

CITY COUNCIL MEETING
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Mayor Ashley called the meeting to order and asked the Clerk to call the roll:

PRESENT: Mayor Ashley, Councillors Davis, Kennedy,
Price, Shaver and Skamperle

ABSENT: Councillor Stevenson

Mayor Ashley said Councillor Stevenson asked to be excused because she is out of town. There was a consensus of Council to excuse Councillor Stevenson.

Mayor Ashley made a motion to adjourn to Executive Session to discuss the medical, financial, credit or employment history of a particular person or corporation, and Councillor Skamperle seconded the motion.

The vote to adjourn to Executive Session was:

CARRIED, AYES ALL

Upon returning from Executive Session, all members of Council were still present.

PUBLIC HEARING

1. A public hearing regarding an ordinance to sell the following City-owned properties to Ogdensburg Land Bank Corporation: TMN 48.079-5-20; TMN 59.030-4-73; TMN 59.022-12-4; TMN 59.030-4-55; TMN 59.029-1-24; TMN 48.071-9-3; TMN 48.072-3-18; TMN 48.077-1-18; TMN 48.080-2-17; TMN 59.023-12-3.1; TMN 59.030-4-67; TMN 59.023-2-25; and, TMN 48.071-5-29 was held. No one being present to speak, the hearing was declared closed.

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2. A public hearing regarding an ordinance to lease municipal property at the Rosseel Street water storage tank to T-Mobile Northeast LLC was held. No one being present to speak, the hearing was declared closed.

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #03-2019 in the amount of \$435,573.92 and Library Fund Warrant #03-2019 in the amount of \$23,74.20 and Capital Fund Warrant #03-2019 in the amount of \$1,187.50 and Community Development Fund Warrant #03-2019 in the amount of \$1,643.60 and Community Renewal Fund Warrant #03-2019 in the amount of \$7,234.00 as audited, be and the same are ordered paid and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Ashley moved an ordinance to sell the following City-owned properties to Ogdensburg Land Bank Corporation: TMN 48.079-5-20; TMN 59.030-4-73; TMN 59.022-12-4; TMN 59.030-4-55; TMN 59.029-1-24; TMN 48.071-9-3; TMN 48.072-3-18; TMN 48.077-1-18; TMN 48.080-2-17; TMN 59.023-12-3.1; TMN 59.030-4-67; TMN 59.023-2-25; and, TMN 48.071-5-29, and Councillor Skamperle seconded to wit:

ORDINANCE #5 of 2019
AN ORDINANCE TO APPROVE THE SALE OF CITY-OWNED PROPERTIES

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

ITEM ONE: An ordinance to authorize the sale of City-owned properties to the Ogdensburg Land Bank Corporation.

ITEM TWO: The Ogdensburg City Council established the Ogdensburg Land Bank Corporation by resolution on March 26, 2018 in accordance with Not-for-Profit Corporation Law, Article 16 (“Land Bank Act”). The Ogdensburg Land Bank Corporation has developed a strategy to address vacant and abandoned properties that present a danger to the health and safety of local residents, and discourage further investment in the community.

ITEM THREE: The City of Ogdensburg has acquired the following properties in accordance with property tax sale foreclosure proceedings. City staff has reviewed the list of parcels and find no conflict with the proposed sale, having no infrastructure, or known easements of public benefit. Sale of these City properties promotes the return of surplus property to the taxable roll for the greater public benefit in keeping with comprehensive planning goals and the New York State Land Bank Act.

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ITEM FOUR: City Council approves the sale of the following properties:

1. TMN 48.079-5-20;
2. TMN 59.030-4-73;
3. TMN 59.022-12-4;
4. TMN 59.030-4-55;
5. TMN 59.029-1-24;
6. TMN 48.071-9-3;
7. TMN 48.072-3-18;
8. TMN 48.077-1-18;
9. TMN 48.080-2-17;
10. TMN 59.023-12-3.1;
11. TMN 59.030-4-67;
12. TMN 59.023-2-25; and
13. TMN 48.071-5-29.

To the Ogdensburg Land Bank Corporation, at the price of \$1.00, plus any and all associated attorney fees and filing fees.

ITEM FIVE: The sale of said City-owned real property shall be subject to review and approval by the City Attorney.

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

ITEM SEVEN: 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 Shaver moved a resolution for classification of State Environmental Quality Review Act (SEQRA) action and establishment of Ogdensburg City Council as Lead Agency, and Councillor Skamperle seconded to wit:

OGDENSBURG CITY COUNCIL
SEQR RESOLUTION
CLASSIFICATION OF ACTION AND
NEGATIVE DECLARATION
WIRELESS TELECOMMUNICATION COLLOCATION
701 ROSSEEL STREET, OGDENSBURG, NY

WHEREAS, T-Mobile desires to collocate wireless telecommunications including twelve (12) antennas, six (6) RRUs, and (1) MW dish with ODU, three (3) hybrid Cables, two (2) coax cables, and one (1) GPS antenna on property owned by the City of Ogdensburg located at 701 Rosseel Street, and;

WHEREAS said proposed action includes a Type II Action as is defined in 6NYCRR Section 617.5 (c) (7); and

WHEREAS, the NY State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQRA, and;

WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District, and;

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WHEREAS, this project appears to be an “Unlisted” action under SEQRA; and;

WHEREAS, 6 NYCRR 617.6(b)(1) indicates that when a single agency is involved, that agency will be the lead agency, and;

