

## CITY COUNCIL MEETING

December 10, 2012

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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 and Stevenson

ABSENT: Councillor Hosmer

Mayor Nelson stated that Councillor Hosmer asked to be excused from tonight's meeting because he is working out of state. There was a consensus of Council to excuse Councillor Hosmer.

### PRESENTATION

1. Judy Tyo and Zachary Zuckerman, of First Niagara Benefits Consulting Firm, made a presentation to Council regarding the City's current health insurance plan and future impacts based on the new healthcare reform acts. (A copy of the presentation material follows these minutes.)

### CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #22-2012 in the amount of \$408,273.55 and Library Fund Warrant #22-2012 in the amount of \$21,034.76 and Capital Fund Warrant #22-2012 in the amount of \$0.00 and Community Development Fund Warrant #22-2012 in the amount of \$992,810.80 and Community Renewal Fund Warrant #22-2012 in the amount of \$87.82 and HOME Fund Warrant #22-2012 in the amount of \$0.00 and AHC Funds Warrant #22-2012 in the amount of \$0.00, RESTORE Program Warrant #22-2012 in the amount of \$0.00 and NSP Funds Warrant #22-2012 in the amount of \$5,054.00 and NY Main St. Program Warrant #22-2012 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

APPOINTMENTS

1. Mayor Nelson moved to reappoint Scott McRoberts to a five-year term on the Ogdensburg Library Board, term to expire 12/31/17, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved to reappoint Scott Thomas to a three-year term on the Zoning Board, term to expire 12/21/15, and Councillor Stevenson seconded the motion.

Councillor Stevenson asked if all members being appointed have had the necessary training, and Mayor Nelson said yes.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved to reappoint Cathy Piche to a five-year term on the Ogdensburg Library Board, term to expire 12/31/17, and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

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4. Mayor Nelson moved to appoint Ann Spies to a three-year term on the Frederic Remington Art Museum Board of Trustees, term to expire 12/31/15, and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

5. Mayor Nelson moved to appoint Wesley Stitt to a three-year term on the Frederic Remington Art Museum Board of Trustees, term to expire 12/31/15, and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved to reappoint Sean O'Brien to a three-year term on the Planning Board, term to expire 12/31/15, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

7. Mayor Nelson moved to reappoint Michael Frary to a three-year term on the Planning Board, term to expire 12/31/15, and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

8. Mayor Nelson moved to appoint Linda Pellett from an alternate to a full member on the Planning Board, term to expire 12/31/14, and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

9. Mayor Nelson moved to reappoint Jamie Amo to a three-year term on the Zoning Board, term to expire 12/31/15, and Councillor Stevenson seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson moved a resolution calling for a public hearing and public notice on a proposed ordinance amending Chapter 209 of the City of Ogdensburg Municipal Code entitled Vehicle and Traffic, §209-25: Parking prohibited certain hours and adding §209-51.1 Schedule XIV: Parking Prohibited Certain Hours: “Resident/Owner Parking Only”, and Councillor Stevenson seconded to wit:

RESOLUTION INTRODUCING AN ORDINANCE  
AND PROVIDING FOR PUBLIC NOTICE  
AND PUBLIC HEARING

BE IT RESOLVED, that Ordinance No. \_\_\_ of 2013, entitled "Ordinance amending Chapter 209 of the City of Ogdensburg Municipal Code entitled Vehicle and Traffic, § 209-25. “Parking prohibited certain hours” and adding §209-51.1 “Schedule XIV: Parking Prohibited Certain Hours: “Resident/Owner Parking Only” be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

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BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid Ordinance to be held at the Council Chambers in the City of Ogdensburg, New York, on the 14th day of January, 2013, at 7:00 p.m., and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the official newspaper at least seven (7) days before the hearing date of a notice setting forth the time and place and describing the proposed ordinance in summary form.

Councillor Morley stated he doesn't agree with passing a resolution to benefit one person. City Manager John Pinkerton said the resolution will benefit many citizens who lack off-street parking. Police Chief Richard Polniak explained that some residents do not have green space to comply with the overnight parking ban. Councillor Ashley asked if the passage of this resolution will create any problems for the police department, and Chief Polniak said no. Chief Polniak explained it will be enforced on a complaint basis only. Councillor Cilley said he is concerned that the resolution does not specifically state off-street parking. Chief Polniak explained that the resolution applies only to those residents who have no space between the sidewalk and curb to park their vehicle. Councillor Skamperle asked how it will be determined if off-street parking is available to the resident. Chief Polniak explained off-street parking is the green space between the sidewalk and curb, or at the side of the residence.

