

**AGENDA**  
**Council Meeting**  
**Monday, April 2, 2012**  
**7:00 P. M.**

- I. Call to Order
- II. Pledge of Allegiance
- III. Public Hearing
- IV. Presentation
- V. Personal Appearance  
(Anyone wishing to address the Council should notify the Clerk prior to the meeting)
- VI. Correspondence
- 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. A resolution authorizing the City Manager to extend an Agreement for Shared Highway Services with the following municipalities: The Village of Gouverneur, Village of Waddington, Village of Massena, Village of Morristown, Town of Morristown, Town of Oswegatchie, Village of Heuvelton, Town of Lisbon, Village of Potsdam, Village of Canton and St. Lawrence County Highway. (Bill #19)
  - 2. A resolution to approve the 2012 Tax Warrant. (Bill #20)
  - 3. A resolution urging the Empire State Development to reprogram \$450,000 for the Port of Ogdensburg Access Road project. (Bill #21)
- X. Old Business
- XI. New Business

XII. Items for Discussion

1. Weed Removal on Crescent Hill

XIII. Executive Session

XIV. Adjournment

Business of the City Council  
City of Ogdensburg

SUBJECT: FOR AGENDA OF 04/02/12 BILL # 19

A resolution authorizing the  
City Manager to sign an  
amended agreement.

DEPT OF ORIGIN: Public Works

DATE SUBMITTED: 03/02/12

CLEARANCES: \_\_\_\_\_

APPROVED AS TO FORM

EXHIBITS: Resolution and original  
agreement

BY CITY ATTORNEY

APPROVED BY CITY MANAGER FOR  
SUBMITTAL

---

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

---

SUMMARY STATEMENT

A resolution authorizing the City Manager to extend an Agreement for Shared Highway Services with the following municipalities: The Village of Gouverneur, Village of Waddington, Village of Massena, Village of Morristown, Town of Morristown, Town of Oswegatchie, Village of Heuvelton, Town of Lisbon, Village of Potsdam, Village of Canton and St. Lawrence County Highway.

RECOMMENDED ACTION

Recommend approval.

---

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE ON ROLL CALL:

MAYOR NELSON

COUNCILLOR ASHLEY

COUNCILLOR CILLEY

COUNCILLOR HOSMER

COUNCILLOR MORLEY

COUNCILLOR SKAMPERLE

COUNCILLOR STEVENSON

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT  
EXTENDING SHARED HIGHWAY SERVICES ON BEHALF OF  
THE CITY OF OGDENSBURG

WHEREAS, the City of Ogdensburg entered into a five-year Inter-Municipal Agreement effective February 24, 2010 for shared highway services as detailed in the attached Resolution which was duly adopted by the City of Ogdensburg City Council on February 24, 2010; and

WHEREAS, the terms agreed to in Item 14 of said contract stated that the City of Ogdensburg City Council may extend or renew the contract at the termination thereof for an additional five-year period,

NOW THEREFORE, BE IT RESOLVED, that the City of Ogdensburg City Council hereby authorizes extension of the contract on behalf of the City of Ogdensburg for an additional five year period, and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to file a copy of the Resolution, along with a copy of the original Resolution adopted by the City of Ogdensburg City Council on February 24, 2010 and a copy of the original contract with the Chief Executive Officer of the following municipalities:

The Village of Gouverneur, Village of Waddington, Village of Massena, Village of Morristown, Town of Morristown, Town of Oswegatchie, Village of Heuvelton, Town of Lisbon, Village of Potsdam, Village of Canton and St. Lawrence County Highway.

This resolution shall take effect immediately.

