

CITY COUNCIL MEETING

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

PRESENT: Deputy Mayor Morley, Councillors Ashley, Cilley, Skamperle, Hosmer and Stevenson

ABSENT: Mayor Nelson

Deputy Mayor Morley said Mayor Nelson is at a NYCOM meeting and unable to attend tonight's meeting.

Deputy Mayor Morley and City Council welcomed new City Manager, John Pinkerton.

PUBLIC HEARING

1. A public hearing regarding an ordinance to amend the Administrative Regulations, §AR-31 Entitled "Use of City-Owned Vehicles", for the City of Ogdensburg was held.

The following people spoke:

a) Doug Loffler, 311 Paddock Street, said the policy Council adopts should treat all departments the same. Mr. Loffler said City employees should be able to take people visiting the City out to lunch for work-related projects. Councillor Ashley explained this ordinance was intended to require that all City-owned vehicles remain in the City at the end of the day.

b) City Clerk Kathleen A. Bouchard read a letter from Public Works Director Kit Smith against this change. (A copy of the letter follows these minutes.)

c) Frank Perretta, 607 Franklin Street, said he is against City-owned vehicles being taken outside of the City.

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

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Deputy Mayor Morley read a proclamation to designate Friends of Libraries week. (A copy of the proclamation follows these minutes.)

PRESENTATION

1. Donald Hooper of Pinto, Mucenski, Hooper, VanHouse and Co., PC, provided Council with the results of the 2011 City Audit. Mr. Hooper said he met with Interim City Manager/City Comptroller Philip Cosmo on September 26, 2012 and discussed the auditor's opinions. (A copy of the audit summary follows these minutes.)

2. Interim City Planner Andrea Smith introduced David MacLeod, the City representative from the New York State Department of State (NYS DOS) who oversees our BOA. Ms. Smith also introduced Jane Rice and Andy Obernesser, EDR consultants who are assisting with our LWRP and our EPA area wide pilot.

Michael Taylor and Neil Pariser of Vita Nuova updated Council on the BOA/Market Trends Analysis. Mr. Taylor explained Council will need to be involved in creating action on the waterfront during the next phase. Mr. Taylor noted the analysis is a small part of the BOA and will identify what needs to be done next. Mr. Pariser stated Canada is a huge part of the City's plan and explained the future steps involved in developing the waterfront. Mr. Pariser reviewed the demographics and findings. Mr. Taylor reviewed the next steps and explained what Council's steps should be to realize the development of the waterfront. (A copy of the presentation material follows these minutes.)

Councillor Hosmer asked if individuals should be pushed towards the website. Mr. Taylor said they are looking for individuals outside Ogdensburg to use this website. Ms. Smith said eight developers are coming for tomorrow's roundtable, as well as real estate people and representatives from IDA, to provide a broad perspective. Councillor Skamperle said there should be a review of the Municipal Code development restrictions.

Ms. Smith said the current code doesn't address bulk density use and form. Councillor Ashley asked if Mr. Taylor and Mr. Pariser will return to Ogdensburg in November. Ms. Smith said there are no additional visits planned for this portion of the work plan.

Mr. Pariser said the report will be available in November. Councillor Skamperle asked when the next steering committee meeting will be held, and Ms. Smith responded within the next two weeks. Mr. MacLeod from the NYSDOS explained that the LWRP and BOA are two different programs. Mr. MacLeod said the BOA is a neighborhood revival program with a goal to spur revitalization of contaminated sites community wide. Mr. MacLeod said the program is 90% funded with a 10% match. Ms. Smith said the report will be available on the City's website and a hard copy will be kept in the Planning Office.

PERSONAL APPEARANCE

1. Lee Berry, Berry Brothers Lumber in Adams, NY, addressed Council regarding the City landfill. Mr. Berry proposed that his company remove the City landfill brush from the site at a cost of \$200.00 per hour. Mr. Berry explained this charge is for grinding the brush material, but there will be no charge for the removal of the material except for the cost to load the grinded material into his trucks. Councillor Skamperle asked if Mr. Berry intended to sell the ground material as animal bedding. Mr. Berry said the ground material is a component of the animal bedding, and explained they get materials from the Fort Drum recycling center and various lumber sites. Councillor Ashley asked how big the pieces of brush could be for the grinder. Mr. Berry said the machine has a 10 foot diameter tub. Councillor Stevenson asked if the price per hour is just for on-site work or transportation also. Mr. Berry said the price is solely for on-site work and is negotiable, adding it can be billed by hours or by meters on the machine. Councillor Ashley asked how much can be done in an hour. Mr. Berry said about 50-100 cubic yards can be done in an hour. Councillor Cilley said Mr. Berry has walked the City Landfill area with Public Works Director Kit Smith and requested an estimate to clean it. Mr. Berry said the current buried material cannot be removed, and he would request that the City separate the material going forward. Councillor Hosmer suggested this proposal be passed onto the City Manager to look into. City Manager John Pinkerton said he would get more information for Council.

