

CITY COUNCIL MEETING

September 23, 2013

Page 251

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

PRESENTATION

1. Andrea Smith, Director of Planning & Development, introduced Carrie Tuttle, DANC, who made a presentation to Council regarding a LGRMIF opportunity. Mrs. Tuttle outlined the purpose of the grant and explained the operational benefits of using the electronic map formatting. Mrs. Tuttle said DANC has been 100% successful with previous grant applications and noted there is no cost or risk to the City in applying. Mrs. Tuttle gave a demonstration of the digital map program.

2. Mayor Nelson presented the following NYCOM Public Service Certificates to employees with 25 or more years of service to the City. Mayor Nelson stated the City's employees make the Council look good and helps make our City a great place to work and a great place for our children to play. (A copy of the certificates follow these minutes.)

Betty Moore (30 years)
Blair Roethel (30 years)
Timmy Vinch (30 years)
Joseph King (25 years)
Kathleen Bouchard (25 years)

PUBLIC HEARING

1. A public hearing regarding an ordinance to authorize a lease of municipal property (space on top of the Ogden Street water tower to AT&T for wireless communications) was held. No one being present to speak, the hearing was declared closed.

CORRESPONDENCE

1. City Clerk Kathleen Bouchard read a letter from Reverend Laurena Marie Wickham Will, The First Presbyterian Church, 423 Ford Street, requesting no parking and handicapped parking signs on Ford and Franklin Streets.

2. City Clerk Kathleen Bouchard read a letter from Amber Harper and Michael Paige requesting to purchase City-owned property adjacent to 717 Congress Street.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #16-2013 in the amount of \$521,137.13 and Library Fund Warrant #16-2013 in the amount of \$23,354.85 and Capital Fund Warrant #16-2013 in the amount of \$8,868.71 and Community Development Fund Warrant #16-2013 in the amount of \$11,878.85 and Community Renewal Fund Warrant #16-2013 in the amount of \$16,975.00 and HOME Fund Warrant #16-2013 in the amount of \$0.00 and AHC Funds Warrant #16-2013 in the amount of \$0.00 and NSP Funds Warrant #16-2013 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 authorize a lease of municipal property (space on top of the Ogden Street water tower to AT&T for wireless communications), and Councillor Morley seconded to wit:

ORDINANCE # 15 OF 2013
AN ORDINANCE TO AUTHORIZE A LEASE OF MUNICIPAL PROPERTY

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

ITEM ONE: An ordinance to authorize a lease of municipal property at the Ogden Street water storage tank to AT&T for wireless communications

ITEM TWO: The City Manager has presented the attached proposed agreement to lease space on top of or adjacent to the Ogden Street water storage tank to AT&T for the placement and maintenance of wireless internet and/or cell phone antennae. The lease term shall be for an initial period of five (5) years, and shall be automatically renewed for one successive five (5) year period, unless either party provides prior written notice to the other of its intention not to renew not less than 120 days prior to the expiration of the then current Term.

ITEM THREE: The City Manager is hereby authorized to execute the attached lease agreement, hereby made part of this ordinance.

ITEM FOUR: Passage of this ordinance shall be by a vote of three-fourths (3/4) of all members of the City Council

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

Councillor Hosmer asked if the antenna would be placed on top of the tower. City Manager John Pinkerton said it would be strapped on the side and there would be no damage to the tower. Mr. Pinkerton advised that there are three antennas on the Plover Hill tower. Councillor Morley asked if this lease agreement is similar to the Plover Hill agreement. Mr. Pinkerton said the lease amount is higher. Mayor Nelson said other than the amount, the agreement is the same.

The vote was:

CARRIED, AYES ALL

CITY COUNCIL MEETING

September 23, 2013

Page 254

2. Councillor Stevenson moved a resolution authorizing the City Manager to submit a shared services grant application to the NYS Archives Local Government Records Manager Improvement Fund (LGRMIF) for implementation of a Geographic Information System (GIF) for water and wastewater records, and Councillor Ashley seconded to wit:

RESOLUTION

SPONSORSHIP OF SHARED SERVICES NYS ARCHIVES LOCAL
GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND
(LGRMIF) APPLICATION

WHEREAS, the City of Ogdensburg is desirous of submitting a grant application to the NYS Archives Local Government Records Management Improvement Fund (LGRMIF) for implementation of a Geographic Information System (GIS) for water and wastewater records; and

WHEREAS, Ogdensburg has the necessary resources to assist prospective partnering communities by sponsoring a shared services LGRMIF application and acting as a lead applicant and fiscal agent for project implementation if grant funding is awarded; and

WHEREAS, Ogdensburg will seek up to \$150,000 under the Shared Service Project of which 100% is grant funded with no local match requirements; and

WHEREAS, pursuant to LGRMIF guidelines, it is necessary that the lead agency: formally appoint a Records Management Officer (RMO), and formally adopt the appropriate records retention and disposition schedule, which the City has already done.

