

CITY COUNCIL MEETING

June 10, 2013

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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, Hosmer, Morley, Skamperle and Stevenson

ABSENT: None

PUBLIC HEARING

1. A public hearing regarding an ordinance to amend Chapter 203 of the Code of the City of Ogdensburg entitled "Livery/Limo/Taxicabs" for the City of Ogdensburg was held.

The following people spoke:

a) Denis LaComb, LaComb's Taxi, said he has concerns with the proposed changes and suggested the City create a wallet size taxi cab driver license that can be mounted on the vehicle dash. Mr. LaComb explained that posting the name and telephone number on the side of the cab becomes a burden to the owner if the vehicle needs to be replaced. Mr. LaComb said he likes the idea for security reasons but believes there should be a 30 day grace period to have the information added to a new vehicle. Mr. LaComb proposed the following: 1) the City increase the licensing fee from \$75 to \$150 to cover drug testing prior to licensing; 2) all taxi cabs be smoke-free; 3) all taxi services should list all drivers other than the owner on a payroll; and, 4) the City require proof of insurance listing the names of all drivers covered by the policy. Mr. LaComb said he is happy Council is looking at the taxi service in Ogdensburg.

b) Tonya Lawton-Bates, TNT Taxi, said she agrees with Mr. LaComb's request for drug testing. Mrs. Lawton-Bates explained there is already no smoking in her cabs when transporting children or people who don't smoke.

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Mrs. Lawton-Bates noted she posts drivers' pictures in her cabs and explained multiple people are covered on her insurance policy, but the driver's names are not specifically listed.

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

2. A public hearing regarding an ordinance to sell City-owned property located at Haley Park and the old road bed connecting Ford and Bigelow Streets in front of 2127 Ford Street was held.

The following people spoke:

a) Ed Dana, 2127 Ford Street, said he is interested in purchasing the property and understands they are two separate parcels. Mr. Dana said he thought the price was high but is willing to pay the requested price. Mr. Dana said he will make the property look nice and it will be an asset to the City to get the parcels back on the tax roll. Mr. Dana requested that a load of top soil be delivered if the property does not sell because the old road bed has dropped down and he would like to fix it.

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

CORRESPONDENCE

1. City Clerk Kathleen Bouchard presented postcards supporting the St. Lawrence Psychiatric Center to each Council member for their signatures. Mayor Nelson explained the mass mailing is an effort by Senator Ritchie's office to support the Psychiatric Center.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #11-2013 in the amount of \$651,892.37 and Library Fund Warrant #11-2013 in the amount of \$21,291.24 and Capital Fund Warrant #11-2013 in the amount of \$0.00 and Community Development Fund Warrant #11-2013 in the amount of \$3,341.25 and Community Renewal Fund Warrant #11-2013 in the amount of \$1,995.00 and HOME Fund Warrant #11-2013 in the amount of \$0.00 and AHC Funds Warrant #11-2013 in the amount of \$10,945.60, RESTORE Program Warrant #11-2013 in the amount of \$0.00 and NSP Funds Warrant #11-2013 in the amount of \$0.00 and NY Main St. Program Warrant #11-2013 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. Councillor Ashley moved an ordinance to amend Chapter 203 of the Code of the City of Ogdensburg entitled "Livery/Limo/Taxicabs", and Councillor Stevenson seconded to wit:

ORDINANCE # 9 - 2013

AN ORDINANCE TO AMEND CHAPTER 203
OF THE CODE OF CITY OF OGDENSBURG

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

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ITEM ONE

That Chapter 203 entitled "Taxicabs", § 203-15. and § 203-16. are hereby deleted in their entirety and replaced with the following:

§ 203-15. Display of license and rates required.

It shall be the duty of each livery/limo/taxicab driver to display his livery/limo/taxicab license and the rates charged in a prominent place in his cab in full view of all passengers.

§ 203-16. Display of Livery/Limo/Taxicabs vehicle identification required. Every livery/limo/taxicab licensed to conduct business in the City of Ogdensburg shall be affixed with a sign identifying the company name and telephone number. Such signs shall be attached to the vehicle on both front doors and must be clean and readable at all times.

§ 203-17. Penalties for offenses.

