

CITY COUNCIL MEETING

March 22, 2010

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Mayor Nelson called the meeting to order and asked the Clerk to call the roll:

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

ABSENT: Councillor Skamperle

PUBLIC HEARING

1. A public hearing regarding an ordinance to amend the Administrative Regulations, Article II, Personnel Policies and Procedures for the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding an ordinance to amend Chapter 209, Section 209-48, Scheduled XI: "Parking Prohibited at All Times" and Section 209-51, Schedule XIV entitled "Parking Prohibited Certain Hours" of the Code of the City of Ogdensburg was held. The following spoke:

Justin Woods, Director of Planning and Development presented a map outlining the proposed parking changes on Gates Street and St. Lawrence Avenue adjacent to Montroy Field.

Larry Mitchell, Kiwanis Baseball Chairman thanked Council for addressing the parking issues surrounding Montroy Park. Mr. Mitchell stated that approximately 120 five and six year olds play T-ball at this park on Tuesday and Friday evenings. Mr. Mitchell stated that most of the children exit the field near the concession stand, and he is concerned for their safety as they cross into the street. Mr. Mitchell requested that instead of pushing the parking problem deeper into neighborhoods off of St. Lawrence Avenue, that Council push the traffic towards Jefferson Avenue. Mr. Mitchell suggested using the property on the corner near the stone quarry for parking.

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Mr. Mitchell said there is also the potential to cut in parking spots on the corner of Jefferson Avenue and Gates Street.

Wanda Middlemiss, Parents for Child Safety Committee, stated she has been working closely with City departments, along with the residents of St. Lawrence Avenue regarding the parking issues around Montroy Park. Ms. Middlemiss requested trees be planted in areas to prevent parking on residents' property and in no parking areas along Gates Street. Ms. Middlemiss also requested no parking signage for a St. Lawrence Avenue resident with a handicapped child to assure the resident can enter their property.

Police Chief Richard Polniak stated these changes will have to be codified and the appropriate signage in place to enforce these parking changes. Police Chief Polniak said he was not aware that driveways are being blocked in that area, but if they are Vehicle and Traffic Laws will stop them. Police Chief Polniak stated his department cannot take action for someone parking on a resident's lawn unless it is clearly outlined who owns the property. Chief Polniak said that a handicap parking sign on the fence and parking on the grass may not be enough to be considered handicap parking. Police Chief Polniak added that Councillor Skamperle requested handicapped parking near the park so people could watch the games from their vehicles, but doesn't think this is what he requested.

Donna Cutwa, a St. Lawrence Avenue resident, stated she initiated this parking problem request. Ms. Cutwa stated that she and her neighbors are thrilled to have the alternate side of street parking.

No one else being present to speak, the hearing was declared closed.

PRESENTATION

1. Comptroller, Philip Cosmo presented to Council the 2009 Year-End Report. (A copy of the report follows these minutes.)

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CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #6-2010 in the amount of \$446,616.51 and Library Fund Warrant #6-2010 in the amount of \$24,353.29, Capital Fund Warrant #6-2010 in the amount of \$1,250.00 and Community Development Fund Warrant #6-2010 in the amount of \$0.00 and Community Renewal Fund Warrant #6-2010 in the amount of \$9,891.00 and HOME Fund Warrant #6-2010 in the amount of \$0.00 and AHC Funds Warrant #6-2010 in the amount of \$0.00 and RESTORE Program Warrant #6-2010 in the amount of \$5,300.00 as audited, be and the same are ordered paid and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Morley moved an ordinance to amend the Administrative Regulations, Article II, Personnel Policies and Procedures, AR §25.(C) of the City of Ogdensburg, and Councillor Vaugh seconded to wit:

ORDINANCE # 3 OF 2010

ORDINANCE TO AMEND THE ADMINISTRATIVE REGULATIONS
ARTICLE II, PERSONNEL POLICIES AND PROCEDURES, AR§25.(C)
“FRINGE BENEFITS FOR NONREPRESENTED EMPLOYEES”

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

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WHEREAS, it has been determined that the Ogdensburg Civil Service Rule I, Definitions “Part-Time Employment” conflicts with the Administrative Regulations §AR-25 (C), “Fringe Benefits for Nonrepresented Employees”.