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CONSENT AGENDA

Deputy Mayor Morley moved that the claims as enumerated in General Fund Warrant #18-2012 in the amount of \$513,972.24 and Library Fund Warrant #18-2012 in the amount of \$21,279.12 and Capital Fund Warrant #18-2012 in the amount of \$0.00 and Community Development Fund Warrant #18-2012 in the amount of \$4,647.16 and Community Renewal Fund Warrant #18-2012 in the amount of \$2,566.82 and HOME Fund Warrant #18-2012 in the amount of \$0.00 and AHC Funds Warrant #18-2012 in the amount of \$0.00, RESTORE Program Warrant #18-2012 in the amount of \$0.00 and NSP Funds Warrant #18-2012 in the amount of \$5,125.00 and NY Main St. Program Warrant #18-2012 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

APPOINTMENTS

1. Deputy Mayor Morley moved to appoint Scott McRoberts to fill the unexpired five-year term of James Morrison on the Ogdensburg Library Board, term to expire 12/31/2012, and Councillor Stevenson seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Ashley moved to amend the Administrative Regulations, §AR-31 “Use of City-Owned Vehicles” for the City of Ogdensburg, and Councillor Skamperle seconded to wit:

ORDINANCE #8 OF 2012

ORDINANCE TO AMEND ADMINISTRATIVE REGULATIONS
ARTICLE VIII, OFFICERS AND EMPLOYEES,
SECTION AR-31 – USE OF CITY-OWNED VEHICLES”

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

ITEM ONE:

That Article IV Expenses; City-Owned Vehicles, Section AR-31 (C) “Use of City-Owned Vehicles”, is hereby **deleted** and **replaced** with the following:

C. Use of City-owned vehicles.

- (1) All City-owned vehicles shall remain at a City work site or garage facility at the close of the business day.
- (2) Except as otherwise provided by Council-approved contractual terms, City-owned vehicles shall only be used for City work-related transportation, except as listed below:
 - (a) Personnel who are regularly assigned the use of a City-owned vehicle may use the vehicle to go on coffee or meal breaks, provided that they remain in contact with their offices or dispatcher for immediate recall, and provided that they do not travel 500 feet beyond the City limits.

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- (b) Subject to supervisory discretion and control, City-owned vehicles may be used to pick up coffee or food supplies for City employees who cannot leave their work site, provided that the vehicle is not used outside the City.

Councillor Cilley said he is not aware of any employees abusing this privilege and he has concerns about the resolution. Councillor Cilley asked if the City has employment agreements with the affected employees. Councillor Cilley said we are changing the terms of their employment and asked if we are offering any additional compensation or just effectively cutting their wages with this change. Councillor Ashley noted their employment agreements state vehicle use should be according to policy. Councillor Ashley stated that two employees lived inside the City at the time of their employment agreements, but now live outside the City. Councillor Cilley said he agrees but believes the information provided in Council's update shows the vehicle as part of the employment agreement. Councillor Cilley said he is concerned that this is effectively a cut in pay and could result in legal action or a grievance. City Manager John Pinkerton said he gave up the use of a City-owned vehicle, but is concerned that the Department of Public Works vehicle serves as an emergency vehicle. Mr. Pinkerton stated when an employee is on call he/she should be entitled to a vehicle. Councillor Ashley said members of the Police and Fire Departments get called in to respond to emergencies. Councillor Cilley noted these departments are staffed 24/7. Councillor Ashley said the Filtration Plant calls in employees 24/7 for snow removal. Councillor Stevenson said she agrees with Councillor Ashley and noted that if Council acts in violation of an employee's contract, City Attorney Andy Silver will advise Council. Councillor Cilley said he does not believe employees should drive a City-owned vehicle home, but wants to clarify if this is a change in their employment terms. Deputy Mayor Morley stated that emergency maps and tools should be left at the DPW garage, and no service vehicle should be going 7-10 miles outside of the City everyday using City gas for personal use. Councillor Skamperle suggested the resolution be tabled so Council can obtain City Attorney Andy Silver's opinion. Councillor Hosmer agreed.

