam W. Davis. (Requires six affirmative votes to approve.) (Bill #34)
3. 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), on May 28, 2018. (Bill #35)
4. A resolution to establish the standard work days for elected and appointed City of Ogdensburg officials and reports the days worked to the New York State and Local Retirement System. (Bill #36)

X. Old Business

XI. New Business

XII. Items for Discussion

XIII. Citizen Participation

XIV. Executive Session

1. Matters which will imperil the public safety if disclosed

XV. Adjournment

REC'd
4/20/18
KAB

April 20, 2018

City Clerk's Office
City Hall
Ogdensburg, N.Y. 13669

Dear sir;

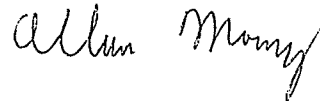
Memorial Day is one of the most American of traditions. Pursuant to this, VFW Post 2936, in cooperation with American Legion Post 69, respectfully request permission to hold the Memorial Day Parade and Ceremony again this year. This year's date will be May 28th, 2018.

Our plans call for the parade to start, as in past years, by Library Park at 10 A.M. and proceed up State Street to the cemetery, where the ceremony will be held at the veteran's plot. The Mayor and all city officials are cordially invited to attend this function.

Please respond by May 18th so our plans can be finalized. The mailing address for inquiries about the event is: American Legion, post office box 1454, Ogdensburg, N.Y. 13669. In case of inclement weather the parade will be canceled and the ceremony held at the local VFW building. Soup and sandwiches will be available afterwards at the VFW. If you have any questions, you can call me at 315-393-7904.

Thank you.

Allan Mooney



RESOLVED: That the claims as enumerated in General Fund Warrant #09-2018 in the amount of \$1,505,002.43 and Library Warrant #09-2018 in the amount of \$53,266.13 and Capital Fund Warrant #09-2018 in the amount of \$63,472.43 and Community Development Fund Warrant #09-2018 in the amount of \$8,133.65 and Community Renewal Fund Warrant #09-2018 in the amount of \$3926.79, as audited, be and the same hereby are ordered paid.

DATED: May 10, 2018

Business of the City Council

City of Ogdensburg

SUBJECT:
An Ordinance to amend Chapter 83
entitled "Brush, Grass and Weeds" of
the Ogdensburg Municipal Code.

FOR AGENDA OF: May 14, 2018

BILL #: 18

DEPT. OF ORIGIN: DPW

DATE SUBMITTED: March 6, 2018

APPROVED AS TO FORM BY CITY
ATTORNEY

CLEARANCES: _____

EXHIBITS: Ordinance

APPROVED BY CITY MANAGER FOR
SUBMITTAL

EXPENDITURE
REQUIRED: 0

AMOUNT
BUDGETED: 0

APPROPRIATION
REQUIRED: 0

SUMMARY STATEMENT

An ordinance to amend Chapter 83 entitled Brush, Grass and Weeds of the Municipal Code of the City of Ogdensburg.

RECOMMENDED ACTION

Passage of this resolution.

MOVED BY: _____

SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR ASHLEY _____

COUNCILLOR DAVIS _____

COUNCILLOR KENNEDY _____

COUNCILLOR PRICE _____

COUNCILLOR SHAVER _____

COUNCILLOR SKAMPERLE _____

COUNCILLOR STEVENSON _____

ORDINANCE #9 OF 2018
AN ORDINANCE AMENDING CHAPTER 83 ENTITLED
"BRUSH, GRASS AND WEEDS"
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 83; entitled Brush, Grass and Weeds is hereby deleted in its entirety and replaced with the following:

§ 83-1. Procedures.

It shall be unlawful for any owner, lessee or occupant or any agent or employee of any such owner, lessee or occupant having control of any occupied or unoccupied developed lot, or developed land or undeveloped land defined as "waterfront area" by Chapter 135 of this Code or any part thereof in the City of Ogdensburg to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same, between the property line and the edge of the roadway, any growth of weeds, grass, or other rank vegetation to a greater height than 10 inches on the average or any accumulation of dead weeds, grass or brush. It shall also be unlawful for any such person to cause, suffer or allow poison ivy, ragweed or other poisonous plants or plants detrimental to health to grow on any such lot or land in such manner that any part of such poison ivy, ragweed or other poisonous or harmful weed shall extend upon, overhang or border any public place or allow the seed, pollen or other poisonous particles or emanation therefrom to be carried through the air into any public place.

§ 83-2. Duties of owners and occupants.

It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provision in § 83-1, between April 15 and October 15.

§ 83-3. Failure to comply; work by City; costs.

If the provisions of the foregoing sections are not complied with, the Director of Public Works shall serve written notice, upon the owner, lessee or occupant or any person having the care or control of any such lot or land to comply with the provisions of this chapter. If the person upon whom the notice is served fails, neglects or refuses to cut and remove or to cause to be cut and removed such weeds, grass or other vegetation within five business days from the date of mailing of such notice, the Director of Public Works shall cause such weeds, grass and other vegetation on such land or lands to be cut and may be removed by City staff or private contractor. The Director of Public Works will determine, through his/her inspection and if necessary, records from the appropriate agencies, whether a property can be safely entered and the work safely performed, either by City staff or private contractor. The actual cost of such cutting and removal, plus a one-hundred dollar civil penalty for the first violation, two-hundred dollars for the second violation and four-hundred dollars for all subsequent violations (in the same calendar year) and a 10% inspection fee (based upon the sum of actual costs and civil penalty not to exceed fifty dollars), shall be certified by the Director of Public Works to the City Comptroller and shall thereupon become and be a lien upon the property on which such weeds, grass and other vegetation were located and shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer in the same manner as taxes.

