

CITY COUNCIL MEETING

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

PRESENT: Mayor Nelson, Councillors Ashley, Cilley, Morley, Skamperle, Hosmer and Stevenson

ABSENT: None

PUBLIC HEARING

1. A Public Hearing was held regarding the naming of the lane from Montgomery Street to Gilbert Street, situated between Congress and Pickering Streets, as "Edwards Lane".

With no one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Rena Mee, 1015 Mechanic Street, requested Council develop a park on Proctor Avenue, just past the bridge, and name it in honor of Nic Sovie, the young man from Ogdensburg who died serving his country. Mayor Nelson said the suggestion would be turned over to the Historic Commission.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #13-2012 in the amount of \$415,577.71 and Library Fund Warrant #13-2012 in the amount of \$22,997.32 and Capital Fund Warrant #13-2012 in the amount of \$215,562.90 and Community Development Fund Warrant #13-2012 in the amount of \$5,274.59 and Community Renewal Fund Warrant #13-2012 in the amount of \$722.99 and HOME Fund Warrant #13-2012 in the amount of \$0.00 and AHC Funds Warrant #13-2012 in the

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amount of \$0.00, RESTORE Program Warrant #13-2012 in the amount of \$0.00 and NSP Funds Warrant #13-2012 in the amount of \$0.00 and NY Main St. Program Warrant #13-2012 in the amount of \$0.00 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 Nelson moved an ordinance to name a lane from Montgomery to Gilbert Street, situated between Congress and Pickering, as “Edwards Lane”, and Councillor Ashley seconded to wit:

ORDINANCE #6 OF 2012

ORDINANCE TO NAME AN UNNAMED CITY LANE
ON THE OFFICIAL CITY MAP, AS “EDWARDS LANE”

WHEREAS, City Council received a request that a lane between Congress and Pickering Streets be named after Ralph Edwards Family, and

WHEREAS, the letter was forwarded to the Historic Commission to endorse the naming of the lane, and

WHEREAS, the Historic Commission unanimously endorsed adding the name of Ralph Edwards to the list of historic names, and

WHEREAS, a lane from Montgomery Street to Gilbert Street, situate between Congress and Pickering,

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NOW THEREFORE, BE IT ORDAINED, that the name of this City lane shall be designated as “Edwards Lane”.

BE IT FURTHER ORDAINED, that the Official Map of the City of Ogdensburg be and the same shall be amended accordingly.

Councillor Cilley said Mr. Edwards deserves this honor, but questioned why a previous request to name the lane between Elizabeth & Hamilton Streets was turned down. Interim City Manager Philip Cosmo said these requests are reviewed on a case by case basis by the Historical Commission. Councillor Morley said he was unsure of the criteria. Councillor Stevenson asked Mr. Cosmo to get an explanation of how the Historical Commission approves or disapproves these requests.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved a resolution authorizing St. Lawrence County to act on the City of Ogdensburg’s behalf, as a participating jurisdiction, to develop a multi-jurisdictional Hazard Mitigation Plan, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING ST. LAWRENCE COUNTY
TO ACT ON BEHALF OF THE CITY OF OGDENSBURG
AS A PARTICIPATING JURISDICTION IN A
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the City of Ogdensburg has limited capability to undertake extensive participation in the preparation of a hazard mitigation plan, and

WHEREAS, St. Lawrence County is able to act on behalf of the City of Ogdensburg in the analysis and development of a hazard mitigation plan, and

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WHEREAS, St. Lawrence County shall prepare a hazard mitigation plan in accordance with 44 FEMA requirements at 44 C.F.R. 201.6, and

WHEREAS, St. Lawrence County shall deliver a draft copy of the Plan for public comment as well as the governing body's comment during the planning process and prior to adoption,

NOW THEREFORE, the Ogdensburg City Council authorizes St. Lawrence County on behalf of the City of Ogdensburg to prepare the St. Lawrence County Multi-Hazard Mitigation Plan, which shall be reviewed and considered for adoption by the Ogdensburg City Council upon completion.

Councillor Skamperle asked if the City will lose control by adopting this plan. Mayor Nelson said no and added we have our own Disaster Preparedness Plan. Councillor Morley said it is just a coordination of forces. Mayor Nelson said a Q&A form was included with their letter explaining what St. Lawrence County is attempting to do with this plan.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson said the New York State Department of Corrections (NYSDOC) is interested in cutting the brush on Crescent Hill. Interim City Manager Philip Cosmo explained the NYSDOC Work Release Program is looking for work. Mr. Cosmo recommended Council not act on this resolution and he will check with the bidder for a timeframe of these bids. Mr. Cosmo also said he will visit the hill site with NYSDOC. Mayor Nelson said a previous issue with NYSDOC did not occur on City property. Councillor Stevenson asked if this project could be completed this season, and Mr. Cosmo said yes.