ITEM ONE: That Article II, Personnel Policies and Procedures, AR§25.(C) “Fringe Benefits for Nonrepresented Employees” is hereby amended to delete the following:

C. Fringe benefits for other nonrepresented employees. Part-time employees (less than 30 hours per week) and seasonal and temporary employees (less than six months per year) shall not be eligible for retirement, sick leave, holiday pay, vacation, personal days or healthcare, nor shall they be eligible for social security deductions or contributions.

ITEM TWO: That Article II, Personnel Policies and Procedures, AR§25.(C) “Fringe Benefits for Nonrepresented Employees” is hereby amended to add the following:

C. Fringe benefits for other nonrepresented employees. Part-time employees (as defined by the Ogdensburg Civil Service Commission) and seasonal and temporary employees (as defined by the Ogdensburg Civil Service Commission) shall not be eligible for retirement, sick leave, holiday pay, vacation, personal days or healthcare, nor shall they be eligible for social security deductions or contributions.

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 vote was:

CARRIED, AYES ALL

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2. Councillor Morley moved an ordinance amending Chapter 209, entitled "Vehicles and Traffic" of the Code of the City of Ogdensburg, and Councillor Powers seconded to wit:

ORDINANCE #4 OF 2010
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:

ADD

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Gates Street	North	From the west curbline of St. Lawrence Avenue to a point 460 feet thereof, in a westerly direction.

ITEM TWO: That Chapter 209, Section 209-51, Schedule XIV entitled "Parking Prohibited Certain Hours" 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>Hours/Days</u>	<u>Location</u>
St. Lawrence Avenue	West	All/Odd - numbered days May 1 st through November 1 st	From the south curbline of Spring Street to the north curbline of Gates Street

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St. Lawrence Avenue	East	All/Even - numbered days May 1 st through November 1 st	From the south curbline of Spring Street to the north curbline of Gates Street
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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.

After much discussion amongst Council, Councillor Cilley moved to amend the ordinance by corresponding the odd and even no parking days with the odd and even house numbering on the street, and Councillor Morley seconded the motion.

ADD

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
St. Lawrence Avenue	West	All/Even - numbered days May 1 st through November 1 st	From the south curbline of Spring Street to the north curbline of Gates Street
St. Lawrence Avenue	East	All/Odd - numbered days May 1 st through November 1 st	From the south curbline of Spring Street to the north curbline of Gates Street

The vote to amend the ordinance was:

CARRIED, AYES ALL

The ordinance as amended now read:

ORDINANCE #4 OF 2010
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:

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St. Lawrence Avenue East	All/Odd - numbered days May 1 st through November 1 st	From the south curbline of Spring Street to the north curbline of Gates Street
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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.

*THERE WAS NO VOTE TAKEN ON THE ORDINANCE AS AMENDED. See 4/12/10 Council Meeting for the vote on this Ordinance.

3. Councillor Vaugh moved a resolution authorizing the City Manager to enter into an engineering agreement with Barton & Loguidice in connection with the Paterson Street reconstruction project, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO
AN ENGINEERING SERVICES AGREEMENT
WITH BARTON & LOGUIDICE IN CONNECTION WITH THE
PATERSON STREET RECONSTRUCTION PROJECT

WHEREAS, the City of Ogdensburg has entered into an agreement with the NYS Dept. of Transportation for the Reconstruction of Paterson Street, PIN 775229, that calls for the apportionment of the cost of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, the City has made a commitment of 100% of the federal and non-federal share of the costs of the preliminary engineering, right-of-way incidentals and final design in the amount of \$905,000 to be appropriated from the City's capital budget and/or consolidated improvement program funding; and

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WHEREAS, the City has solicited Requests For Proposals for engineering services from several responsible firms to provide preliminary engineering, right-of-way incidentals and final design; and

WHEREAS, Barton & Loguidice (Engineer) has been selected as the preferred consulting engineering firm and have submitted an Agreement for Engineering Services to provide such preliminary engineering, right-of-way incidentals and final design services; and,