Any person who shall violate any provision of this chapter for which no punishment is specifically provided shall be guilty of a violation and, upon conviction for such violation, shall be punished by a fine of not more than \$250, or imprisonment for not more than 15 days, or both such fine and imprisonment.

ITEM TWO

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

Mayor Nelson suggested that under §203-15 "his" be replaced with "his/her". City Manager John Pinkerton suggested that the possibility of imprisonment be removed from §203-17 as recommended by City Attorney Andy Silver to avoid legal expenses related to representing the City in an action. Councillor Hosmer suggested the identification signs be placed on the cab within 30 days of registering the car.

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Mayor Nelson and Councillor Morley asked if the City obtains copies of proof of insurance. City Clerk Kathleen Bouchard said all taxi owners are required to provide copies of current insurance and registration. Mayor Nelson said allowing a period of time to comply with the ordinance would be difficult to monitor. Councillor Ashley suggested adding revocation of the taxi license to conduct business in the City of Ogdensburg as an alternative penalty because without any alternative, the Court has no recourse for an unpaid fine.

Councillor Hosmer said he believes the owners should be given at least 15 days after vehicle registration to come into compliance with this ordinance. Police Chief Richard Polniak explained his department will use their discretion in enforcing this ordinance and he is comfortable enforcing it without a grace period.

Mayor Nelson made a motion to amend the ordinance as discussed, and Councillor Morley seconded to wit:

ORDINANCE # 9- 2013
AN ORDINANCE TO AMEND CHAPTER 203
OF THE CODE OF CITY OF OGDENSBURG

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

ITEM ONE

That Chapter 203 entitled "Taxicabs", § 203-15. and § 203-16. are hereby deleted in their entirety and replaced with the following:

§ 203-15. Display of license and rates required.

It shall be the duty of each livery/limo/taxicab driver to display his/her livery/limo/taxicab license and the rates charged in a prominent place in the cab in full view of all passengers.

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Any person who shall violate any provision of this chapter for which no punishment is specifically provided shall be guilty of a violation and, upon conviction for such violation, shall be punished by a fine of not more than \$250, or revocation of livery/limo/taxicab license to conduct business in the City of Ogdensburg.

ITEM TWO

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 to amend the resolution was:

CARRIED, AYES ALL

The vote on the amended resolution was:

CARRIED, AYES ALL

2. Councillor Stevenson introduced an ordinance to sell City-owned property located at Haley Park and the old road bed connecting Ford and Bigelow Streets in front of 2127 Ford Street, and Councillor Skamperle seconded to wit:

ORDINANCE #10 of 2013
AN ORDINANCE TO OFFER FOR SALE AT PUBLIC AUCTION
CITY OWNED PROPERTY

BE IT ORDAINED AND ENACTED by the City Council of the City of Ogdensburg, New York, as follows:

SECTION ONE: The following property shall be offered for sale at public auction by the City of Ogdensburg:

Tax Map #48.065-8-8

Location: Haley Park and the old road bed connecting Ford and Bigelow Streets, in front of 2127 Ford Street.

Minimum Purchase Price \$ 3,400.

SECTION TWO: The terms of this sale are as follows:

1. This sale will be subject to a permanent restrictive covenant to be set forth in the deed transferring title to the successful buyer that any future sale of the property shall only be made to the owner of an adjacent and contiguous parcel of land which conforms to the minimum lot dimension requirements of the Code of the City of Ogdensburg as amended from time to time.

SECTION THREE: The City does not guarantee clear property title in the transfer of property by auction and conveyance will be made by Quit Claim Deed. The City Council reserves the right to reject any or all bids or to withdraw any parcel from sale.

SECTION FOUR: This ordinance shall become effective ten days after publication.

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Councillor Morley asked why we are selling this property at public auction. Mayor Nelson said the property was not obtained by tax foreclosure and must be sold by public auction. City Manager John Pinkerton explained the fee of \$3,400 (the assessed value of property \$2,000, an estimated survey fee of \$800 and estimated attorney fees of \$600).