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4. Councillor Morley moved a resolution authorizing the City Manager to execute an easement agreement with Dillingham Properties, LLC for awnings over the sidewalk of their 403 Ford Street building, and Councillor Stevenson seconded to wit:

**RESOLUTION TO AUTHORIZE
CITY MANAGER TO EXECUTE AN EASEMENT AGREEMENT
WITH DILLINGHAM PROPERTIES, LLC**

WHEREAS, Edward Dillingham, Dillingham Properties, LLC, has requested an easement for awnings over the sidewalk of their 402 Ford Street building into the City right-of-way, and

WHEREAS, the interim Director of Planning and Development has indicated that said relocation will not interfere with snow removal, traffic flow or any existing city utility,

NOW, THEREFORE, BE IT RESOLVED, that the interim City Manager is hereby authorized to execute an easement agreement, to be prepared by the City Attorney, with Edward Dillingham, Dillingham Properties, LLC, as shown on the attached site map, and

BE IT FURTHER RESOLVED, that Edward Dillingham, Dillingham Properties, LLC, provides the City of Ogdensburg with a liability insurance certificate that identifies the City of Ogdensburg as a co-insured party on the subject property, in a form and amount acceptable to the City Attorney.

Councillor Morley asked why the City does not allow property owners to put up an awning without requiring an easement. Interim City Manager Philip Cosmo said the zoning law states an easement is not required until something hangs over onto City property. Councillor Hosmer said the awnings have been up for a year and asked why Council is just acting on this matter now.

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Mr. Cosmo explained the project was completed using Main Street funding, under the previous administration. Mayor Nelson said there was also a

transition in the City's Planning department.

The vote was:

CARRIED, AYES ALL

5. Councillor Stevenson moved a resolution authorizing the submission of a Consolidated Funding grant application to accelerate the implementation of supporting regulatory strategies, including a comprehensive update to the zoning code and the development of comprehensive signage, and Councillor Skamperle seconded to wit:

A RESOLUTION TO AUTHORIZE THE SUBMISSION OF AN
CONSOLIDATED FUNDING APPLICATION

WHEREAS, the City of Ogdensburg Strategic Management Plan sets the City's Organizational Goals, which includes among others, a Revitalizing Aging Neighborhoods and Commercial Areas, and having a Beautiful City; and

WHEREAS, in furtherance of these Goals, the City is has invested in Waterfront Revitalization through the New York State Department of State Local Waterfront Revitalization Program (LWRP); and

WHEREAS, Ogdensburg NY is a State recognized Coastal Area and is an eligible applicant for CFA funds; and

WHEREAS, Governor Cuomo has announced a second round of CFA's to allow the regions of New York State to continue pursuing and investing in their own economic destiny;

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WHEREAS, the application for funds will accelerate the implementation of supporting regulatory strategies, including a comprehensive update to the zoning code and the development of unified signage and way finding; and

WHEREAS, the required 50% match for this program will be a combination of administrative expenses, in-kind services and cash; and

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Manager is hereby authorized to submit a Consolidated Funding Application in the amount not to exceed \$35,000, and if received, to enter into any necessary contracts to administer the grant.

Councillor Hosmer asked who wrote the grant, and Interim City Manager Philip Cosmo said Interim City Planner Andrea Smith. Councillor Morley asked if a public hearing is required, and Mr. Cosmo said no. Councillor Hosmer asked who will administer the grant. Mr. Cosmo said the City. Councillor Morley asked how the money will be used. Ms. Smith explained part of the money will be used to pay a consultant, who will review our zoning laws and the LWRP. Ms. Smith said the Planning Board started a review and is looking at design guidelines for the waterfront area, including signage and way finding. Councillor Skamperle said the grant would help staff the Planning Office and a change in signage is needed for our community. Ms. Smith said signage is priority ranked for further development, and for attractions to the river and in the City. Councillor Morley asked what the City's match would be for this grant and how much cash will be required. Ms. Smith said the budget is not yet finalized. Ms. Smith explained she is working with the Recreation Director to develop a budget for signage to be included in this grant. Ms. Smith said the funding will provide for both land and water sign gateways. Mayor Nelson said there is a concern from some property owners that their waterfront structure may not meet the new design standards and asked if those existing properties would be grandfathered in. Ms. Smith said existing permitted uses will remain but new applications will have to adhere to the new design standards.