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.

Business of the City Council
City of Ogdensburg

SUBJECT: Resolution to approve the sale of City-owned property.
FOR AGENDA OF: 05/14/2018
BILL #: 34
DEPT. OF ORIGIN: City Comptroller
DATE SUBMITTED: 04/25/2018
APPROVED AS TO FORM BY CITY ATTORNEY
EXHIBITS: Resolution
APPROVED BY CITY MANAGER FOR SUBMITTAL

EXPENDITURE REQUIRED: -0-	AMOUNT BUDGETED: -0-	APPROPRIATION REQUIRED: -0-
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SUMMARY STATEMENT

A resolution to approve the sale of 2 King Street, Tax Parcel #48.078-5-27, for \$1,000.00 to Adam W. Davis. **(Requires six affirmative votes to approve.)**

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR ASHLEY	_____	COUNCILLOR DAVIS	_____
COUNCILLOR KENNEDY	_____	COUNCILLOR PRICE	_____
COUNCILLOR SHAVER	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

RESOLUTION TO APPROVE THE SALE OF 2 KING STREET,
TAX PARCEL 48.078-5-27, TO ADAM W. DAVIS

WHEREAS, the Ogdensburg City Council, on April 9, 2018, authorized the public auction of surplus City-owned real property, and

WHEREAS, the City held an auction on April 25, 2018 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>
48.078-5-27	2 King Street	\$1,000 (includes estimated \$400 Attorney and \$350 recording fees)	nonconforming lot, R/B

BE IT FURTHER RESOLVED, that the sale shall be subject to the terms of the April 9, 2018 resolution.

Business of the City Council
City of Ogdensburg

SUBJECT: FOR AGENDA OF: May 14, 2018
A resolution authorizing the City Manager
to sign an NYSDOT Undertaking
Agreement. BILL #: 35
DEPT. OF ORIGIN: City Clerk
DATE SUBMITTED: April 27, 2018
APPROVED AS TO FORM BY CITY ATTORNEY CLEARANCES: _____
EXHIBITS: Resolution & undertaking agreement
APPROVED BY CITY MANAGER FOR SUBMITTAL

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: 0	BUDGETED: 0	REQUIRED: 0

SUMMARY STATEMENT

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), on May 28, 2018.

RECOMMENDED ACTION

Passage of this resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR ASHLEY	_____	COUNCILLOR DAVIS	_____
COUNCILLOR KENNEDY	_____	COUNCILLOR PRICE	_____
COUNCILLOR SHAVER	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

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), on May 28, 2018.



UNDERTAKING

For the benefit of

The New York State Department of Transportation

In connection with work affecting state highways

(For use by New York municipalities and federal agencies)

WHEREAS, the undersigned City of Ogdensburg (Municipality, County, Town, City or Village, or any agency of the federal government, hereinafter referred to as "Permittee") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. Permit Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

2. Applicable Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

4. Payment & Release of Liens. Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.

5. Indemnity. In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

IN WITNESS WHEREOF, City of Ogdensburg (Municipality-County, Town, City, Village or federal agency) agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee (attach Resolution of Approval).

Authorized Agent

5/15/2018
Date

Sarah Purdy, City Manager
Print Name/Title

330 Ford Street
Address

(315) 393-6100
Phone number

Ogdensburg, NY 13669
Address

spurdy@ogdensburg.org
e-mail

Business of the City Council
City of Ogdensburg

SUBJECT: Standard Work Day
and Reporting Resolution for
Elected and Appointed Officials

FOR AGENDA OF 05-14-18 BILL #36

DEPT OF ORIGIN: City Clerk

DATE SUBMITTED: 05-14-18

CLEARANCES: _____

APPROVED AS TO FORM
BY CITY ATTORNEY

EXHIBITS: Resolution

APPROVED BY CITY MANAGER FOR
SUBMITTAL

EXPENDITURE
REQUIRED: 0

AMOUNT
BUDGETED: 0

APPROPRIATION
REQUIRED: 0

SUMMARY STATEMENT

This resolution establishes the standard work days for elected and appointed City of Ogdensburg officials and reports the days worked to the New York State and Local Retirement System.

RECOMMENDED ACTION

Approval of Resolution.

MOVED BY: _____

SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR ASHLEY _____

COUNCILLOR DAVIS _____

COUNCILLOR KENNEDY _____

COUNCILLOR PRICE _____

COUNCILLOR SHAVER _____

COUNCILLOR SKAMPERLE _____

COUNCILLOR STEVENSON _____

STANDARD WORK DAY AND REPORTING RESOLUTION
FOR ELECTED AND APPOINTED OFFICIALS

BE IT RESOLVED, that the City of Ogdensburg, Location Code #20038, hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (check Only if Member is in Tier 1)	Current Term Begin & End Dates	Record of Activities Result	Not Submitted (Check only if official did not submit the Record of Activities)
City Councillor	6	Daniel Skamperle	██████	██████████		01/01/18-12/31/21	8.03	<input checked="" type="checkbox"/>

THEREFORE, BE IT FURTHER RESOLVED, that the Ogdensburg City Council hereby approves that the ROAs (Record of Activities) submitted reflect the duties of the respective positions, and updating and establishing the standard work days set forth thereon.

BE IT FURTHER RESOLVED, that the days worked indicated thereon be reported to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by this official to the City.

BE IT FURTHER RESOLVED, that the Clerk of the City shall post the Resolution on the City website for thirty (30) days after its adoption, distribute this resolution to the subject City officials, and file a certified copy of this Resolution with the Office of the New York State and Local Retirement System, Pension Integrity Bureau, within forty-five (45) days of its adoption.