Councillor Stevenson suggested Council change the policy and City Attorney Andy Silver can advise Council if there is a problem. Councillor Cilley said he is concerned with changing the Municipal Code and then having to hold another public hearing to change it back, if necessary. Councillor Ashley said former City Manager John Krol drew up the employment policy and the affected employees do not have a contract with the City. City Comptroller Philip Cosmo said non-representatives do not have contracts. Deputy Mayor Morley asked if Public Works Director Kit Smith is on call 1-2 days per week or all week. City Manager John Pinkerton said he will check. Deputy Mayor Morley said if Mr. Smith is on call, he should use a City-owned vehicle. Deputy Mayor Morley suggested the resolution be amended to read that when an employee is not on call, the City-owned vehicle remains at the garage. Councillor Stevenson said the City needs a blanket, consistent policy for all employees. Councillor Stevenson added if Council changes the Municipal Code, the City will save money and cut fuel bills. Councillor Morley said he will support the resolution if amended to read that any department's on-call employee be allowed to take a vehicle home. Councillor Stevenson said it would be a tough situation if an on-call employee goes to hunting camp 30 miles from Ogdensburg. Councillor Cilley said he is concerned about Greg Harland's employment letter and that a letter to Public Works Director Kit Smith from Mr. Krol outlines the City policy. Councillor Cilley stated Council has the right to change City policy, but should offer alternative compensation to the employees affected. Councillor Ashley said the letter to Mr. Harland is just a letter of intent to offer employment. Councillor Stevenson said maybe the resolution should be tabled for attorney review, but Councillor Ashley said this ordinance has been moved and seconded and he wanted a vote.

The vote was:

AYES: Deputy Mayor Morley, Councillors Ashley, Hosmer, Skamperle and Stevenson

NAYS: Councillor Cilley

APPROVED, 5 TO 1

OLD BUSINESS

1. Councillor Hosmer said he will send City Manager John Pinkerton a list of his pending issues to review.
2. Deputy Mayor Morley said 505 New York Avenue will be demolished and thanked Interim City Planner Andrea Smith for her work on that project.
3. Deputy Mayor Morley said he hoped to review the estimate for the Beaverbrook swale issue, but noted Public Works Director Kit Smith is not present tonight.
4. Deputy Mayor Morley asked for an update on the recent sales tax committee meeting. Councillor Stevenson said a five year projection was provided at the meeting. Councillor Stevenson explained that without a sales tax increase there could be a 19% increase in 2013 property taxes and a 16.5% increase in 2014, along with continued increases through the next five years. Councillor Stevenson said these figures decrease if the sales tax increase is enacted. Councillor Stevenson explained that Council needs to ask for the Home Rule with the sales tax increase possibility. City Manager John Pinkerton suggested conducting a study to determine which has a greater benefit and will hurt the least; a 1% sales tax increase or a property tax increase. Councillor Stevenson stated that Council needs to move forward with a resolution so the option of increasing sales tax is available. Councillor Stevenson said both she and Mayor Nelson stated at the meeting that Ogdensburg is not in agreement with the redistribution of tax dollars. Councillor Cilley said he is not opposed to altering the current agreement and would look at a redistribution plan as long as all towns and villages are in agreement. Deputy Mayor Morley said currently the County retains 50% of the sales tax revenue with the City receiving 6.437389% and the remaining balance going to the towns outside of the City. Councillor Cilley asked if the City should stay on the agreement or collect its own sales tax. City Comptroller Philip Cosmo explained that the City could collect 1.5 % sales tax for all transactions occurring within the City boundaries. Mr. Cosmo said 13-14 years ago the villages asked the City not to pre-empt to create a different distribution of sales tax revenue because they felt they were not getting their fair share under the terms of their contract with the County.

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Deputy Mayor Morley said the City worked hard to create good relations with towns and villages around us and would hate to see those relationships destroyed because the County is having a hard time finding sources of revenue. Councillor Stevenson said she didn't get the impression that there would be a strain on those relationships. Mr. Pinkerton said there is quite a lot of support in the County against redistribution. Deputy Mayor Morley asked if Council wanted to support the resolutions. Councillor Stevenson said she is in favor of a resolution asking the Senate to give us the Home Rule. Deputy Mayor Morley said the first proposed resolution is the request for a County-wide referendum. Councillor Stevenson said holding a referendum is illegal. Deputy Mayor Morley said the second possible resolution is the opposition of redistribution of sales tax, and Councillor Stevenson said this is not a viable option. Deputy Mayor Morley explained the last option is the support of the possible County-wide 1% sales tax increase in opposition of a property tax increase. Councillor Stevenson said after discussion, the resolution best supported was the possibility of increasing sales tax and asking Senate for the Home Rule. Councillor Cilley asked for a copy of the proposed resolution for the next meeting. Councillor Cilley said he is not in favor of increasing sales tax but understands the concept of collecting money from outsiders and supports letting the County decide. Councillor Stevenson said an increase in sales tax is a progressive tax. Councillor Stevenson explained Plan C is the possibility of up to 1% sales tax increase, noting there is a projected increase of property taxes in 2014 of 3%, but then progressively decreasing property taxes after 2015. Councillor Cilley asked if this projection is based on current figures. Councillor Stevenson said it included a 3% growth rate on the average, and the County is gathering information and looking at options. Councillor Stevenson said it was recommended at the meeting that while studies are being conducted, the City pass the Plan C resolution.

