

CITY COUNCIL MEETING

June 24, 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 209, Section 209-48, Schedule XI: "Parking Prohibited at All Times" of the Code of the City of Ogdensburg was held.

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

PERSONAL APPEARANCE

1. Earl Gebo, 130 Paterson Street, addressed Council questioning when the Paterson Street project will begin. Mr. Gebo said he heard that 90% of the trees and poles will be taken down and the project will take about a year and a half to complete. Mr. Gebo said the newspaper indicated the project would begin late summer or early fall.

Mayor Nelson said he asked Public Works Director Kit Smith to send out letters to everyone in the affected neighborhoods. City Manager John Pinkerton said the City is waiting for the NYSDOT to provide the City with the final certificate. Mr. Pinkerton said we do not know the starting date yet, but we will notify residents when we do. Mr. Pinkerton explained the street will be widened by two feet and the storm water system will be separated from the sewer system. Councillor Skamperle said the Director of Planning & Development Andrea Smith is researching trees that will not create a root nuisance.

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Mayor Nelson advised Council that there was a need for executive session to discuss a personnel matter and potential litigation, and Councillor Morley seconded the motion.

Upon returning from Executive Session, all members were still present.

CORRESPONDENCE

1. City Clerk Kathleen Bouchard read a letter from Andrew Putman requesting to purchase paper Curtis Street. (A copy of the letter follows these minutes.)

City Manager John Pinkerton requested Council's input on selling this paper street, noting sections have already been carved out. There was a consensus of Council to put the property requested up for auction.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #12-2013 in the amount of \$407,741.21 and Library Fund Warrant #12-2013 in the amount of \$22,535.72 and Capital Fund Warrant #12-2013 in the amount of \$39,846.90 and Community Development Fund Warrant #12-2013 in the amount of \$4,943.74 and Community Renewal Fund Warrant #12-2013 in the amount of \$3,908.04 and HOME Fund Warrant #12-2013 in the amount of \$8,000.00 and AHC Funds Warrant #12-2013 in the amount of \$12,462.40, RESTORE Program Warrant #12-2013 in the amount of \$0.00 and NSP Funds Warrant #12-2013 in the amount of \$24,999.00 and NY Main St. Program Warrant #12-2013 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Ashley seconded the motion.

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Councillor Morley asked for an explanation of the \$24,999 NSP warrant. City Comptroller Philip Cosmo said it was the cost for the demolition of 528 Barre Street. Councillor Morley questioned where those funds came from. Mr. Cosmo said there was a balance in the NSP account.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle moved an ordinance to amend Chapter 209, Section 209-48, Schedule XI: "Parking Prohibited at All Times" of the Code of the City of Ogdensburg, and Councillor Ashley seconded to wit:

ORDINANCE #__ OF 2013

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 delete the following:

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<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Ford Street	South	From a point 74 feet east of the east curbline of Caroline Street to a point 186 feet west therefrom

ITEM TWO:

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>
Ford Street	South	From a point 30 feet east of the east curbline of Caroline Street

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.

Councillor Morley asked how far it extends to the West. Police Chief Richard Polniak said there is no western side covered in this ordinance because another section of the municipal code covers Ford Street West.

The vote was:

CARRIED, AYES ALL

2. Councillor Stevenson moved a resolution to approve the issuance of a Tax Anticipation Note (TAN) to cover cash flow needs for the City, and Councillor Morley seconded to wit:

TAX ANTICIPATION NOTE RESOLUTION DATED JUNE
24, 2013.

A RESOLUTION DELEGATING TO THE COMPTROLLER
OF THE CITY OF OGDENSBURG, ST. LAWRENCE
COUNTY, NEW YORK, THE POWER TO AUTHORIZE THE
ISSUANCE OF AND TO SELL NOT EXCEEDING \$2,000,000
TAX ANTICIPATION NOTES OF SAID CITY IN
ANTICIPATION OF THE COLLECTION OF TAXES LEVIED
OR TO BE LEVIED FOR THE FISCAL YEAR OF SAID CITY
WHICH COMMENCED JANUARY 1, 2013.

BE IT RESOLVED, by the Council of the City of Ogdensburg, St.
Lawrence County, New York, as follows:

Section 1. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell not exceeding \$2,000,000 tax anticipation notes of the City of Ogdensburg, St. Lawrence County, New York, including renewals thereof, in anticipation of the collection of taxes levied or to be levied for the fiscal year of said City which commenced January 1, 2013, is hereby delegated to the Comptroller. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Comptroller, consistent with the provisions of the Local Finance Law.

Section 2. This Resolution shall take effect immediately.