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council formally adopted the MU-1 Records Retention and Disposition schedule for municipal government on February 12, 1990, and on April 28, 2003 amended the Records Management Officer (RMO) appointment designation to the City Clerk.

BE IT FURTHER RESOLVED that the Ogdensburg City Council hereby authorizes the City Manager to enter into and execute any and all necessary LGRMIF grant paperwork and contracts required of a lead agency applicant.

The vote was:

CARRIED, AYES ALL

3. Councillor Skamperle moved a resolution authorizing the City Manager to submit a joint application with the NYS OPRHP to the Boating Infrastructure Grant Program for funding to cover 75% of the costs of constructing 20 transient boat slips and the required break wall and, upon approval of said request, to enter into and execute a project agreement with the Department of the Interior for such financial assistance to the City of Ogdensburg, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING THE SUBMISSION OF A
JOINT GRANT APPLICATION WITH THE NYS OFFICE OF PARKS,
RECREATION & HISTORIC PRESERVATION (NYS OPRHP) TO THE
DEPARTMENT OF THE INTERIOR, US FISH AND WILDLIFE SERVICE
UNDER THE BOATING INFRASTRUCTURE GRANT PROGRAM

WHEREAS, the City has completed a Waterfront Revitalization Plan and seeks to attract more transient boat traffic to the Visitor Center and the City; and

WHEREAS the Waterfront Revitalization Plan calls for marina expansion; and

WHEREAS additional transient docking slips (26' and larger) will enhance the planned expansion of the marina and attract more transient boater traffic; and

WHEREAS, the Boating Infrastructure Grant (BIG) Program provides federal funds for up to 75% of boating infrastructure; and

CITY COUNCIL MEETING

September 23, 2013

Page 256

WHEREAS, the City seeks up to \$200,000 from the BIG Program for the installation of transient docking in accordance with the attached site plan concept (20 slips); and

WHEREAS, the required match will be a combination of administrative expense, force account labor, in-kind services, and cash.

NOW, THEREFORE BE IT RESOLVED, the City Manager is hereby authorized to submit a joint application with the NYS OPRHP to the Boating Infrastructure Grant Program for funding to cover the cost of the construction of 20 transient slips and the required break wall and, upon approval of said request, to enter into and execute a project agreement with the Department of the Interior for such financial assistance to the City of Ogdensburg.

Councillor Morley said the marina had numerous open boat slips this summer and believes this should be left to the private market. City Manager John Pinkerton explained there were seven transient slips open but the rest were filled. Mr. Pinkerton stated the community should supply transient docking to promote tourism and increase waterfront economics. Mr. Pinkerton said our other grant expired, and this is an integral part of expanding our waterfront. Councillor Morley said he doesn't believe the City has a need for this. Mr. Pinkerton explained if we do not have transient slips, boaters will not visit Ogdensburg. Mr. Pinkerton said Alexandria Bay, Clayton and Brockville all have many transient slips. Councillor Morley suggested businesses on the water put in transient docking. Councillor Ashley said we need bigger slips for larger boats.

Councillor Cilley said we need this project, but he will not vote for any plan that puts a fuel tank in the Greenbelt area. Mayor Nelson stated Council is viewing the original drawing containing the fuel tanks and pumps. Planning & Development Director Andrea Smith said the map she provided described option #4 showing 22 slips. Mayor Nelson said Council has the option #2 map. Councillor Skamperle asked if the plan can be changed. Ms. Smith said only very minor changes are allowed once the application is submitted. Councillor Cilley stated that before Council approves the grant application they need to see the correct map.

CITY COUNCIL MEETING

September 23, 2013

Page 257

Councillor Morley stated the department head should be present for these resolutions. Mr. Pinkerton explained DPW Director Kit Smith is off on medical leave and Recreation Director Matt Curatolo is ill. Ms. Smith explained this is the only opportunity to discuss this grant since it is due by the end of September. Councillor Cilley said every grant brought before Council is brought at the last possible meeting. Ms. Smith explained New York State contacted her on September 4th. Councillor Stevenson said she is happy we can still apply. Councillor Skamperle explained when this process started several years, the project was much larger. Councillor Skamperle said some people want to see the dock extended, and Ford and State Street businesses welcome this idea. Ms. Smith showed Council the option #4 map with 22 transient slips. Ms. Smith said these slips would accommodate boats 26 feet or larger. Councillor Stevenson asked if the current drainage problem would be addressed. Ms. Smith said option #4 would address the flow and drainage issue. Councillor Cilley stated he is concerned about the damaging winds near the opening where the waves come in. Councillor Skamperle said he likes option #4 with the opening on the Oswegatchie side, and Councillor Cilley agreed. Councillor Hosmer explained he is concerned that debris will gather from the damn and the Oswegatchie River. Councillor Stevenson said she likes option #4. Councillor Skamperle asked if the docks will be put in and taken out during the fall. Ms. Smith said yes. There was a consensus of Council to submit this grant using the option #4 map.

The vote was:

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

NAYS: Councillor Morley

CARRIED, 6 TO 1

OLD BUSINESS

1. Councillor Skamperle said the Zoning Board needs an alternate as soon as possible since there has not been a full board since May.

