

CITY COUNCIL MEETING

May 22, 2017

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

PRESENT: Mayor Ashley, Councillors Davis, Mitchell,
Morley, Price, Skamperle and Stevenson

ABSENT: None

PRESENTATION

1. Ogdensburg Bridge & Port Authority Executive Director Wade Davis provided Council with an update on the airport. Mr. Davis explained the airport has already set records, and future bookings have increased by 80%. Mr. Davis thanked the Ogdensburg Police Department for providing the required security.

Mayor Ashley asked if the airport intended to add any additional destinations in the future. Mr. Davis said yes, but the details are confidential at this point. Councillor Stevenson asked if the majority of passengers are from the United States or Canada. Mr. Davis said he does not have access to the airport data, but based on vehicles in the parking lot, it appears the majority of passengers are Canadian. Councillor Morley said he was in Ottawa last week, and Canadians are excited to hear the great rates will continue. Mr. Davis said approximately five million Canadians come to the United States to fly out of airports like ours every year. Councillor Skamperle asked if any other airlines are interested in coming to our airport. Mr. Davis explained a meeting will be held in approximately two weeks. Mr. Davis said we are becoming a destination, and they are trying to bring people from Florida to Ogdensburg during the summer months.

PROCLAMATION

1. Mayor Ashley read a proclamation for National Garden Week, June 4-10, 2017. (A copy of the proclamation follows these minutes.)

PERSONAL APPEARANCE

1. Lin Griffin, Ogdensburg Garden Club, addressed Council regarding the Garden Club's hanging baskets and flowers around the City. Ms. Griffin explained the Garden Club appreciates the serious financial constraints the City is experiencing, but budget cuts to other departments are affecting them as well. Ms. Griffin explained as of May 11, 2017 the Garden Club had no way to provide the hanging baskets for the City, but then they received an anonymous donation of \$5,000.00 to move forward. Ms. Griffin asked Council members to think about this next year at budget time because it is highly unlikely they will receive another donation next year. Ms. Griffin added even though the City cannot do the watering of the hanging planters this year, City staff will still place the pots and baskets. Ms. Griffin added that the Garden Club members are very appreciative of the assistance from Recreation Director Matthew Curatolo, Public Works Director Scott Thornhill and City Manager Sarah Purdy.

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #09-2017 in the amount of \$499,000.30 and Library Fund Warrant #09-2017 in the amount of \$28,654.99 and Capital Fund Warrant #09-2017 in the amount of \$84,795.24 and Community Development Fund Warrant #09-2017 in the amount of \$335.50 and Community Renewal Fund Warrant #09-2017 in the amount of \$14,742.00 as audited, be and the same are ordered paid and Councillor Price seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle moved a resolution introducing public notice and a public hearing regarding a proposed ordinance amending Chapter 221, entitled 'Zoning', Article XVII entitled 'Administration and Enforcement', §221-83 "Zoning Board of Appeals" 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

WHEREAS, New York State General City Law, Article 3 §81 states City's shall appoint "a board of appeals consisting of three or five members as shall be determined by local law or ordinance"; and

WHEREAS, currently, OMC §221-83 states that the zoning board of appeals shall consist of "seven members" which shall be revised to reflect five members in accordance with NYS statute and General City Law.

NOW, THEREFORE BE IT RESOLVED that the Ogdensburg City Council shall hold a public hearing on the 12th day of June, 2017 at 7:00 p.m., at the City Council Chambers in the Ogdensburg City Hall, 330 Ford Street Ogdensburg NY, regarding this proposed ordinance change.

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the official City newspaper at least ten (10) days prior to the date of the public hearing setting forth the time and place and describing the proposed application in summary form.

The vote was:

CARRIED, AYES ALL

2. Councillor Stevenson moved a resolution introducing public notice and a public hearing regarding a proposed ordinance amending Chapter 221, entitled 'Zoning', Article XIX entitled 'Application Fees', §221-101 "Application Fees" of the Code of the City of Ogdensburg, and Councillor Skamperle seconded to wit:

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

WHEREAS, currently, OMC §221-101 establishes application fees which shall be reviewed and revised periodically to reflect costs incurred by the City.

NOW, THEREFORE BE IT RESOLVED that the Ogdensburg City Council shall hold a public hearing on the 12th day of June, 2017 at 7:00 p.m., at the City Council Chambers in the Ogdensburg City Hall, 330 Ford Street Ogdensburg NY, regarding this proposed ordinance change pertaining to Application Fees.

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the official City newspaper at least ten (10) days prior to the date of the public hearing setting forth the time and place and describing the proposed application in summary form.