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Councillor Ashley asked if the City will apply for and administer this grant. Ms. Smith said yes and added a consultant may need to be hired. Ms. Smith explained the guidelines will only apply to new uses and there will be grace periods for implementation of these new guidelines. Ms. Smith said we are trying to create a certain aesthetic conformity on the waterfront.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved a resolution calling for public notice and a Public Hearing to provide residents with an opportunity to participate in the development of a Community Development Block Grant application, and Councillor Morley seconded to wit:

**RESOLUTION CALLING FOR A PUBLIC HEARING REGARDING
THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the City of Ogdensburg is considering an application for Community Development Block Grant (CDBG) funding, and

WHEREAS, the CDBG program provides funds to local governments for housing, economic development, and public facilities, with the principal beneficiaries being persons with low or moderate incomes, and

WHEREAS, the projects may also aid in eliminating slums and blight and in the meeting of community needs of a particular urgency, and

WHEREAS, the City may apply for up to \$400,000 for housing rehabilitation in the Ford Street Gateway target area; and

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WHEREAS, the Housing and Community Development Act of 1977, as amended, requires that the City hold a public hearing to provide information about and allow for participation in the development of the grant application;

WHEREAS, that in order to provide residents with an opportunity to participate in the development of the application, the Department of Planning and Development shall hold a public hearing in the City Council Chambers at City Hall, Ogdensburg, New York, on the 20th day of July, 2012, at 10:00 a.m.; and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearings by publication in the newspaper so designated by the City Council of the City of Ogdensburg for legal and public notices at least seven (7) days before the hearing dates setting forth the time and place.

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Manager is hereby authorized to submit an application for Community Development Block Grant (CDBG) funds in the amount not to exceed \$400,000, and if received, to enter into any necessary contracts to administer the grant.

Mayor Nelson stated that he would like a second public hearing held. Mayor Nelson suggested that the second public hearing be held during the Committee of the Whole Meeting, that he planned to schedule for July 30, 2012 at 7:00 pm. Councillor Ashley said he thought the grant submission deadline is July 16, 2012. Mr. Cosmo said the CDBG is different. Interim City Planner Andrea Smith said there are two different CDBG grants; one is for economic development and the other is for housing. Ms. Smith said she received clarification from the St. Lawrence County Planning Office that the housing CDBG is due on August 16, 2012. Councillor Morley said he would like the public hearings recorded because he cannot attend.

Mayor Nelson moved to amend the resolution to add a second public hearing date on July 30, 2012 at 7:00 pm, and Councillor Morley seconded the motion.

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The vote to amend was:

CARRIED, AYES ALL

The resolution as amended now reads:

RESOLUTION CALLING FOR A PUBLIC HEARING REGARDING
THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the City of Ogdensburg is considering an application for Community Development Block Grant (CDBG) funding, and

WHEREAS, the CDBG program provides funds to local governments for housing, economic development, and public facilities, with the principal beneficiaries being persons with low or moderate incomes, and

WHEREAS, the projects may also aid in eliminating slums and blight and in the meeting of community needs of a particular urgency, and

WHEREAS, the City may apply for up to \$400,000 for housing rehabilitation in the Ford Street Gateway target area; and

WHEREAS, the Housing and Community Development Act of 1977, as amended, requires that the City hold a public hearing to provide information about and allow for participation in the development of the grant application;

WHEREAS, that in order to provide residents with an opportunity to participate in the development of the application, the Department of Planning and Development shall hold a public hearing in the City Council Chambers at City Hall, Ogdensburg, New York, on the 20th day of July, 2012, at 10:00 a.m. and July 30, 2012, at 7:00 p.m.; and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearings by publication in the newspaper so designated by the City

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Council of the City of Ogdensburg for legal and public notices at least seven (7) days before the hearing dates setting forth the time and place.

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Manager is hereby authorized to submit an application for Community Development Block Grant (CDBG) funds in the amount not to exceed \$400,000, and if received, to enter into any necessary contracts to administer the grant.