CITY COUNCIL MEETING

September 23, 2013

Page 258

Councillor Skamperle suggested that anyone who has applied and paid a fee for a variance be given a second opportunity before the Zoning Board if a full Board was not present the 1st time. Mayor Nelson asked if Councillor Skamperle means a full Board or a quorum. Director of Planning & Development Andrea Smith said a quorum is four members. Ms. Smith explained the applicant can request their variance be tabled until a full board is present. Ms. Smith said the Zoning Board will never have a full Board present, because there are not currently seven members. Councillor Cilley stated people have a time frame for their project and sometimes cannot wait until the next meeting. Councillor Cilley said this is not fair to taxpayers. Councillor Skamperle asked if we have a legal obligation to the taxpayers. Ms. Smith explained the Board is looking for members, and the need for additional Board members is discussed at every meeting. Councillor Cilley said the variance should be automatically granted if there are not enough members present. Ms. Smith explained that is not an option. Councillor Stevenson suggested Council should forward the names of applicants to the Mayor. Mayor Nelson said it is a thankless job and members are reluctant to serve. Councillor Skamperle stated he was told an individual filled out an application. Councillor Ashley asked if there is an attendance requirement. Ms. Smith said a member cannot miss two consecutive meetings, but unseating members is not a good idea. Councillor Stevenson explained there is no waiting list of people interested in serving, so unseating members will only make the problem worse. Ms. Smith said she received one application for the Zoning Board and she forwarded it to the Mayor. Councillor Skamperle said we need to rectify the situation for people who applied for a zoning variance when we did not have a full board. Ms. Smith explained applicants are informed of their option to table the request. Ms. Smith said an applicant can also file an Article 78, but they cannot resubmit the same request for one year unless there is a substantial change. Mayor Nelson explained the Zoning Board has strict guidelines. Councillor Morley said we cannot correct the past. Councillor Skamperle stated the last member resigned in June and the Charter says there has to be seven members. Ms. Smith said we could get a legal opinion on the issue, but if we only have four people willing to serve on the Board, we only have four people. Ms. Smith explained members cannot serve on more than one board and urged Council to provide names to the Mayor. Councillor Hosmer asked if meetings are moved around to improve attendance.

CITY COUNCIL MEETING

September 23, 2013

Page 259

Ms. Smith said meetings are scheduled two years in advance so members can plan ahead, but meetings have still been cancelled due to a lack of a quorum. Ms. Smith said applications for new members for the Zoning Board can be completed online or in her office. Mayor Nelson explained we cannot dismiss volunteer members who cannot attend meetings. Mayor Nelson said it is not an easy board to serve on and educational credits are required. Mayor Nelson stated he has received one application and has no problem appointing the applicant. Mayor Nelson asked Council to pass interested names for boards on to him. Mayor Nelson thanked those who serve on the boards for their commitment to the betterment of the community.

2. Councillor Ashley said he heard the Paterson Street project has been pushed out until spring. Councillor Ashley added that many people have complimented the DPW on a great job patching that street.

NEW BUSINESS

1. Councillor Ashley stated that property owners from the Ogden Street water tower area complained that the tank is leaking and asked for someone to look at it. City Manager John Pinkerton said he will have City staff do an assessment.

2. Mayor Nelson said Greg Harland created a map regarding the request from Ms. Harper and Mr. Paige to purchase City-owned property. Mr. Pinkerton explained there are two sewer and water lines that run through the parcel, and staff does not recommend the sale. Councillor Morley said there is a pathway through the parcel. Councillor Cilley suggested placing a sidewalk where the dirt path is to take traffic away from their house. Mr. Pinkerton said he will have City staff look at that option. Mayor Nelson said there was a consensus of Council not to sell the property and asked Mr. Pinkerton to have City staff notify the interested parties.

CITY COUNCIL MEETING

September 23, 2013

Page 260

3. Councillor Cilley thanked everyone who attended the legislative hearing Tuesday. Mayor Nelson said he was unable to attend but heard Assemblywoman Gunther spoke positively about the St. Lawrence Psychiatric Center (SLPC). Mayor Nelson stated over 600 people attended the spaghetti dinner fundraiser and the SLPC Task Force meets Tuesdays at 5:00 pm. Councillor Stevenson said she attended the legislative hearing for about five hours, and Assemblywoman Russell and Senator Ritchie did a great job representing us. Mayor Nelson explained we need to keep pushing. City Manager John Pinkerton said people can go to the SLPC Task Force Facebook page to listen to the hearing. Mr. Pinkerton thanked Senators Carlucci, Hannon and Ritchie as well as Assemblywomen Gunther and Russell.

ITEMS FOR DISCUSSION

1. City Manager John Pinkerton said he would like to schedule a work session regarding combining lots. Councillor Cilley asked if the work session was being planned prior to a Council meeting. Mr. Pinkerton explained we may need some legal advice, so Council would probably meet in Executive Session.

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