

## CITY COUNCIL MEETING

November 13, 2007

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

PRESENT: Mayor Nelson, Councillors Ericksen, Flynn, Hannan, LaRose and Morley

ABSENT: Councillor LaMacchia

### PUBLIC HEARING

1. A public hearing was held regarding an ordinance amending Chapter 209, Section 209-51, Schedule XIV entitled "Parking Prohibited Certain Hours" of the Code of the City of Ogdensburg.

Robert Flavin, 116 Ogden Street addressed Council and said there is an issue with parking in the areas around Hepburn Hospital. Mr. Flavin said he came before Council four years ago and asked them to do something about a parking ordinance in his neighborhood. Mr. Flavin said he is against stopping people from parking on New York Avenue because it is just going to make it more congested in his area.

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

### PERSONAL APPEARANCE

1. John LaGorga, P.E. of Stearns & Wheler and Joseph Kuta, P.E. NYSDEC gave a presentation on the status of findings and future of the Long Term Control Plan Best Management Practice for the sewer system.

2. Robert Flavin, 116 Ogden Street, a member of the St. Lawrence Valley Sportsmen's Club, addressed Council regarding the walleye restocking program asking for \$1000.00 to be used for 2008 operation of the club's projects.

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Councillor Hannan asked if the City could legally fund this organization. City Attorney Katherine Wears stated there has to be a contractual give and take in order to authorize an expenditure of this type to a private organization. Mrs. Wears said that they would need to provide a function in the City's place and we could enter into a contract with the entity to help provide a stronger tourism base. Mrs. Wears added that for example, Fort La Presentation puts on a specific event that brings people to the City. Mayor Nelson stated he attended a NYCOM session in February that specifically addressed this issue called Municipal gifting. City Attorney Katherine Wears said there are definite legal issues involved with this. Mrs. Wears added that she was not saying there isn't a way to fashion a function for this Club in the place of the City, but this is not it.

Councillor Hannan said they may not be able to do this as structured tonight, but they are supportive of the Club's efforts.

### CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in Warrant #19-2007 in the amount of \$606,441.35 and Library Warrant #19-2007 in the amount of \$22,223.02 and Community Development Fund Warrant #19-2007 in the amount of \$35,917.00 and Capital Fund Warrant #19-2007 in the amount of \$48,102.15 as audited, be and the same are ordered paid and Councillor Flynn seconded the motion.

The vote was:

CARRIED, AYES ALL

### ITEMS FOR COUNCIL ACTION

1. Councillor Morley moved an ordinance amending Chapter 209, Section 209-51, Schedule XIV entitled "Parking Prohibited Certain Hours" of the Code of the City of Ogdensburg, and Councillor LaRose seconded to wit:

ORDINANCE # 12 OF 2007  
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 209-51, Schedule XIV: "Parking Prohibited  
Certain Hours" is hereby amended to add the following:

**ADD**

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
New York Avenue	East	7:00 a.m. to 5:00 p.m. Monday through Friday	From the North curb line of Rensselaer Avenue to a point 58 feet North therefrom, and from the South curb line of King Street to a point 125 Feet South therefrom.

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.

Councillor Morley said this street is very congested.

Councillor Hannan asked if this was a request from the neighbors. Police  
Chief Richard Polniak stated it was a request from two neighbors. He added  
that he looked into it and noted the cars there are parking so close to the  
edge of their driveways and with the angle of the hill, they cannot see  
coming in and out of their driveways.

The vote was:

CARRIED, AYES ALL

2. Councillor Hannan moved a resolution to accept the 2008 Preliminary Budget and direct that the preliminary budget be filed with the City Clerk and the Comptroller of the City of Ogdensburg, and Councillor Morley seconded to wit:

RESOLUTION TO ACCEPT THE  
2008 PRELIMINARY BUDGET

WHEREAS, as required by the City Charter, the City Manager has submitted a preliminary budget for fiscal year 2008 to the City Council on or before November 1, 2007,

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby accepts the preliminary budget and directs that the preliminary budget be filed with the City Clerk and the City Comptroller, and

BE IT FURTHER RESOLVED, and noted, that the preliminary budget is a public record and is available for inspection by the general public at the Office of the Comptroller.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution to establish a public hearing date for the Preliminary 2008 Budget for the City of Ogdensburg, and Councillor LaRose seconded to wit:

RESOLUTION  
ESTABLISHING A PUBLIC HEARING  
FOR THE 2008 PRELIMINARY BUDGET  
OF THE CITY OF OGDENSBURG

BE IT RESOLVED, that the Ogdensburg City Council hereby establishes a public hearing on the Preliminary Budget of the City of Ogdensburg for 2008, said public hearing to be held at 7:00 pm on November 26, 2007 in the City Council Chambers, City Hall, and

BE IT FURTHER RESOLVED, that the City Clerk is directed to publish notice of said hearing at least five days before the date of said hearing in the official newspaper of the City of Ogdensburg.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution designating the official newspaper for the City for 2008, and Councillor Flynn seconded to wit:

RESOLUTION DESIGNATING THE  
2008 OFFICIAL NEWSPAPER

BE IT RESOLVED, that the official newspaper for the City of Ogdensburg for 2008 shall be the Ogdensburg Journal.