The vote on the amended resolution was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Morley said he received telephone calls about picnic tables being moved near the New York Avenue Park playground for people to sit while smoking. Interim City Manager Philip Cosmo said he received similar complaints, but the Recreation Department has already taken care of the problem. Mr. Cosmo said the metal picnic tables belong to Claxton-Hepburn Medical Center and there are no designated spots for the picnic tables in the park. Councillor Morley asked if we can designate a smoking area in the park. Mayor Nelson suggested Council review the smoke free parks resolution that was defeated in the past. Mayor Nelson said he is open to adopting a smoke free policy for our parks. Councillor Morley asked if the issue can be discussed at the upcoming Committee of the Whole Meeting. Councillor Cilley said he can support no smoking in the playground area, but will not support totally banning smoking in our parks. Mayor Nelson said the Clean Air Act is a Federal Law that the City has to abide by. Mayor Nelson said other communities have made their parks smoke free. Councillor Skamperle suggested designating a certain distance from the playground area where smoking is allowed.

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Mayor Nelson said Council can discuss this issue at the July 30th Committee of the Whole Meeting. Interim City Manager Philip Cosmo said he will include the previous information in Council's update.

2. Councillor Morley asked for an update on the request for proposals (RFP) for the City's Housing Program. Interim City Manager Philip Cosmo said he will meet with the St. Lawrence County Planning Department. Mr. Cosmo added he was not sure how the RFP was done in the past.

3. Councillor Morley requested an update on the Lake Street Bridge demolition. Interim City Manager Philip Cosmo said the project is on schedule and should be completed in August.

4. Councillor Morley asked for an update on the Lockwood Arena zamboni. Councillor Morley said this is the City's third zamboni, which was purchased six years ago. Councillor Morley stated we have not had for 13 years as was previously stated. DPW Director Kit Smith agreed and added that the first zamboni, a 1956 Jeep model, was donated to the City and the second one was purchased. Councillor Morley said we paid \$20,000 six years ago and suggested the City spend more money to get a better machine. Mr. Cosmo said a new zamboni costs \$120,000, and a second hand machine costs \$30,000. Mayor Nelson asked about the return on the zamboni investment. Councillor Morley said he does not want an electric machine. Councillor Skamperle asked for input from the Recreation Committee. Councillor Ashley asked if the City can finance a new zamboni. Mr. Cosmo said that is an option and added the City can finance the loan over the life of the machine through a lease or we can buy it ourselves. Councillor Morley said he believes we should look at purchasing a later model that will last longer. Councillor Stevenson asked for a recommendation from the Recreation Committee. Mr. Cosmo said he will have Recreation Director Matthew Curatolo discuss it with the Recreation Committee.

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5. Councillor Skamperle stated there was a regional Economic Development Meeting held in Massena on June 28, 2012 and asked if the City had a seat at that meeting. Mayor Nelson said seats were determined based on population about two years ago. Councillor Skamperle said he thought anyone could submit a plan for economic development. Interim City Manager Philip Cosmo said anyone can submit a plan, but the City is not on the committee that does the rating.

6. Councillor Skamperle asked for an update on the Oddfellows Club water issue. Interim City Manager Philip Cosmo said he sent a letter to them, but has not received any response.

7. Councillor Skamperle suggested Council talk with developers regarding the casino idea proposed by Tony Carro at the last Council meeting. Councillor Morley said casinos are illegal in NYS. Councillor Skamperle said the Governor is expected to legalize casinos in 2013. Mayor Nelson said he does not support a casino in our community, and added the proposed site is not big enough. Mayor Nelson said legitimate developers can contact Interim City Manager Philip Cosmo.

8. Councillor Hosmer asked if the new Lake Street Bridge is open for use. DPW Director Kit Smith said not technically, but said there is soft use right now. Mayor Nelson said it is a construction zone and someone could be injured. Interim City Manager Philip Cosmo said he is concerned about the City's liability in the event of an injury. Mr. Smith said people have been allowed to cross the bridge for convenience, and there is no barricade at night. Mayor Nelson said he is concerned about lawsuits, and Councillor Hosmer agreed. Mayor Nelson said the area should be fenced off. Mr. Smith said if Council wishes for the area to be barricaded off, he will barricade it off. Councillor Hosmer said there is a shiny pipe underneath the rust colored bridge and asked if skirting can be put around it. Councillor Stevenson said the pipe is very visible. Mr. Smith said he will check on it.

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NEW BUSINESS

1. Councillor Ashley asked why there are very few picnic tables in the greenbelt area. Interim City Manager said he will check with Recreation Director Matthew Curatolo.