## CERTIFICATION OF RESOLUTION

At a meeting of the City Council of the City of Ogdensburg, held on Monday, February 24, 2010, at 7:00 p.m. in the City Council Chambers, City Hall, Ogdensburg, New York, at which meeting the following were:

PRESENT: Mayor Nelson, Councillors Cilley, Morley,  
Powers, Sholette, Skamperle and Vaugh

ABSENT: None

The attached resolution was introduced by Mayor Nelson who moved its adoption, seconded by Councillor Morley to wit:

The vote on the roll call resulted as follows:

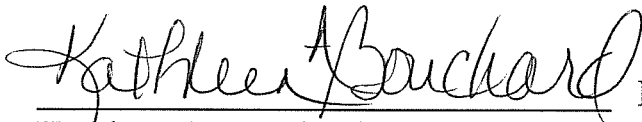
AYES: Mayor Nelson, Councillors Cilley, Morley,  
Powers, Sholette, Skamperle and Vaugh

NAYS: None

CARRIED, AYES ALL

State of New York )  
County of St. Lawrence )

I, Kathleen A. Bouchard, City Clerk of the City of Ogdensburg, New York, do hereby certify that the attached is a copy of a resolution passed by the City Council of the City of Ogdensburg, meeting in session February 24, 2010, and do further certify that it is a true and correct copy of and the whole of said original resolution is on file in my office in the minutes of the Ogdensburg City Council Meeting.



DATED: March 28, 2012

Kathleen A. Bouchard, CMC  
City Clerk, City of Ogdensburg

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT  
FOR SHARED HIGHWAY SERVICES ON BEHALF OF  
THE CITY OF OGDENSBURG

Resolution Authorizing the City Manager to sign a contract on behalf of the City of Ogdensburg to permit the Director of Public Works to share services with the highway department head in other municipalities who possess similar authorization for the borrowing or lending of materials and supplies and the exchanging, leasing, renting or maintaining of machinery and equipment, including the operators thereof, for the purpose of aiding the highway department head in the performance of his/her duties.

WHEREAS, all municipalities, including the City of Ogdensburg, have the power and authority of contract for the purpose of renting, leasing, exchanging, borrowing or maintaining of machinery and equipment, with or without operators, with other municipalities, and;

WHEREAS, all municipalities, including the City of Ogdensburg, have the power and authority to borrow or lend materials and supplies to other municipalities, and;

WHEREAS, it is hereby determined that the City of Ogdensburg and other municipalities have machinery and equipment which is not used during certain periods, and;

WHEREAS, it is determined that the City of Ogdensburg and other municipalities often have material and supplies on hand which are not immediately needed, and;

WHEREAS, it is hereby determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending or necessity of purchasing certain needed highway machinery and equipment and the purchasing of materials and supplies, the City of Ogdensburg and other municipalities may avoid the need for storing a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and;

WHEREAS, it is recognized and determined, from a practical working arrangement, that no program of borrowing, exchanging, leasing, renting or maintaining of highway machinery and equipment or borrowing or lending of material can be successful if each individual arrangement or agreement has to receive prior approval by the City Council and the governing board of each of the other municipalities which may be parties to such agreements, since such agreements must often be made on short notice and at times when governing boards are not in session, and;

WHEREAS, it is incumbent upon each municipality to design a simple method whereby materials and supplies, equipment and machinery, including the operators thereof, may be obtained or maintained with a minimum of paperwork and inconvenience and with a swift approval process, and;

WHEREAS, it is the intent of this City of Ogdensburg to give the Director of Public Works the authority to enter into renting, exchanging, borrowing, lending or maintaining arrangements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the City Council prior to the making of each individual arrangements, and;

WHEREAS, a standard contract has been prepared which is expected to be adopted and placed into effect in other municipalities, and will grant the Director of Public Works, authority to make similar arrangements, and;

WHEREAS, it is hereby determined that it will be in the best interests of the City of Ogdensburg to be party to such shared services arrangements;

NOW THEREFORE BE IT RESOLVED, that the City Manager of the City of Ogdensburg is hereby authorized to sign on behalf of the City, the following contract:

1. For purposes of this contract, the following terms shall be defined as follows:
  - a. "Municipality" shall mean any village, county, town or city which has agreed to be bound by a contract for shared services or equipment similar in terms and effect with the contract set forth herein, and has filed a copy of said contract with the clerk of the undersigned City.
  - b. "Contract" shall mean the text of this agreement which is similar in terms and effect with comparable agreements, notwithstanding that each such contract is signed only by the chief executive officer of each participating municipality filing the same, and upon such filing each filing municipality accepts the terms of the contract to the same degree and effect as if each chief executive officer had signed each individual contract.
  - c. "Shared Service" shall mean any service provided by one municipality for another municipality that is consistent with the purposes and intent of this contract and shall include but not be limited to:

- i. The renting, exchanging, or lending of highway machinery, tools and equipment, with or without operators;
- ii. the borrowing or lending of supplies between municipalities on a temporary basis conditioned upon the replacement of such supplies or conditioned upon the obtaining of equal value through the provision of a service by the borrower or by the lending of equipment by the borrower, the value of which is equal to the borrowed supplies;
- iii. the providing of a specific service for another municipality, conditioned on such other municipality providing a similar service, or a service of equal value, in exchange.
- iv. The maintenance of machinery or equipment by a municipality for other municipalities.

b. "Director" shall mean, in the case of a village, the superintendent of the department of public works; in the case of a county, the county superintendent of highways, or the person having the power and authority to perform the duties generally performed by county superintendents of highways; in the case of a town, the town superintendent of highways; in the case of a city, the head of the department of public works.

2. The undersigned municipality has caused this agreement to be executed and to bind itself to the terms of this contract and it will consider this contract to be applicable to any municipality which has approved a similar contract and filed such contract with the clerk of the undersigned municipality.

3. The undersigned municipality by this agreement grants unto the Director of Public Works, the authority to enter into any shared service arrangements with any other municipality or other municipalities subject to the following terms and conditions:

a. The City of Ogdensburg agrees to rent or exchange or borrow from any municipality any and all materials, machinery and equipment, with or without operators, which it may need for the purposes of the City of Ogdensburg. The determination as to whether such machinery, with or without operators, is needed by the City of Ogdensburg, shall be made by the Director of Public Works. The value of the materials or supplies borrowed from another municipality under this agreement maybe returned in the form of similar types and amounts of materials or supplies, or by the supply of equipment or the



giving of services of equal value, to be determined by mutual agreement of the respective superintendents and/or directors.

b. The City of Ogdensburg agrees to rent, exchange or lend to any municipality any and all materials, machinery and equipment, with or without operators, which such municipality may need for its purposes. The determination as to whether such machinery or material is available for renting, exchanging or lending shall be made by the Director of Public Works. In the event the Director of Public Works determines that it will be in the best interests of the City of Ogdensburg to lend to another municipality, the Director of Public Works is hereby authorized to lend to another municipality. The value of supplies or materials loaned to another municipality may be returned to the City of Ogdensburg, by the borrowing municipality in the form of similar types and amounts of materials or supplies, or by the use of equipment or receipt of services of equal value, to be determined by the respective superintendents and/or directors.

c. The City of Ogdensburg agrees to repair or maintain machinery or equipment for any city/county/town/village under terms that may be determined and agreed upon by the directors.

d. An operator of equipment rented or loaned to another municipality, when operating such equipment for the borrowing municipality, shall be subject to the direction and control of the Director of Public Works of the borrowing municipality in relation to the manner in which the work is to be completed. However, the method by which the machine is to be operated shall be determined by the operator.

e. When receiving the services of any operator with a machine or equipment, the receiving superintendent shall make no request of any operator which would be inconsistent with any labor agreement that exists for the benefit of the operator in the municipality by which the operator is employed.

f. The lending municipality shall be liable for any negligent acts resulting from the operation of its machinery or equipment by its own operator. In the event damages are caused as a result of directions given to perform work, then the lending municipality shall be held harmless by the borrowing municipality.

g. Each municipality shall remain fully responsible for its own employees, including salary, benefits and workers compensation.