Councillor Skamperle asked if the last TAN has been paid off. City Comptroller Philip Cosmo said it will be paid off in August around the same time that this TAN would be renewed. Mr. Cosmo said it covers expenses for the rest of the year because our money comes in at different times than when our expenses are due.

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The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution to call for a public hearing and public notice on a proposed ordinance amending Chapter 209, Section 209-54, Schedule XVII: "Time Limit Parking" of the Code of the City of Ogdensburg, and Councillor Morley 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 209-54, Schedule XVII: "Time Limit Parking" 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

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 8th day of July, 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 Cilley asked for an explanation of the rationale for this resolution. City Manager John Pinkerton said the parking restriction was put into place for Dr. Kotha's patient parking, but the office is no longer there. Councillor Cilley asked if there is a similar parking limitation in front of Farrand's Flowers. Mr. Pinkerton said he will review it.

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Councillor Skamperle asked if all homeowner's in that area have driveways in case someone without a driveway gets upset because others are parking in front of their residence. Mr. Pinkerton said he will check.

The vote was:

CARRIED, AYES ALL

4. Councillor Ashley moved a resolution approving the designation of the New York State Secretary of State as the City of Ogdensburg's agent for service of notices of claim and appoints the City Clerk as the individual to whom the Secretary of State must mail notices of claim, and Councillor Morley seconded to wit:

RESOLUTION APPROVING THE DESIGNATION
OF THE NEW YORK SECRETARY OF STATE
AS THE CITY OF OGDENSBURG'S AGENT FOR SERVICE OF CLAIM

WHEREAS, on December 17, 2012, Governor Cuomo signed the Uniform Notice of Claim Act into law, which became effective on June 15, 2013; and

WHEREAS, the Uniform Notice of Claim Act amended New York's General Municipal Law to allow notices of claim against cities to be served on the New York Secretary of State as agent for New York's public corporations; and

WHEREAS, General Municipal Law § 53 was added and requires each city to file with the New York Department of State a certificate that (a) designates the New York Secretary of State as the local government's agent for service of notices of claim, (b) provides the name and address of an officer, person, or designee, nominee or other agent-in-fact to which the Secretary of State will forward any notices of claim, and (c) provides the applicable time limit for filing a notice of claim on the city or village.

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THEREFORE BE IT RESOLVED that the Ogdensburg City Council hereby designates the Secretary of State as the City's agent for the service of process in accordance with the statute, and appoints the City Clerk as the individual to whom the Secretary of State must mail notices of claim for the City of Ogdensburg.

Councillor Cilley asked what happens if Council does not approve this resolution. Mayor Nelson said we will be in violation of this law. City Clerk Kathleen Bouchard explained the City will retain half of the \$250 fee collected by the State if we comply with this law. Councillor Cilley said he wants an explanation of the rationale from Albany. Councillor Skamperle said Albany claims the proposed change is more efficient.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Morley asked if the Brady property at the corner of State & Lafayette Streets can be sold at public auction. Councillor Cilley said City staff recommended against the sale because of the underground utilities or special restrictions. Councillor Morley asked that City staff review it again.

2. Councillor Morley asked about the housing rehabilitation projects, specifically Mr. LaFave's property on Grant Street. Councillor Morley asked where the money is coming from to do all the work on Mr. LaFave's property. City Manager John Pinkerton said there are still funds in the NSP program. Mayor Nelson said Council gave direction to City staff to correct the problems. Mr. Pinkerton explained we do not know the extent of the cost, but we have met with the State and they requested that we bring in engineers to look at structural components and prepare the scope of work. Mr. Pinkerton said there are funds available in the NSP account that will cover the additional work. Councillor Morley asked if we will be reimbursed for these costs by the contractor, engineer or program director.

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Mr. Pinkerton said this is NSP fund money.

3. Councillor Stevenson said the Elk's Club Flag Day ceremony on June 15th was a wonderful, educational event and encouraged people to attend this ceremony next year.

4. Councillor Skamperle asked for an update on Step by Step's cement slab request. Mayor Nelson said this matter is listed under Items for Discussion.

5. Councillor Skamperle asked if the vac truck containment area will be done by June 28th to avoid a fine by DEC. City Manager John Pinkerton said he was not aware of a deadline, but the work is started. Public Works Director Kit Smith said the Cheese Plant tank deadline is June 28th. Mr. Smith said the downside is there is no place to dump sanitation until the project is completed. Mr. Smith said the project is going great and the walls have been poured. Mr. Smith explained it depends on the weather, but it could be completed in two weeks. Councillor Skamperle asked that in the future projects not be put to bid if the City can do it ourselves because it costs the contractors money to obtain a bond. Mr. Smith explained they get the money back, noting the City only retains a successful bidder bond. Councillor Stevenson asked how we would know if we could do a project cheaper if we don't put it out to bid. Mr. Smith agreed and said the bids help give us a set fee. Councillor Morley said we saved \$18,000 by doing the work ourselves.