2. Councillor Skamperle asked for an update on the Gill Jones issue. Interim City Manager Philip Cosmo said we are moving forward and have talked through the concerns and there have been amicable discussions. Mr. Cosmo explained that Mr. Jones was not following the planning requirements and changed his plans after they were approved. Mr. Cosmo added that this issue arose after Council's update was sent out. Interim City Planner Andrea Smith explained the Code Enforcement Office was advised that Mr. Jones was doing work without a building permit or a site plan review. Mrs. Smith said the Planning Board wanted more information from Mr. Jones. Mrs. Smith said she will set up a special Planning Board meeting. Mrs. Smith added that Mr. Jones is able to continue with a portion of the building if he gets permits. Councillor Ashley asked if Mr. Jones had talked about the movie theatre re-opening. Mrs. Smith said she and Mr. Jones have never discussed the movie theatre. Councillor Stevenson thanked Mrs. Smith for the extra effort in resolving this issue. Mrs. Smith said she will provide more information in Council's next update.

3. Councillor Skamperle said the City should offer tax breaks to attract developers and suggested this issue be discussed at a Committee of the Whole Meeting. Mayor Nelson said the City currently offers a 485 exemption which provides an exemption from the City portion of taxes for ten years and begins at day one. Councillor Cilley said it is possible to negotiate pilot programs. Interim City Manager Philip Cosmo said Council could research pilot programs and other exemptions. Mayor Nelson said the City's ability to grant exemptions is limited by New York State. Interim Planning Director Andrea Smith said the Planning Board has an interest in discussing incentives for developers.

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4. Councillor Skamperle said a ladder is missing from the Paterson Street boat ramp on the west side of the center dock. Interim City Manager Philip Cosmo said he would look into it, but reminded Council that matters of this type could be taken care of sooner with a call to his office.

5. Councillor Skamperle questioned if a Proctor Avenue Park could be developed and named in honor of Nic Sovie. Mayor Nelson polled the Council and there was a consensus of Council to send this request to the Historical Commission for their recommendation.

6. Councillor Cilley said he wanted to remind the community that swimming off City-owned property is illegal and dangerous. Councillor Cilley also talked about the City's liability and encouraged people to use the City pool.

7. Mayor Nelson said he contacted the Development Authority of the North Country (DANC) who runs the North Country Home Consortium, regarding the CDBG application and was advised that DANC can assist the City if needed. Councillor Stevenson said DANC is more up-to-date with the current regulations and said the fee is different because it is a not-for-profit agency.

There was a consensus of Council to use DANC if the City needs assistance with the CDBG application. Councillor Hosmer asked what the issues could be that would require the City to need assistance and use DANC. Mayor Nelson said DANC could be used if we run into trouble in completing and/or filing the application. Councillor Morley said he likes the idea of having other options and a back-up plan.

8. Mayor Nelson said the following topics will be discussed at the upcoming July 30th 7:00 p.m. Committee of the Whole Meeting: zamboni, Public Hearing for CDBG and tobacco-free parks.

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Mayor Nelson suggested the following topics be discussed at future Committee of the Whole Meetings: Charter review and Administrative Regulation changes regarding the City Manager contract, Economic Development plan, Dadra Group Plan presentation, Town Hall meetings, LWRP, review of the Executive Compensation program, requests for proposals for Housing Administrator and City Manager applications.

ITEMS FOR DISCUSSION

1. Interim City Manager Philip Cosmo said U Source wants to do a presentation to Council at the August 13, 2012 meeting on the deregulation of electric and gas services from other vendors. There was a consensus of Council for the presentation to be scheduled.

2. Councillor Hosmer requested an update on the purchase of iPads and training for their use. Interim City Manager Philip Cosmo said the iPads have been delivered but that our IT person, Patricia Paquin, needs to review the paperwork and familiarize herself with them. Councillor Ashley requested that Council continue to receive paper copies of all documents. Mr. Cosmo said the paper copies will continue until everyone is trained.

3. Councillor Hosmer asked for an update on the contract negotiations. Interim City Manager Philip Cosmo said he is meeting with PSU tomorrow at 1:00 p.m.

4. Councillor Cilley asked if only one work session will be scheduled. Mayor Nelson said he is available July 19th & 30th and August 1st, 6th, 22nd, 27th and 29th. Councillor Hosmer asked if an email can be sent to Council with those dates.

Interim City Manager Philip Cosmo advised Council that his duties associated with putting the budget together will prevent him from being available on some of those dates.

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Councillor Hosmer asked if the Committee of the Whole Meetings can be voice recorded, and Mr. Cosmo said yes.

Mayor Nelson wished everyone a safe and happy Seaway Festival and Founders Day Weekend and encouraged everyone to buy a Seaway Festival button to support the festival.

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