4. The renting, borrowing or leasing, repairing or maintaining of any particular piece of machinery or equipment, or the exchanging or borrowing of materials or supplies, or the providing of a specific service shall be evidenced by the signing of a memorandum by the Director of Public Works. Such memorandum may be delivered to the other party via mail, personal delivery, facsimile machine, or any other method of transmission agreed upon. In the event there is no written acceptance of the memorandum, the receipt of the materials or supplies or the acceptance of a service shall be evidence of the acceptance of the offer to rent, exchange or lend.
5. In the event any shared services arrangement is made without a memorandum at the time of receipt of the shared service, the director receiving the shared service shall within five days thereof, send to the provider a memorandum identifying the type, time and date of the acceptance of the repair or maintenance shared service. In the event such shared service related to or included any materials or supplies, such memorandum shall identify such materials or supplies and time and place of delivery.
6. In the event a municipality wishes to rent machinery or equipment from another municipality or in the event a municipality wishes to determine the value of such renting for the purposes of exchanging the shared services or a comparable value, it is agreed that the value of the shared service shall be set forth in the memorandum.
7. All machinery and the operator, for purposes of workers compensation, liability and any other relationship with third parties, except as provided in paragraph e of section three of this agreement, shall be considered the machinery of, and the employee of, the municipality owning the machinery and equipment.
8. In the event machinery or equipment being operated by an employee of the owning municipality is damaged or otherwise in need of repair while working for another municipality, the municipality owning the machinery or equipment shall be responsible to make or pay for such repairs. In the event machinery or equipment is operated by an employee of the borrowing, receiving or renting municipality, such municipality shall be responsible for such repairs.
9. Records shall be maintained by each municipality setting forth all machinery rentals, exchanges, borrowing, repair or maintenance and other shared services. Such records will be available for inspection by any municipality which has shared services with such municipality.

10. In the event a dispute arises relating to any repair, maintenance or shared service, and in the event such dispute cannot be resolved between the parties, such dispute shall be subject to mediation.
11. Any party to this contract may revoke such contract by filing a notice of such revocation. Upon the revocation of such contract, any outstanding obligations shall be settled within thirty days of such revocation unless the parties with whom an obligation is due agree in writing to extend such date of settlement.
12. Any action taken by the superintendent pursuant to the provisions of this contract shall be consistent with the duties of such official and expenditures incurred shall not exceed the amounts set forth in the City budget for highway purposes.
13. If any provision of this contract is deemed to be invalid or inoperative for any reason, that part shall be deemed modified to the extent necessary to make it valid and operative, or if it cannot be so modified, then severed, and the remainder of the contract shall continue in full force and effect as if the contract had been signed with the invalid portion so modified or eliminated.
14. This contract shall be reviewed each year by the City of Ogdensburg and shall expire five years from the date of its signing by the City Manager. The Ogdensburg City Council may extend or renew this contract at the termination thereof for another five year period.
15. Copies of this contract shall be sent to the clerk and the Director of Public Works anticipating engaging in shared services. No shared services shall be conducted by the Director of Public Works except with the City Manager of a municipality that has completed a shared services contract and has sent a copy thereof to the clerk of his or her municipality and the Director of Public Works.

The City Clerk is authorized and directed to file a copy of the contract set forth in this resolution with the chief executive officer of the following municipalities:  
The Village of Gouverneur, Village of Waddington, Village of Massena, Village of Morristown, Town of Morristown, Town of Oswegatchie, and Village of Heuvelton and Town of Lisbon, Village of Potsdam, Village of Canton, St. Lawrence County Highway

This resolution shall take effect immediately.

Business of the City Council  
City of Ogdensburg

SUBJECT:  
Resolution to approve 2012 Tax  
Warrant

FOR AGENDA OF: 4/02/2012  
BILL #: 20  
DEPT. OF ORIGIN: City Comptroller  
DATE SUBMITTED: 3/29/2012

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 is to approve the 2012 Tax Warrant

RECOMMENDED ACTION

Approval of Resolution.