NEW BUSINESS

1. Councillor Cilley said we have started the milling of City streets and he hopes those streets get paved before the end of August. Councillor Cilley said the milled streets left unpaved can damage vehicles. Public Works Director Kit Smith explained that the cost to rent a milling machine is \$4,000 per day and he tries to mill as many streets as possible in a couple days.

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Councillor Cilley suggested scheduling the milling closer to the paving, not two months apart. Mr. Smith said all the milling and paving was done by Seaway Festival last year. Mr. Smith explained when Hanson is paving for the State they close their plant and we have to get materials from Barrett's instead of our local quarry. Councillor Stevenson said before the meeting she asked the City Manager and Kit Smith to meet with the press to explain the milling and paving process for our citizens. Councillor Skamperle asked why we do not reuse the milling. Mr. Smith said we do not have dirt roads. Mr. Smith explained the Towns of Oswegatchie, Depeyster and Morristown provide the trucks and drivers and remove the material for use on their dirt roads. Mr. Smith said this is a great deal for the City. Mr. Smith explained the local asphalt plant may begin taking the material back so we may be able to sell it at some point.

2. Councillor Skamperle said he received a complaint from a Hasbrouck and East David Street resident regarding a property behind the old Ames shopping center. Councillor Skamperle said there are a lot of hills in that area, and a lot of bugs this year probably because of the rain. Councillor Skamperle asked if the weeds can be taken care of to reduce the number of bugs. Councillor Morley said paper Hamilton Street has the same problem. Councillor Ashley asked if this is the property owned by the same gentleman who owns Park Plaza, and Councillor Skamperle said he believes it is. City Manager John Pinkerton said that Code Enforcement Officer Gregg Mallette contacted the owner of the property, TOPED, who asked the City to cut the grass and bill them. Councillor Skamperle said the area is all hills and rocks, and he doesn't believe we will be able to cut the grass. Mr. Pinkerton said we may have to weed eat and charge the owner appropriately, but we need to confirm that we are discussing the same property. Mr. Mallette said the estimate he provided to the owner did not include the weed eating, and he would need to readdress the fee with his contact at TOPED. Councillor Morley asked how they planned to cut the area. Mr. Mallette explained the front and sides were cut last week with our tractor, but there is a ditch line near the back with water which would require weed eating.

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Councillor Hosmer asked what we charge to cut someone's lawn. Mr. Mallette said it is an hourly rate. Public Works Director Kit Smith said there is a \$100 fine plus labor and materials, making the cost \$130 to \$150. Councillor Cilley said we should make the standard hourly rate expensive enough to encourage residents to maintain their own property. Councillor Ashley asked how a high grass complaint is handled. Mr. Mallette said he first confirms it is a violation of the weed ordinance and if so, notifies the DPW. Mr. Mallette explained that the DPW then sends notification by certified mail giving the owner seven to ten days to mow or we will mow it and charge them. Mr. Mallette explained that once the grass is over 10" we mow it, but we don't do the trim. Councillor Hosmer said we don't have enough staff to complete our usual jobs and suggested contracting the service out. Councillor Stevenson said if we subcontract the service she would like to know the amounts of lawn mowing bills and fines that are unpaid and re-levied to taxes. Councillor Stevenson explained she does not want to see the City paying out cash and having a loss because we paid for the service. Mayor Nelson said the fees are currently added to the property owners taxes, and Mr. Mallette explained a private contractor would have to go through collections. Councillor Hosmer said he would like to see the City pay the contractor. Councillor Hosmer explained we would free up our men to do other work but still handle the billing. Mr. Smith said the properties not being maintained are mostly foreclosed properties or owned by people who live outside the area. Mr. Smith explained many times the payments for these services don't come in for a few years when the property is sold. Councillor Morley said increasing the rate and fine has been a deterrent because the number of lawns mowed has dropped over the years. Councillor Hosmer said we need to raise the rate, and Councillor Stevenson agreed. Mr. Pinkerton said he will review the policy with City staff.

3. Councillor Skamperle requested a notice be placed in the newspaper advising taxpayers of the various programs available to them if they repair their homes and not increase their taxes. Councillor Skamperle said we need to look into ways to help homeowners improve their properties without fear of increased taxes. Councillor Cilley said 40% of City homes are not owner-occupied and are only a source of income.