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NEW BUSINESS

1. Councillor Skamperle said he received complaints regarding the City boat launches from duck hunters and walleye fishermen. Councillor Skamperle said he thought the Paterson Street dock would be extended with a floating dock and requested an update. Recreation Director Matt Curatolo advised that the total cost to rehab both the Patterson Street and Riverside Avenue docks would be \$90,000. Mr. Curatolo explained the boards are rotting and an extension level should be added at Paterson Street to help boaters get in and out of their boat when the water is low. Mr. Curatolo said the same thing should be done at the Greenbelt launch, adding the middle dock could be lowered for the elderly and handicapped. Deputy Mayor Morley asked how old the Paterson Street dock is, and Mr. Curatolo said twenty years old. Councillor Skamperle asked if the lower boards can be repaired, and Mr. Curatolo said he will look into it.

2. Councillor Skamperle said the land on the side of the Greenbelt dock is eroded and questioned if it can be rock filled. Mr. Curatolo said work around the shoreline is a touchy subject, but he will look into it. City Manager John Pinkerton advised Council that Mr. Curatolo brought this matter to his attention and they are looking for money to address this problem. Councillor Skamperle said the west side of the Greenbelt boat launch looks like it has been dismantled with the stacks replaced, and asked if this can also be done on the eastern portion. Mr. Curatolo said he will speak with Public Works Director Kit Smith and Matt Denner.

ITEMS FOR DISCUSSION

1. Councillor Skamperle said he will support a resolution for *No Smoking* signs to be placed at all parks. Councillor Ashley agreed. Councillor Stevenson said she will support the resolution with a specific definition of the playground area and boundaries. Councillor Skamperle said we need to look at where the playground equipment is located, and Councillor Stevenson suggested boundaries could then be identified. City Manager John Pinkerton said he needs more direction to draft the resolution and asked if Montroy Park should be included.

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Mr. Curatolo said the Recreation Commission recommended the resolution cover all youth recreation fields. Councillor Ashley said Council should follow their recommendation. Councillor Stevenson asked how many facilities the City owns and what area is recommended for the smoke free zones at each location. Mr. Curatolo said he will prepare a report for Council that outlines the parks and fields to be included, as well as the boundaries. Mr. Curatolo explained that the idea of 100 feet came from the New York State mandate of no smoking within 100 feet of the entrance and exit of all schools.

2. Interim City Planner Andrea Smith advised Council that the SEQR training dates can be held in January 2013, and the cost to host a training session is about \$250. Ms. Smith said our Planning and Zoning Boards can attend, and we can open up the training to the County. Ms. Smith said January 16 and 30 are not available and requested suggestions for two other possible dates. Councillor Stevenson suggested January 7th with January 21st as a snow date. Ms. Smith said she will send an email tomorrow and advise Council as soon as she gets a response. Mr. Smith explained the training will be held at the Visitor's Center and suggested holding it from 6-10 p.m.

3. City Comptroller Philip Cosmo said recently an individual from Ottawa inquired about an electric vehicle charging station. Mr. Cosmo said the stations are provided by National Grid through NYSEERDA. Mr. Cosmo said site surveys will be done in the City on November 1st and 2nd. Mr. Cosmo said the station must be placed at a location with electrical service and asked if Council wants the consultants to look at City-owned property. Councillor Cilley suggested the hockey arena, hospital or shopping centers. Deputy Mayor Morley suggested the new Tim Horton's site. Councillor Ashley asked if there is a fee to re-charge. Mr. Cosmo said the charging is free to the car owner for the first four years, adding the entity will incur a \$650 installation fee for the charging station. Councillor Stevenson suggested Council see what the consultants recommend. Mr. Cosmo said he will ask the consultants to also review City-owned property.

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