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution designating the Ogdensburg City Council as the lead agency for the Coordinated State Environmental Quality Review (SEQR) Process, and Councillor Hosmer seconded to wit:

**RESOLUTION DECLARING THE OGDENSBURG CITY COUNCIL
LEAD AGENCY FOR THE COORDINATED SEQR PROCESS**

WHEREAS, the City of Ogdensburg entered into a contract with the New York State Department of State for preparation of a Brownfield Opportunity Area (BOA) Plan; and

WHEREAS, a Draft Step II Nomination has been prepared under said contract under the guidance of the Department of Planning and Development and consultant, Vita Nuova; and

WHEREAS, the City Council has been provided Part I of the Full Environmental Assessment Form concerning the action of adopting the BOA Step II; and

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WHEREAS, the City Council has accepted Part I of the Full Environmental Assessment Form for review and consideration and will lead a coordinated State Environmental Quality Review of the draft BOA Step II with the Ogdensburg City Council designated as lead agency, under the provisions of the State Environmental Quality Review Act, in accordance with the requirements of Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT RESOLVED, that the City Council will notify the appropriate interested and/or involved agencies of their decision to lead a coordinated SEQR review with the Ogdensburg City Council as Lead Agency.

Director of Planning and Development, Andrea Smith explained Council's role of the SEQR. Councillor Morley asked if Council will need any more training. Ms. Smith said she believes Council is okay and added the Planning Board will also review future SEQR applications.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution calling for a public hearing and public notice on a proposed ordinance amending Chapter 209, Section 209-48, Schedule XI: "Parking Prohibited at All Times" of the Code of the City of Ogdensburg, and Councillor Hosmer seconded to wit:

RESOLUTION OF CITY COUNCIL INTRODUCING AN ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED, that Ordinance No. _____ of 2013, entitled, Ordinance Amending Chapter 209 entitled "Vehicles and Traffic"; Section 209-48, Schedule XI: "Parking Prohibited at All Times" of the Code of the City of Ogdensburg 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 24th day of June, 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 asked if this will affect the parking across the street from City Hall. City Manager John Pinkerton explained the signs were taken down to do work in that area and not put back up. Mr. Pinkerton added staff noticed it was difficult entering that intersection as people have been parking to the corner and were putting the signage back up when the owner of Phillips Diner questioned the no parking area. Mr. Pinkerton said the City's main concern is safety and we do not want to hurt any business. Mr. Pinkerton said the Police Chief has reviewed and approved this change. Chief Polniak explained this ordinance would provide for parking only on the west side of Phillip's Diner's parking lot.

The vote was:

CARRIED, AYES ALL

5. Mayor Nelson moved a resolution authorizing the City Manager to execute an agreement with Marty Murphy to utilize a portion of Maple City Trail to access his property in the Town of Oswegatchie bordering the City and Trail, and Councillor Morley seconded to wit:

RESOLUTION TO AUTHORIZE
THE CITY MANAGER TO EXECUTE AN AGREEMENT
WITH MARTIN MURPHY TO UTILIZE A PORTION OF THE MAPLE
CITY TRAIL TO ACCESS HIS BORDERING PROPERTY

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WHEREAS, an agreement has been negotiated between the City Manager and Martin Murphy to utilize a portion of the Maple City Trail to allow access to his bordering property in the Town of Oswegatchie, and

NOW THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute an agreement with Martin Murphy.

City Manager John Pinkerton said at the last meeting there was concern about equipment driving on the trail. Mr. Pinkerton advised that a fire truck and DPW equipment have been on the trail and have not hurt it. Mr. Pinkerton reported staff has also explored other ways to access the property, but accessing the property via Cherry Street is a problem because of the overgrowth. Mr. Pinkerton said the agreement states Mr. Murphy would clear the City-owned property and remove the brush. Councillor Stevenson asked how long the equipment is and said she is concerned with the 90 degree angle from the trail to Spruce Street. Public Works Director Kit Smith said he has been out of his office but doesn't anticipate any problems with this request. Mr. Smith said he is concerned about debris being left on the trail. Councillor Morley said he is concerned about a truck making a 90 degree turn with a 50 foot pole on it. Mr. Smith said we allow National Grid to put their equipment on the trail. Councillor Stevenson asked how far beyond the ditch is City-owned as it is a nature trail and is full of flowers. Mr. Smith said we own 20 feet on the back side of the ditch. Mayor Nelson said the distance from Spruce Street to Mr. Murphy's property is 175 yards. Councillor Stevenson said it will take a lot of time to revitalize nature in that area. Councillor Stevenson asked how much will be removed, what will be removed and how the City will enforce the repair if damage is done. Mayor Nelson said he doesn't believe Mr. Murphy will leave the area damaged. Councillor Stevenson explained she does not wish to move forward based on someone's personality and the procedure should be the same for everyone. Councillor Cilley said this is not a big deal and Mr. Murphy has insurance on the area. Councillor Cilley said the area is full of trash and weeds and will be grown back in by next spring. Councillor Morley said he believes Mr. Murphy wants the area cut for visibility of his sign.