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Councillor Cilley added he is not sure the problem is with the private homeowners. Mayor Nelson said a person who is proud of their home will fix up their home. Code Enforcement Officer Gregg Mallette said he has a list of exemptions on his wall and provides this info to people when they get a building permit. Mr. Mallette said he hands out the forms, but people won't fill out the paperwork. Councillor Cilley said City Assessor Bruce Green mailed him an exemption form to make sure he was aware the exemption was available. Mr. Mallette said the closure of building permits, the exemption forms and the Certificate of Compliance go hand in hand so people have to call for an inspection. Mayor Nelson said there are always complaints and it sounds like City staff is communicating with the residents about the exemptions.

4. Mayor Nelson said he would like to schedule a Committee of the Whole Meeting in July and he has emailed a list of possible topics to Council. There was a consensus of Council to schedule a Committee of the Whole Meeting on July 15th at 7:00 p.m. at the Dobisky Community Center. Councillor Hosmer said he will be out of town.

ITEMS FOR DISCUSSION

1. City Manager John Pinkerton said the last time we met Council asked City staff to get a plan for Mr. Bayne's request for Step by Step. Mr. Pinkerton explained Council has a copy of their request for review. Mr. Pinkerton said Code Enforcement Officer Gregg Mallette has indicated the project is accurately represented and the concrete plans will meet the requirements.

David Bayne, Step by Step, addressed Council and stated that he is requesting a license to construct a landing, sidewalk and slab for the picnic tables on City property. Mr. Bayne explained he plans to do the project in stages. Mr. Bayne said any improvement made on City-owned property will become City property. Mr. Bayne said the current pickup location in front of his building has one-way traffic that gets jammed and congested, and he would like to move it to the back side of the building.

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Councillor Cilley asked if a licensing agreement is required to confirm that improvements made to the property belong to the City. Mr. Pinkerton said yes. Councillor Skamperle asked if the tree will remain in place. Mr. Bayne said yes. Councillor Hosmer asked if Step by Step owns the property. Mr. Bayne said they have a lease to own contract with Mr. Jones that will be finalized after a sprinkler system issue is resolved. Code Enforcement Officer Gregg Mallette said they will bring the grade up to the pad and the sidewalk will be constructed as required. Mr. Mallette explained the drop-off/pick-up point will be an expansion of the sidewalk to a 3x3 pad and there will not be a cover over this pad. Mr. Bayne said his clients are smoking at the front of the building but this will be the new designated smoking area with urns that his staff will empty. Councillor Hosmer asked what the first portion of Mr. Bayne's project would be. Mr. Bayne said a landing and sidewalk. Mr. Bayne explained next year they plan to add a second sidewalk and the slab. Mr. Mallette said they may need an Administrative Permit to perform work on City property.

Mayor Nelson asked if shielding or protection from the electric transformer in that area will be required. Mayor Nelson said the hospital was required to hide their transformers behind shrubs. Councillor Cilley said the City should follow the same standards that we require from our residents. Mayor Nelson and Councillor Stevenson agreed. Mr. Mallette said sometimes screening is required where people congregate. Mayor Nelson said it was a docile area, and we are now giving a license for people to congregate on City property. Mr. Bayne said he can meet with Mr. Mallette and Mr. Pinkerton to determine what should be done to minimize the risks. Councillor Stevenson asked if the transformer on this property is owned by Mr. Jones. Mayor Nelson said it is either owned by the property owner or National Grid. Mr. Smith said the transformer in the area near Step by Step belongs to National Grid, and we may have to go through several steps before shielding it. Mayor Nelson said it is a high risk piece of equipment that should be shielded. Public Works Director Kit Smith said his department has plans for a transformer near the park in the Greenbelt area to be screened with fencing and shrubs, and he wanted Council to be aware that the City does shield its transformers.

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Mr. Mallette asked if this will be enforced all throughout the City or just in parks and if an ordinance is required for enforcement. Mayor Nelson said it should be enforced in all high risk areas. Councillor Cilley said he is concerned with high traffic areas such as the one in the Greenbelt area. Councillor Stevenson asked how many transformers we have City-wide. Mr. Pinkerton said he will check with City staff and advise Council. Mayor Nelson said we are now creating a walkway and making it a high traffic area which makes the transformer a safety concern. Mayor Nelson said the licensing agreement will give people permission to use our property. Mayor Nelson said the licensing agreement should have stipulations for snow removal, maintenance and cleanup of the area. There was a consensus of Council to authorize the City Manager to move forward.

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