Councillor Morley asked to receive a list of the fees before the public hearing. City Manager Sarah Purdy said she will provide that information to Council.

The vote was:

CARRIED, AYES ALL

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3. Councillor Mitchell moved a resolution authorizing the City Manager to execute Addendum No. 7, in the amount of \$17,150, to the Agreement for Engineering Services between the City of Ogdensburg and Barton & Loguidice in connection with the Building Demolition and Hazardous Substances Abatement for the Former Shade Roller Building Project, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING ADDENDUM NO. 7 TO THE AGREEMENT BETWEEN THE CITY OF OGDENSBURG AND BARTON & LOGUIDICE FOR ENGINEERING SERVICES IN CONNECTION WITH THE BUILDING DEMOLITION AND HAZARDOUS SUBSTANCES ABATEMENT FOR THE FORMER STANDARD SHADE ROLLER SITE

WHEREAS, the City of Ogdensburg has executed an Agreement and Addendums totaling \$443,065 with the firm of Barton & Loguidice (B&L) for the Former Standard Shade Roller Site Building Demolition and Hazardous Substances Abatement; and

WHEREAS, the Former Standard Shade Roller site has been accepted into the Brownfields Cleanup Program (BCP); and

WHEREAS, additional services will be required for technical specifications and contract bid documents, on-site construction administration and technical project oversight, clearance sampling, and the preparation and completion of Construction Completion Certification Report for the project, for an estimated total project cost of \$17,150; and

NOW, THEREFORE BE IT RESOLVED, that the City Manager is hereby authorized to execute Addendum No. 7, in the amount of \$17,150., to the Agreement for Engineering Services between the City of Ogdensburg and Barton & Loguidice in connection with the Building Demolition and Hazardous Substances Abatement for the Former Shade Roller Building Project.

BE IT FURTHER RESOLVED, that funding for this project will come from Capital Fund H866602.518.

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Director of Planning and Development Andrea Smith said the total cost of this project to date is \$93,131.70 and provided Council with a breakdown of the funding sources. Councillor Morley asked for an estimated cost to finish the project. Ms. Smith explained there are PCB's remaining, and the cost could range from \$500,000 to \$1.2 million. Ms. Smith said there is no current source of funding, but we are working with the EPA for funding assistance. Ms. Smith said we could also close out the site with restrictions if approved by NYSDEC. Councillor Morley suggested separating the Diamond National property from the Shade Roller property when marketing it. Councillor Skamperle asked if it is too late to hold the previous owner responsible for these costs. Ms. Smith explained that is probably not a feasible option since the City would spend a lot of money in legal fees without any guarantee of recouping anything.

The vote was:

CARRIED, AYES ALL

4. Mayor Ashley moved a resolution authorizing the City Manager to apply for \$5 million through the New York State Water Infrastructure Improvement Act Grant, and Councillor Stevenson seconded to wit:

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO SUBMIT AN UPDATED NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT GRANT FOR THE WASTEWATER TREATMENT PLANT PROJECT

WHEREAS, the City of Ogdensburg contracted with GHD, who conducted an evaluation of the City's Wastewater Treatment Plant (WWTP) and developed a preliminary engineering report; and

WHEREAS, GHD has recommended improvements at the wastewater treatment plant (WWTP) and select pump stations; and

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WHEREAS, the cost of the WWTP improvement project is \$34,891,700; and

WHEREAS, the New York State Water Infrastructure Improvement Act Grant is accepting applications, due June 23, 2017, and allows for a maximum application request of \$5 million.

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Manager is hereby authorized to submit a grant application to the New York State Water Infrastructure Improvement Act (WIIA).

The vote was:

CARRIED, AYES ALL

5. Councillor Morley moved a resolution calling for a public hearing and public notice on a proposed ordinance to amend Chapter 221 entitled 'Zoning', Section 221-8, entitled "Zoning Map", and Councillor Skamperle seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING
AN AMENDMENT TO THE ZONING ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

WHEREAS, the ordinance entitled "Ordinance Amending Chapter 221 Entitled 'Zoning' of the City of Ogdensburg Municipal Code" be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

WHEREAS, the Ogdensburg City Council shall hold a public hearing in the matter of the adoption of the aforesaid ordinance to be held in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York, on Monday the 12th day of June, 2017, at 7:00 p.m., and

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

Director of Planning and Development Andrea Smith explained the Planning Board reviewed a request to rezone three parcels and has recommended adding two more parcels. Ms. Smith explained a total of five parcels that front on Burton Lane would be rezoned. Councillor Skamperle asked if the Planning Board held a public hearing. Ms. Smith explained the Planning Board is required to hold a public meeting, and no comments were made with respect to this matter.