WHEREAS, the Ogdensburg City Council (hereafter referred to as “City Council”) desires to serve and act as the lead agency for the purposes of SEQRA compliance, and;

WHEREAS, the City Council has independently considered both the information provided in the EAF and application materials, and comments provided by T Mobile and City Staff.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby determines that:

1. the proposed action constitutes an Unlisted action which is subject to SEQRA,
2. The proposed action does not involve a federal agency,
3. The proposed action is not located in, or within 500 feet of, an Agricultural District and, therefore, is not subject to the provisions of the Agriculture and Markets Law,
4. A short EAF is adequate for determining the significance of the proposed action, and

BE IT FURTHER RESOLVED, that based upon its review of the project and the EAF, comments from City Staff, and comparison with the Criteria for Determining Significance found at 6 NYCRR Section 617.7(c), the City Council hereby finds that the proposed colocation of wireless telecommunications by T-Mobile at 701 Rosseel Street constitutes an action which will not have a significant adverse impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement; and,

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BE IT FURTHER RESOLVED, that this determination is based upon the following facts and conclusions:

1. The proposed amended action is not located within regulated resources (i.e. state or federally-regulated wetlands).
2. The proposed amended action is not located within a state-regulated viewshed.
3. The proposed amended action will not impact local traffic or adversely affect public health or community character.
4. The proposed amended action will not impact water quality or the City's ability to provide water reliably to its residents.
5. The proposed action will not result in significant adverse environmental impacts.

BE IT FURTHER RESOLVED, that this Determination of Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED, that the Ogdensburg City Clerk is hereby directed to cause to be filed and circulated the amended negative declaration in accordance with the requirements of SEQRA, a copy of the negative declaration shall be maintained in the Office of the City Clerk in a file will be readily accessible to the public and the clerk shall mail copies, return receipt requested to:

Environmental Notice Bulletin NYSDEC
625 Broadway, 4th Floor
Albany, NY 12233-1750

The vote was:

CARRIED, AYES ALL

3. Councillor Kennedy moved an ordinance to lease municipal property at the Rosseel Street water storage tank to T-Mobile Northeast LLC, and Councillor Price seconded to wit:

ORDINANCE #6 OF 2019
AN ORDINANCE TO AUTHORIZE A LEASE 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 lease of municipal property at Rosseel Street water storage tank to T-Mobile Northeast LLC for wireless communications.

ITEM TWO: The City Manager has presented the attached proposed agreement to lease space on the Rosseel Street water storage tank to T-Mobile Northeast LLC for the placement and maintenance of wireless communications antennae. The lease term shall be for an initial period of five (5) years, and shall be automatically renewed for two successive five (5) year periods, unless either party provides prior written notice to the other of its intention not to renew, not less than 30 days prior to the expiration of the then current term.

ITEM THREE: The City Manager is hereby authorized to execute the attached lease 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 in the official City newspaper that shall give the title and describe same in summary form.

The vote was:

CARRIED, AYES ALL

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4. Councillor Skamperle moved a resolution to allow the St. Lawrence County Department of Highways to be held harmless for providing shared services such as paving, signage, road stripping, blasting and other routine maintenance activities to the City of Ogdensburg, and Councillor Kennedy seconded to wit:

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

WHEREAS, the City of Ogdensburg is desirous of St. Lawrence County Department of Highways providing shared services such as paving, signage, road stripping, 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,

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.

The vote was:

CARRIED, AYES ALL

NEW BUSINESS

1. Councillor Price made a motion to direct the City Attorney to commence an investigation of Councillor Shaver's residency under the terms of Article III Section C-5(b) and Article III Section C-14 of the Charter of the City of Ogdensburg, and Councillor Davis seconded the motion. Mayor Ashley said it would be best to clear the air once and for all, and Councillor Davis agreed. Councillor Skamperle questioned the cost of an investigation, noting the last time an investigation was done it was quite expensive. Councillor Skamperle said he would like the City Attorney to describe what type of investigation will be done. Councillor Price said he too is concerned about the cost of an investigation, but he is also concerned about the implications of a Councillor who is not qualified voting on a matter.

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Councillor Skamperle made a motion to table the matter until the City Attorney advises Council of the cost of the investigation. This motion died for lack of a second. Councillor Shaver said he has no problem with the investigation at all, but he thought everyone accepted his response when Council previously discussed the matter. Councillor Shaver said he is bewildered why the motion is being brought now, and he believes it is a personal attack. Councillor Price said he made the motion because public outcry has increased since Council discussed the issue.

The vote was:

AYES: Mayor Ashley, Councillors Davis,
Kennedy, Price and Skamperle

NAYS: Councillor Shaver

CARRIED, 5 TO 1

ITEMS FOR DISCUSSION

1. Director of Planning and Development Andrea Smith discussed the recommendations for the public meetings to review the proposed Zoning changes. Ms. Smith explained the plan is to hold six initial public meetings in each of the voting districts with two meetings to be held each month. Ms. Smith said all meetings will be open to the public, regardless of voting district residency. Ms. Smith explained a formal public hearing would be required before Council could approve the changes. Ms. Smith said she anticipates bringing the final recommendations to Council in early Fall with changes to be adopted before the end of the fiscal year. Councillor Kennedy asked if the map showing the voting districts would be included with the notice mailed to residents, and Ms. Smith said yes.

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