---

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE ON ROLL CALL:

MAYOR NELSON \_\_\_\_\_

COUNCILLOR ASHLEY \_\_\_\_\_

COUNCILLOR CILLEY \_\_\_\_\_

COUNCILLOR HOSMER \_\_\_\_\_

COUNCILLOR MORLEY \_\_\_\_\_

COUNCILLOR SKAMPERLE \_\_\_\_\_

COUNCILLOR STEVENSON \_\_\_\_\_

## Resolution

WHEREAS, the Tax Roll of the City of Ogdensburg, for the fiscal year January 1, 2012 through December 31, 2012, 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 \$275,063,208 and the tax rate is \$16.211314 per thousand for the General City Tax and the taxable valuation of \$275,945,604 and the tax rate is \$10.044361 per thousand for the General County Tax for the fiscal year January 1, 2012 through December 31, 2012 and the tax roll will produce the following:

CITY AND COUNTY TAX	\$	7,230,833.30
DUE WATER ACCOUNT		156,151.01
DUE SEWER ACCOUNT		168,694.51
DUE MISCELLANEOUS ACCOUNT		24,365.91
OMITTED TAXES		<u>6,997.07</u>
TOTAL	\$	<u>7,587,041.80</u>

NOW THEREFORE, pursuant to Section C70 of the City Charter, the Tax Roll of the fiscal year 2012 is confirmed and the warrant in the sum of \$7,587,041.80 annexed thereto and be signed for the collections of all taxes in two installments; the first installment commencing April 15, 2012 and the second installment commencing July 15, 2012, 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.

---

Philip A. Cosmo, Interim City Manager

---

Kathleen A. Bouchard, City Clerk

Dated: April 2, 2012

Business of the City Council  
City of Ogdensburg

SUBJECT: Resolution supporting OBPA's new port access road  
FOR AGENDA OF: April 2, 2012  
BILL #: 21  
DEPT. OF ORIGIN: Mayor & Council  
DATE SUBMITTED: March 29, 2012  
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

A resolution urging the Empire State Development to reprogram \$450,000 from the reimbursable Empire State Development Regional Council Incentive Award for rail rehabilitation to help cover the Port of Ogdensburg Access Road project.

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE ON ROLL CALL:

MAYOR NELSON \_\_\_\_\_

COUNCILLOR ASHLEY \_\_\_\_\_

COUNCILLOR CILLEY \_\_\_\_\_

COUNCILLOR HOSMER \_\_\_\_\_

COUNCILLOR MORLEY \_\_\_\_\_

COUNCILLOR SKAMPERLE \_\_\_\_\_

COUNCILLOR STEVENSON \_\_\_\_\_

RESOLUTION URGING THE EMPIRE STATE DEVELOPMENT TO REPROGRAM \$450,000  
TO THE PORT OF OGDENSBURG ACCESS ROAD PROJECT

WHEREAS, the Ogdensburg Bridge and Port Authority (OBPA) recently landed a contract to ship wind turbines through the Port of Ogdensburg; and

WHEREAS, a new port access road needs to be built to make it possible to ship the wind turbines through the port; and

WHEREAS, upon opening contractors' bids the OBPA discovered they will need \$630,000. more than the original \$1.3 million estimate allocated to build this new port access road; and

WHEREAS, this May 2012 cargo project cannot occur without the construction of the Port of Ogdensburg Access Road; and

WHEREAS, this project is critical to New York State's efforts to capture this growing wind turbine import market to show that the Ogdensburg port can handle these projects;

NOW THEREFORE, BE IT RESOLVED that the Ogdensburg City Council hereby urges the Empire State Development to reprogram \$450,000 from the reimbursable Empire State Development Regional Council Incentive Award for rail rehabilitation to help cover the \$630,000 shortfall in the Port of Ogdensburg Access Road (PIN 7935.23.301) project.