The vote was:

CARRIED, AYES ALL

6. Councillor Price moved a resolution calling for a public hearing and public notice on a proposed resolution to amend the official city map, by abandoning and deleting City-owned property known as the northern most (approximately) 30' x 171' portion of paper Old Lisbon Street, and Councillor Skamperle seconded to wit:

A RESOLUTION OF THE CITY COUNCIL
CITY OF OGDENSBURG
TO PROVIDE FOR PUBLIC NOTICE AND PUBLIC HEARING

WHEREAS, the City desires to amend the Official Map of the City of Ogdensburg by abandoning and deleting City-owned property known as the northern most (approximately) 30'x171' portion of paper Old Lisbon Street to allow for area redevelopment; and

NOW, THEREFORE, BE IT RESOLVED that the City Council shall hold a public hearing in the matter of this amendment to the Official City Map to be held in the City Council Chambers at City Hall, Ogdensburg, New York, on the 12th day of June, 2017, 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 setting forth the time and place of the hearing.

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Mayor Ashley asked if this parcel is adjacent to Ogdensburg Bridge and Port Authority property. City Manager Sarah Purdy said yes, and also to the walking trail and the property owner who initiated the request. Councillor Skamperle asked if the proposed parcel adjoins the walking trail. Director of Planning and Development Andrea Smith said the parcel sets back from the trail.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Skamperle asked for an update on the Newell property. City Manager Sarah Purdy said the City has submitted a proposed course of action to include sampling and testing, and we are waiting on a response from the State. Ms. Purdy explained the concentration is now much higher than when initially detected. Councillor Skamperle said he hopes to receive a response from NYSDEC soon because we had a buyer all ready to purchase the property and the deal fell through. Ms. Purdy said the buyer was doing his due diligence when the issue was discovered. Ms. Purdy noted the cost of the sampling is a concern because of the City's current financial situation. Councillor Morley asked if the property was ever approved by NYSDEC as cleaned. Ms. Purdy explained the spill was closed out without any cleanup in accordance with the rules and regulations in effect at that time. Councillor Morley asked if the City can go back on the previous owner to recoup some of the cost. Ms. Purdy said that option is being examined.

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NEW BUSINESS

1. Ms. Purdy provided Council with an update on the power outage at City Hall on Friday, May 19, 2017. Ms. Purdy explained an individual was riding the elevator when the power went out, and the Fire Department was called for assistance. Ms. Purdy said the main breaker was tripped and reset, but twenty minutes later it tripped again. Ms. Purdy explained we were able to determine today that the main switch is not going bad, and everything is now working. Ms. Purdy said we will wait to see if it happens again.

ITEMS FOR DISCUSSION

1. Councillor Stevenson said she is unable to attend the June 12, 2017 Council Meeting because she will be out of town. Councillor Stevenson asked any other Council member who will be unable to attend that meeting to notify her so she can attempt to participate via videoconferencing if necessary.

2. Councillor Price said two of the newly planted trees on Paterson Street near Rische's Auto are broken and questioned if it is a result of the weather or vandalism. City Manager Sarah Purdy said she will have City staff look at the trees.

CITIZEN PARTICIPATION

1. Richard Pratt, Morristown, addressed Council regarding a public records inquest he submitted on April 17, 2017. Mr. Pratt said he has not yet received a response. Mayor Ashley referred the matter to City Manager Sarah Purdy.

Mayor Ashley said there was a need for Executive Session to discuss the Charter Review Commission review of candidates due to two resignations, and Councillor Skamperle seconded the motion.

The vote to adjourn to Executive Session was:

CARRIED, AYES ALL

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

Mayor Ashley moved a resolution to appoint two replacement Charter Review Commission members due to the resignation of Donald O'Shea (District 1) and Laura Ashley (District 5), and Councillor Skamperle seconded to wit:

**A RESOLUTION TO APPOINT TWO REPLACEMENT MEMBERS TO
THE CITY OF OGDENBURG 2017 CHARTER REVIEW COMMISSION**

WHEREAS, on March 13, 2017 the Ogdensburg City Council appointed two members from each of the six election districts in the City to the Ogdensburg Charter Review Commission; and

WHEREAS, two members of the Ogdensburg Charter Review Commission have since resigned, Donald O'Shea (District 1) and Laura Ashley (District 5); and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council appoint the following to fill the two vacancies on the Charter Review Commission:

District 1 Joseph Basta

District 5 John Wilson, Sr.

The vote was:

CARRIED, AYES ALL

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Mayor Ashley said there was a need for Executive Session to discuss personnel and collective negotiations, and Councillor Morley seconded the motion.

The vote to adjourn to Executive Session was:

CARRIED, AYES ALL

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