

AGENDA
Council Meeting
Monday, October 28, 2013
7:00 P. M.

I. Call to Order

II. Pledge of Allegiance

III. Presentation

1. BOA: Reuse Strategy and Vision with Vita Nuova, Michael Taylor and Neil Pariser and next steps overview with NYS DOS, David MacLeod.

IV. Proclamation

1. Proclamation supporting the Declaration of the Rights to Libraries in the City of Ogdensburg.

V. Public Hearing

1. A public hearing regarding an ordinance amending Chapter 209, Section 209-48, Schedule XI: "Parking Prohibited at All Times" and Section 209-57, Schedule XX: "Handicapped Parking" of the Code of the City of Ogdensburg. (Bill #83)
2. SEQR Scoping (public comments will be accepted at this time, written comments are accepted until close of business on November 12, 2013)

VI. Personal Appearance

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

VII. Correspondence

VIII. 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

IX. Appointments

X. Items for Council Action

1. An ordinance to amend Chapter 209, Section 209-48, Schedule XI: "Parking Prohibited at All Times" and Section 209-57, Schedule XX: "Handicapped Parking" of the Code of the City of Ogdensburg. (Bill #83)
2. A resolution authorizing the City Manager to sign a NYSDOT Undertaking Agreement to allow the 2013 Holiday Light Up the Night Parade route to be designated as State Street (Route 68). (Bill #86)

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XI. Old Business

XII. New Business

XIII. Items for Discussion

IXV. Executive Session

XV. Adjournment

Proclamation

WHEREAS, in the spirit of the United States Declaration of Independence and the Universal Declaration of Human Rights, we believe that libraries are essential to a democratic society. Every day, in countless communities across our nation and the world, millions of children, students and adults use libraries to learn, grow and achieve their dreams. In addition to a vast array of books, computers and other resources, library users benefit from the expert teaching and guidance of librarians and library staff to help expand their minds and open new worlds. We declare and affirm our right to quality libraries -public, school, academic, and special - and declare our support through this Declaration for the Right to Libraries; and

WHEREAS, LIBRARIES EMPOWER THE INDIVIDUAL. Whether developing skills to succeed in school, looking for a job, exploring possible careers, having a baby, or planning retirement, people of all ages turn to libraries for instruction, support, and access to computers and other resources to help them lead better lives; and

WHEREAS, LIBRARIES SUPPORT LITERACY AND LIFELONG LEARNING. Many children and adults learn to read at their school and public libraries via story times, research projects, summer reading, tutoring and other opportunities. Others come to the library to learn the technology and information skills that help them answer their questions, discover new interests, and share their ideas with others; and

WHEREAS, LIBRARIES STRENGTHEN FAMILIES. Families find a comfortable, welcoming space and a wealth of resources to help them learn, grow and play together; and

WHEREAS, LIBRARIES ARE THE GREAT EQUALIZER. Libraries serve people of every age, education level, income level, ethnicity and physical ability. For many people, libraries provide resources that they could not otherwise afford - resources they need to live, learn, work and govern; and

WHEREAS, LIBRARIES BUILD COMMUNITIES. Libraries bring people together, both in person and online, to have conversations and to learn from and help each other. Libraries provide support for seniors, immigrants and others with special needs; and

WHEREAS, LIBRARIES PROTECT OUR RIGHT TO KNOW. Our right to read, seek information, and speak freely must not be taken for granted. Libraries and librarians actively defend this most basic freedom as guaranteed by the First Amendment; and

WHEREAS, LIBRARIES STRENGTHEN OUR NATION. The economic health and successful governance of our nation depend on people who are literate and informed. School, public, academic, and special libraries support this basic right; and

WHEREAS, LIBRARIES ADVANCE RESEARCH AND SCHOLARSHIP. Knowledge grows from knowledge. Whether doing a school assignment, seeking a cure for cancer, pursuing an academic degree, or developing a more fuel efficient engine, scholars and researchers of all ages depend on the knowledge and expertise that libraries and librarians offer; and

WHEREAS, LIBRARIES HELP US TO BETTER UNDERSTAND EACH OTHER. People from all walks of life come together at libraries to discuss issues of common concern. Libraries provide programs, collections, and meeting spaces to help us share and learn from our differences; and

WHEREAS, LIBRARIES PRESERVE OUR NATION'S CULTURAL HERITAGE. The past is key to our future. Libraries collect, digitize, and preserve original and unique historical documents that help us to better understand our past, present and future; and

NOW, THEREFORE, BE IT RESOLVED that I, Mayor William D. Nelson, proclaim support for the Declaration of the Right to Libraries in the City of Ogdensburg and urge everyone to join me in support of the Ogdensburg Public Library and thank them for all they do to make our community so much better.