The vote was:

CARRIED, AYES ALL

2. Councillor Skamperle moved a resolution authorizing the City Manager to sell City-owned property located at 807-809 Ford Street to Susan Duffy for \$7,500., subject to City Attorney's review and approval of sales documents, and Councillor Ashley seconded to wit:

RESOLUTION TO APPROVE THE SALE OF  
TAX PARCEL # 48.071-9-9 TO SUSAN DUFFY

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WHEREAS, Susan Duffy has made a purchase offer for City-owned property located at 807-809 Ford Street identified as Tax Parcel # 48.071-9-9 as obtained by the City under Real Property Tax Sale Law, Article 11, Foreclosure Proceedings, and

WHEREAS, New York State Real Property Tax Law §1166 states that:

1. Whenever any tax district shall become vested with the title to real property by virtue of a foreclosure proceeding brought pursuant to the provisions of this article, such tax district is hereby authorized to sell and convey the real property so acquired, either with or without advertising for bids, notwithstanding the provisions of any general, special or local law.
2. No such sale shall be effective unless and until such sale shall have been approved and confirmed by a majority vote of the governing body of the tax district, except that no such approval shall be required when the property is sold at public auction to the highest bidder; and

WHEREAS, the redevelopment of this property is consistent with the Goals of the Strategic Management Plan, particularly the Goals for a Balanced, Sustainable Local Economy and Revitalizing Aging Neighborhoods and Commercial Areas; and

WHEREAS the City Manager has negotiated a sale price of \$7,500;

NOW BE IT THEREFORE RESOLVED, that the City Council in accordance with New York State Real Property Tax Law § 1166, hereby authorizes the City Manager to sell Tax Parcel #48.071-9-9 to Susan Duffy for \$7,500., subject to City Attorney's review and approval of sales documents.

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Councillor Skamperle asked if six votes are required to pass this resolution, and Mayor Nelson said yes.

The vote was:

CARRIED, AYES ALL

3. Councillor Morley moved a resolution authorizing the City Manager to sell City-owned property located at 2 Grove Street for \$42,000., subject to City Attorney's review and approval of sales documents, and Councillor Ashley seconded to wit:

RESOLUTION TO APPROVE THE SALE OF  
TAX PARCEL # 59.022-6-7 TO NSP APPLICANT #3

WHEREAS, NSP Applicant #3 has made a purchase offer for City-owned property located at 2 Grove Street, identified as Tax Parcel # 59.022-6-7 as obtained by the City under Real Property Tax Sale Law, Article 11, Foreclosure Proceedings, and

WHEREAS, New York State Real Property Tax Law §1166 states that:

1. Whenever any tax district shall become vested with the title to real property by virtue of a foreclosure proceeding brought pursuant to the provisions of this article, such tax district is hereby authorized to sell and convey the real property so acquired, either with or without advertising for bids, notwithstanding the provisions of any general, special or local law.
2. No such sale shall be effective unless and until such sale shall have been approved and confirmed by a majority vote of the governing body of the tax district, except that no such approval shall be required when the property is sold at public auction to the highest bidder; and

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WHEREAS, the redevelopment of this property is consistent with the Goals of the Strategic Management Plan, particularly the Goals for a Balanced, Sustainable Local Economy and Revitalizing Aging Neighborhoods and Commercial Areas; and

WHEREAS the NSP requires a sale price equivalent to the appraised value; and

WHEREAS the appraised value of 2 Grove Street is \$42,000; and

NOW BE IT THEREFORE RESOLVED, that the City Council in accordance with New York State Real Property Tax Law § 1166, hereby authorizes the City Manager to sell Tax Parcel #59.022-6-7 to NSP Applicant #3 for \$42,000, subject to City Attorney's review and approval of sales documents.

Councillor Morley said this property has been ready for sale since last December, and he is glad to see it sold. City Attorney Andy Silver said the City typically conveys property by Quit Claim Deed without an Abstract of Title, but the grant requires this parcel and 113 Adams Avenue to transfer by Warranty Deed with an Abstract of Title. Mr. Silver said the City already has an Abstract of Title for 2 Grove Street and one has been ordered for 113 Adams. Mr. Silver said the City will only issue a Warranty Deed if able to do so, and he wanted Council to be aware that there is a deviation from standard policy on these two sales.