The vote was:

Ayes: Councillors Hannan and LaRose

Nays: Mayor Nelson, Councillors Ericksen, Flynn and Morley

DEFEATED, 4 – 2

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After much discussion, Councillor Ericksen made a motion to amend the designation of the Official Newspaper to the Watertown Daily Times and Councillor Flynn seconded the motion.

The motion as amended now reads:

RESOLUTION DESIGNATING THE  
2008 OFFICIAL NEWSPAPER

BE IT RESOLVED, that the official newspaper for the  
City of Ogdensburg for 2008 shall be the Watertown Daily Times.

Councillor Hannan said he had the impression that there had been discussion on this issue prior to this that he was not privy to. Councillor Hannan said he was disappointed that Council would go with an out-of-town paper versus a local paper.

City Attorney Katherine Wears said no one had asked her the question whether there are requirements designating an official newspaper and there are requirements. Mrs. Wears said if she is given the opportunity she will look up the requirements in Public Officers Law, Section 70A.

Councillor Morley made a motion to table the amended resolution until the City Attorney has an opportunity to research the requirements, and Councillor Ericksen seconded this motion.

The vote to table the amended resolution was:

Ayes: Mayor Nelson, Councillors Ericksen, Flynn, LaRose, and Morley

Nays: Councillor Hannan

CARRIED, 5 - 1

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5. Councillor LaRose moved a resolution designating the official City bank depositories for 2008, and Councillor Hannan seconded to wit:

RESOLUTION  
DESIGNATING THE  
2008 OFFICIAL BANK DEPOSITORIES

BE IT RESOLVED, that Community Bank NA, NBT Bank NA, Upstate National Bank, Key Bank of Northern New York NA, Chase Bank and CLASS through Municipal Investors' Service Corp, MBIA be designated as official depositories of City Funds for 2008.

Councillor Ericksen questioned whether there are any requirements for designating the official bank depositories. City Comptroller Philip Cosmo said the only requirement is that they must be a State chartered bank, they cannot be a savings bank or a credit union.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved a resolution designating the 2008 City Council Meeting dates, and Councillor LaRose seconded to wit:

2008 CITY COUNCIL  
MEETING DATES

BE IT RESOLVED, that the regular City Council meetings for the City of Ogdensburg, shall be on the second and fourth Mondays, of each month except July, August and December, and unless such date is a legal holiday, in which event the meeting will be held on the next business day. The date of these meetings are listed below:

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January	14, 28
February	11, 25
March	10, 24
April	14, 28
May	12, 27
June	9, 23
July	14
August	11
September	8, 22
October	14, 27
November	10, 24
December	1, 8

BE IT FURTHER RESOLVED, all the meetings will be held at 7:00 pm in the City Council Chambers, City Hall or at such other places as may be designated by the City Council. All meetings are open to the public.

Councillor Ericksen moved to amend the resolution to have two meetings in July and August, and Councillor Flynn seconded the motion.

The vote to amend was:

Ayes: Councillors Ericksen and Flynn

Nays: Mayor Nelson, Councillors Hannan, LaRose and Morley

DEFEATED 4 – 2

The vote on the resolution as originally proposed was:

CARRIED, AYES ALL

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7. Mayor Nelson moved a resolution calling for public hearing on a Local Law which would amend Chapter 177 (Section 5 and 6) of the OMC entitled Sewer Rates, and Councillor Flynn seconded to wit:

RESOLUTION  
INTRODUCING LOCAL LAW # 4 of 2007

BE IT RESOLVED that proposed Local Law # 4 of the year 2007 entitled:

Amendment to the OMC Chapter 177 Entitled Sewer Rates be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council, and

BE IT FURTHER RESOLVED, that the City Council hold a Public Hearing on said proposed Local Law at the City Council Chambers at 7:00 pm on Monday, November 26, 2007, and

BE IT FURTHER RESOLVED that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of Ogdensburg of said public hearing at least five days prior thereto.

The vote was:

CARRIED, AYES ALL

8. Mayor Nelson moved a resolution calling for public hearing on a Local Law which would amend Chapter 215 (Sections 39, 40 and 41) of the OMC entitled Water Rates, and Councillor Flynn seconded to wit:

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RESOLUTION  
INTRODUCING LOCAL LAW # 5 FOR 2007

BE IT RESOLVED that proposed Local Law #5 of the year 2007 entitled:

Amendment to the OMC Chapter 215 entitled Water Rates be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council, and

BE IT FURTHER RESOLVED, that the City Council hold a Public Hearing on said proposed Local Law at the City Council Chambers at 7:00 pm on Monday, November 26, 2007, and

BE IT FURTHER RESOLVED that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of Ogdensburg of said public hearing at least five days prior thereto.