In witness whereof I have hereunto set my hand and caused this seal to be affixed.

William D. Nelson, Mayor

Attest: _____

Date: _____

Business of the City Council
City of Ogdensburg

SUBJECT: FOR AGENDA OF 10/28/13 BILL #83

An Ordinance amending Chapter 209
entitled "Vehicles and Traffic" of
the Ogdensburg Municipal Code

DEPT OF ORIGIN: City Manager

DATE SUBMITTED: 09/25/13

CLEARANCES: _____

APPROVED AS TO FORM
BY CITY ATTORNEY

EXHIBITS: Ordinance

APPROVED BY CITY MANAGER FOR
SUBMITTAL

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

SUMMARY STATEMENT

An ordinance amending Chapter 209, Section 209-48, Schedule XI: "Parking Prohibited at All Times" and Section 209-57, Schedule XX: "Handicapped Parking" of the Ogdensburg Municipal Code.

RECOMMENDED ACTION

Approval of Ordinance.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON _____ COUNCILLOR ASHLEY _____

COUNCILLOR CILLEY _____ COUNCILLOR HOSMER _____

COUNCILLOR MORLEY _____ COUNCILLOR SKAMPERLE _____

COUNCILLOR STEVENSON _____

ORDINANCE #__ OF 2013

AN ORDINANCE AMENDING CHAPTER 209 ENTITLED
"VEHICLES AND TRAFFIC"
OF THE 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 209, Section 209-48, Schedule XI: "Parking Prohibited at All Times" of the Code of the City of Ogdensburg, is hereby amended to add the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Franklin Street	West	From a point 81 feet south of the south curbline of Ford Street to a point 105 feet south therefrom

ITEM TWO: That Chapter 209, Section 209-57, Schedule XX: "Handicapped Parking" of the Code of the City of Ogdensburg, is hereby amended to add the following:

ADD

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Franklin Street	West	From a point 105 feet south of the south curbline of Ford Street to a point 20 feet south therefrom

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

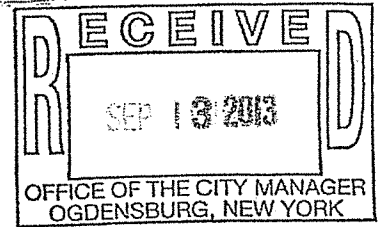


The First Presbyterian Church
423 Ford Street
office : 311 Franklin Street
Ogdensburg, New York 13669
(315) 393-2510



Email: ogdfpc@slc.com

The Reverend Laurena Marie Wickham Will, Pastor



September 10, 2013

Ogdensburg City Council
330 Ford Street
Ogdensburg, NY 13669

Dear Mayor Nelson and Members of the City Council,

I am writing to ask that the city designate a handicapped entrance "no parking" space as well as a space for handicapped parking on Franklin Street near the First Presbyterian Church Handicapped entrance. These spots would be on the church side of the street, the no parking would coincide with where the side walk currently slopes to the road and the parking space could be on either side of the no parking area.

We request this because very often we cannot get folks in wheel chairs onto the side walk and into the building because of cars parked where the walkway slopes to the road. We find more and more cars parked along the street even at evening hours, making it nearly impossible for at least one board member to get into the building for meetings and other events.

The church is very often used by the larger community and as people with walkers and wheel chairs try to get to the handicapped lift with an amount of independence they are finding it more and more difficult.

Thank you for your good work and consideration.

Respectfully Yours,

Reverend Laurena Marie Wickham Will

Business of the City Council
City of Ogdensburg

SUBJECT: A City Council Resolution Authorizing the City Manager to Sign an NYSDOT Undertaking Agreement

FOR AGENDA OF: October 28, 2013

BILL #: 86

DEPT. OF ORIGIN: City Clerk

DATE SUBMITTED: October 23, 2013

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

This resolution authorizes the City Manager to sign a NYSDOT Undertaking Agreement to allow the 2013 Holiday Light Up the Night Parade route to be designated as State Street (Route 68).

RECOMMENDED ACTION

Passage of this resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON	_____	COUNCILLOR ASHLEY	_____
COUNCILLOR CILLEY	_____	COUNCILLOR HOSMER	_____
COUNCILLOR MORLEY	_____	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 2013 Holiday Light Up the Night Parade route to be designated as State Street (Route 68), and

NOW, THEREFORE, BE IT RESOLVED that the City Manager, John M. Pinkerton, is hereby authorized and directed to sign an Undertaking Agreement with the NYSDOT to allow the 2013 Holiday Light Up the Night Parade route to be designated as State Street (Route 68).



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

John M. Pinkerton, City Manager

Print Name/Title

330 Ford Street

Address

Ogdensburg, NY 13669

Address

Date

(315) 393-6100

Phone number

jpinkerton@ogdensburg.org

e-mail