The vote was:

CARRIED, AYES ALL

4. Councillor Morley moved a resolution authorizing the City Manager to sell City-owned property located at 113 Adams Avenue for \$39,500., subject to City Attorney's review and approval of sales documents , and Councillor Ashley seconded to wit:

RESOLUTION TO APPROVE THE SALE OF  
TAX PARCEL # 59.022-1-38 TO NSP APPLICANT #2

WHEREAS, NSP Applicant #2 has made a purchase offer for City-owned property located at 113 Adams Ave, identified as Tax Parcel # 59.022-1-38 as obtained by the City under Real Property Tax Sale Law, Article 11, Foreclosure Proceedings, and

WHEREAS, New York State Real Property Tax Law §1166 states that:

1. Whenever any tax district shall become vested with the title to real property by virtue of a foreclosure proceeding brought pursuant to the provisions of this article, such tax district is hereby authorized to sell and convey the real property so acquired, either with or without advertising for bids, notwithstanding the provisions of any general, special or local law.
2. No such sale shall be effective unless and until such sale shall have been approved and confirmed by a majority vote of the governing body of the tax district, except that no such approval shall be required when the property is sold at public auction to the highest bidder; and

WHEREAS, the redevelopment of this property is consistent with the Goals of the Strategic Management Plan, particularly the Goals for a Balanced, Sustainable Local Economy and Revitalizing Aging Neighborhoods and Commercial Areas; and

WHEREAS the NSP requires a sale price equivalent to the appraised value; and

WHEREAS the appraised value of 113 Adams Ave is \$39,500; and

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NOW BE IT THEREFORE RESOLVED, that the City Council in accordance with New York State Real Property Tax Law § 1166, hereby authorizes the City Manager to sell Tax Parcel #59.022-1-38 to NSP Applicant #2 for \$39,500, subject to City Attorney's review and approval of sales documents.

City Manager John Pinkerton commended Interim City Planner Andrea Smith for all her hard work getting these two NSP properties sold. Mayor Nelson said that although there were problems associated with the NSP properties, the program did cleanup several properties in the City.

The vote was:

CARRIED, AYES ALL

Councillor Morley questioned how the sale proceeds from these two parcels will be used. Mr. Pinkerton said there are still NSP funds available to be used for the demolition of 505 New York Avenue. Interim City Planner Andrea Smith said AHC funds can only be used for acquisition and rehabilitation. Ms. Smith said there are ongoing discussions about the disposal of funds from the NSP sales. Councillor Morley asked if there are any other houses targeted to be rehabilitated under the NSP program, and Ms. Smith said no.

### NEW BUSINESS

1. Councillor Cilley encouraged the Mayor and City Manager to appoint committees to start looking at the budget process in January rather than waiting until November or December. Councillor Stevenson agreed.

2. Councillor Skamperle said the Amvets Club had a Vietnam Memorial Wall site dedication this past Sunday at 2:00 p.m. Councillor Skamperle said Fox/Murray Funeral Home donated the cement base and Frary's Funeral Home donated the monument.

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Councillor Skamperle said the club also donated \$3,000 to build a Vietnam Memorial Museum in Washington.

### ITEMS FOR DISCUSSION

1. City Manager John Pinkerton requested direction from Council regarding 801 Washington Street, explaining the City owns half of this duplex. Mr. Pinkerton said he would like to put this property up for auction. There was a consensus of Council to prepare a resolution authorizing the sale of the property for the next meeting.

2. Mr. Pinkerton advised Council that he does not want the City to split the fire cleanup expenses at 915 Lafayette Street with Mrs. Watson. Mr. Pinkerton explained there is a \$6,000 demolition fee and a \$6,000 expense for disposed material. Councillor Ashley agreed and added that the demolition contractor did not do a good job. City Comptroller Philip Cosmo said Mrs. Watson purchased the property for taxes before the fire and has not paid the second year of taxes. Mayor Nelson said the City will probably acquire the property for unpaid taxes. There was a consensus of Council that the cleanup expenses not be split with Mrs. Watson.

3. Mayor Nelson reminded everyone of the SEQR training session to be held on January 7<sup>th</sup> from 6-9 pm, and the January 10<sup>th</sup> Tree Inventory & Management Plan work session. Mayor Nelson said the next City Council meeting will be held on January 14, 2013. Councillor Morley requested that Council receive an email reminding them of these upcoming meetings.

Mayor Nelson said 2012 was a year of challenges, changes and successes for the City of Ogdensburg. Mayor Nelson said we have a new City Manager and a team ready to move forward, and 2013 will be a good year. Mayor Nelson wished everyone a very Merry Christmas, a Happy New Year and a safe and joyous ringing in of 2013.

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