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Councillor Hosmer said he wants to see what will be cleared out. Mayor Nelson said we own about 20 feet in front of Mr. Murphy's property. Councillor Skamperle said he has no problem with this request. Councillor Hosmer asked Mr. Smith if he wants time to review the request. Mr. Smith said he believes the trail will support the equipment. Councillor Stevenson said she wants confirmation that nothing will be cleared other than the 20 foot path in front of Mr. Murphy's property perpendicular to the trail.

The vote on the resolution was:

AYES: Mayor Nelson, Councillors Ashley,
Cilley, Hosmer and Skamperle

NAYS: Councillors Morley and Stevenson

APPROVED, 5 TO 2

OLD BUSINESS

1. Councillor Morley stated he wants the Arena to be less costly to taxpayers and requested a Council Committee of the Whole meeting with the Recreation Director and Recreation Commission to come up with different solutions. Councillor Stevenson agreed. Mayor Nelson said he will set up the meeting. Councillor Morley suggested they meet in July. Mayor Nelson advised Council that a long Vita Nova meeting has been scheduled in July, and he wants to make sure the meetings don't conflict. City Manager John Pinkerton said he will verify the date of the next Recreation Commission meeting and coordinate our meeting around it.

2. Councillor Ashley asked for an update on the fire truck purchase. Mr. Pinkerton said we are currently reviewing two bids.

3. Councillor Ashley asked for an update on the sewer treatment pad. Mr. Pinkerton said the sewer treatment project will begin once the Complete Streets program is finished. Councillor Skamperle asked that Council be updated on hours, time, etc. for the sewer treatment project.

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4. Councillor Stevenson asked who calls the meetings for the SLPC Advisory Committee. Mayor Nelson said the City Council representative calls for a meeting and his secretary notifies the committee members. Councillor Stevenson said she will contact Mayor Nelson's secretary.

5. Mayor Nelson explained he has requested St. Lawrence Psychiatric Center resolutions of support from elected town and village officials in the six county region. Mayor Nelson said he would like to see letters to the editor supporting the SLPC and wants to do a June or July rally to keep our voices being heard. Mayor Nelson said we are already a Center for Excellence and are doing things right.

NEW BUSINESS

1. Mayor Nelson said there will be a Flag Day ceremony sponsored by the Elks Club on Saturday, June 15, 2013, at 11:00 a.m., in Morrissette Park.

2. Mayor Nelson said the bench dedication ceremony in memory of Nic Sovie at Groulx Park last Saturday was very nice and approximately 70 people were in attendance.

3. Mayor Nelson thanked Fire Chief Michael Farrell for setting up a fire truck at Kennedy School. Mayor Nelson said the officers were spraying the kids, and everyone had a great time. Councillor Skamperle said the Fire Department has been doing it since 1989.

4. Councillor Ashley asked when the public auction will be held for non-payment of taxes. City Manager John Pinkerton said the last day to pay the taxes is 6/24. Mr. Pinkerton explained the City will look at the properties and plan the public auction after that date.

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5. City Manager John Pinkerton thanked City Clerk Kathleen Bouchard for all of her hard work putting together the bench dedication ceremony for Nic Sovie. Mr. Pinkerton said it was a unique experience, and acknowledged Mrs. Bouchard's efforts in bringing the Army band to Ogdensburg.

6. Councillor Skamperle said the U.S. Customs House flag is now up and lit.

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