NOW, THEREFORE, BE IT RESOLVED, the City Manager is hereby authorized to execute an Agreement for Engineering Services with Barton & Loguidice in connection with the Paterson Street Reconstruction Project for a sum not to exceed \$785,000.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Vaugh stated he received telephone calls regarding the recent Beaverbrook storm sewer drains problem. Councillor Vaugh asked if anything has been done to address this issue. Kit Smith, Director of Public Works stated his department has gone through the entire area and mapped out the current infrastructure. Mr. Smith stated there are no diversions or blockages causing the problem. Mr. Smith said once the hydraulic loading is known for that particular area, we will know if any change in the drainage pattern is needed. Mr. Smith noted that Stearns & Wheeler are aware that this is a priority area and that we need a little more detail as we are trying to identify this as a target area. Councillor Vaugh questioned the timeline for this to be completed. Mr. Smith stated Stearns & Wheeler are waiting on the EPA, and the target date is set for the short term.

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2. Councillor Sholette stated he reviewed the Arena Operations Report, and it was not too bad. Councillor Sholette asked why equipment costs in December were over \$11,000. and February was over \$4,000., compared to other months. City Manager Arthur Sciorra stated the increased cost was due to breakdowns, otherwise equipment costs are a few hundred dollars a month.

NEW BUSINESS

1. Councillor Morley stated that Police Sergeant Kevin Fee will be retiring this week. Councillor Morley thanked him for his twenty plus years of service and said he will be missed.

2. Councillor Morley asked if there was any way the City could acquire Eel Weir State Park and run it for the summer through the Parks and Recreation Department. Mayor Nelson said the State Senate announced their budget today which included all state parks staying open and hopefully they will be successful with that. Mayor Nelson also stated the City's budget currently is barebones, and this would not be feasible as we have already cut some of our own programs.

3. Mayor Nelson asked Chief of Police, Richard Polniak if City residents can park on the streets at night. Police Chief Polniak stated the all night winter parking ban is not currently being enforced as there is no snow.

4. Mayor Nelson stated that the rally held at City Hall on March 12th was very well attended by over 2,000 people. Mayor Nelson thanked the Public Works Department, Parks and Recreation, and Police Department for doing a good job controlling traffic, crowd control and setting everything up. Mayor Nelson stated tomorrow the fight to keep the Ogdensburg Correctional Facility open will continue on the steps of Capitol Hill with approximately 400 people planning to attend the rally. Mayor Nelson said the Senate announced their budget today which did include Ogdensburg Correctional Facility remaining open, but we need to keep up the fight as this is not over until the Governor signs the budget bill to keep Ogdensburg Correctional Facility open. Mayor Nelson thanked everyone in the community for their continued support.

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5. Councillor Sholette asked if the Hoosier plant has filed for a permit to increase their sewer output. Public Works Director Kit Smith stated the plant has applied for an addendum to their original permit to dispense more cooling water. Councillor Sholette asked how soon Hoosier will get permit approval, and Mr. Smith stated within the next few days.

6. Councillor Sholette asked who gives the City the advice to continue fighting a grievance or a lawsuit from an employee. City Manager Arthur Sciorra asked Councillor Sholette if he had a specific case regarding employee grievances to discuss in executive session with the City Attorney. Councillor Sholette stated he wanted to know who on the City staff makes the decision which cases to fight. Mr. Sciorra stated the advice comes from the City Attorney. City Attorney, Andrew Silver stated he first does a cost/benefit analysis when approaching an employee grievance. Mr. Silver stated these are handled in the most cost-effective manner for the City. Mr. Sciorra stated that two cases were resolved in-house without arbitration this year. Councillor Sholette stated a gentleman asked him if Council has any say in these matters. Mayor Nelson stated that the City Attorney and City Manager handle employee grievances. Mr. Silver said in the last eighteen months as being the City Attorney, staff, department heads and the City Manager have gone out of their way to help head off grievances and attempt to work with the unions to avoid them. Mr. Sciorra stated if Council handled employee grievances it would become a political issue, and added that the City Attorney and City Manager handle the grievances for this reason.

Mayor Nelson stated there was a need for Executive Session and Council did not expect any action. Mayor Nelson moved to adjourn to Executive Session, and Councillor Vaugh seconded the motion.

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