The vote was:

CARRIED, AYES ALL

9. Councillor LaRose moved a resolution authorizing the City Manager to execute a Letter of Understanding with the Ogdensburg Police Supervisory Unit, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE A  
LETTER OF UNDERSTANDING  
WITH THE  
OGDENSBURG POLICE SUPERVISORY UNIT

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WHEREAS, a tentative agreement has been reached between the City of Ogdensburg and the Ogdensburg Police Supervisory Unit for the extension of the timeframe for the Retirement Incentive from December 31, 2007 to August 31, 2008, now

THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute the attached Letter of Understanding with the Police Supervisory Unit.

The vote was:

CARRIED, AYES ALL

10. Mayor Nelson moved a resolution calling for public hearing and public notice on a proposed ordinance to name a lane from Montgomery Street to Fine Street, that includes a one block portion known on the map as Babcock Lane to be renamed, along with the remainder of the entire lane, as "Judge Shea Way", and Councillor Ericksen seconded to wit:

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

BE IT RESOLVED, that Ordinance No. 13 of 2007, entitled "An Ordinance to name an unnamed City lane and to rename a one block portion known as Babcock Lane on the Official City Map, as "Judge Shea Way", 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 26th day of November, 2007, at 7:00 p.m., and

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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.

The vote was:

CARRIED, AYES ALL

11. Mayor Nelson moved a resolution calling for public hearing and public notice on a proposed ordinance amending Administrative Regulations Article III entitled "City Hall Policies" of the City of Ogdensburg to add a new section entitled "AR-26.2 Dobisky Center building use", and Councillor Flynn seconded to wit:

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

BE IT RESOLVED, that Ordinance No. 14 of 2007, entitled, Ordinance Amending the Administrative Regulations Article III entitled "City Hall Policies" to add a new Section entitled "AR-26.2. Dobisky Center building use" 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 26th day of November, 2007 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.

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The vote was:

CARRIED, AYES ALL

Mayor Nelson said there was still one action item left and asked if the City Attorney had enough time to research the Public Officer's Law in relation to the official newspaper. City Attorney Katherine Wears stated she would need to investigate it more thoroughly. Mrs. Wears said there is a statutory limit of fees and you can only spend the money for legal fees in a newspaper that qualifies as an official newspaper. Mrs. Wears added that there are other things such as where the newspaper is published and where it is registered as second class material with a Post Office. Mrs. Wears stated that she does not know the answers to those questions yet.

### OLD BUSINESS

1. Councillor Morley said he read in the Watertown Times that we were going to put the demolition of the Culligan building out to bid and he questioned why the DPW could not tear down this building. City Manager Arthur Sciorra stated the Planning Department was following through on the fact that the contractor tearing the other buildings in that area was not interested in taking down this building. Mr. Sciorra said that he did discuss the possibility of that department tearing down the building with Kit Smith, but they cannot say definitively whether they can put it on the schedule. Councillor Morley said if DPW tears it down, it would save the taxpayers money. Mayor Nelson said the money for this was earmarked from the Governor's office.

2. Councillor Hannan said he had been asked, with regard to the Dobisky Center, what constitutes a citizen's group. Recreation Director, Scott Lalone explained that it would be a group that is not a non-profit group per se, but does not operate for profit, (i.e. a quilting group). Mr. Lalone said groups that would normally be charged elsewhere (i.e. baby showers, wedding showers) would pay the fees.

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3. Councillor LaRose said that a couple of meeting ago Joe Basta brought up the issue of ownership of the property bordering the Shade Roller property. Councillor LaRose added that since we now own this property, he would like the City Manager to give him some idea what the issues are and a timetable to get them resolved. Councillor LaRose asked for this information by the end of December.

4. Councillor Flynn said about a year ago Don Brining told Public Works Director, Kit Smith that he would have signs made that the DPW could put up indicating where the County bus stops are and they are still not up. City Manager Arthur Sciorra said he will follow up on this.

5. Councillor LaRose asked Public Works Director Kit Smith the status on the commercial water meters. Mr. Smith said the DPW had replaced 26 meters this summer and they are working on new meters. Mr. Smith said he will have an update for the next meeting.

### ITEMS FOR DISCUSSION

1. Councillor LaRose, a member of the Executive Compensation Committee (Councillors LaRose, Morley, Hannan and City Manager, Art Sciorra), gave a presentation on the committee's recommendations for a new performance-based compensation Plan for non-represented employees. (See attached )

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