

CITY COUNCIL MEETING

November 13, 2012

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

PRESENT: Mayor Nelson, Councillors Ashley, Morley, Skamperle, Hosmer and Stevenson

ABSENT: Councillor Cilley

Mayor Nelson explained that Councillor Cilley asked to be excused from tonight's meeting because he teaches a class at SUNY Canton. There was a consensus of Council to excuse Councillor Cilley.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #19-2012 in the amount of \$786,022.46 and Library Fund Warrant #19-2012 in the amount of \$44,861.75 and Capital Fund Warrant #19-2012 in the amount of \$425,694.38 and Community Development Fund Warrant #19-2012 in the amount of \$40,809.27 and Community Renewal Fund Warrant #19-2012 in the amount of \$90.51 and HOME Fund Warrant #19-2012 in the amount of \$0.00 and AHC Funds Warrant #19-2012 in the amount of \$0.00, RESTORE Program Warrant #19-2012 in the amount of \$0.00 and NSP Funds Warrant #19-2012 in the amount of \$0.00 and NY Main St. Program Warrant #19-2012 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

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APPOINTMENTS

1. Mayor Nelson moved to re-appoint Steven Schlieter to a three-year term on the Zoning Board, term to expire 12/31/2014, and Councillor Hosmer seconded the motion.

Councillor Morley questioned how this three-year appointment expires 12/31/2014. Mayor Nelson explained Mr. Schlieter did not meet the education requirements to be reappointed in January 2012, and is serving the balance of that term now.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Ashley moved a resolution supporting Home Rule Legislation to allow St. Lawrence County to consider a sales tax increase, and Councillor Morley seconded to wit:

RESOLUTION SUPPORTING HOME RULE LEGISLATION
TO ALLOW ST. LAWRENCE COUNTY TO CONSIDER
A POSSIBLE INCREASE OF SALES TAX

BE IT RESOLVED, that the City of Ogdensburg respectfully requests that Senator Patricia A. Ritchie, Senator Joseph A. Griffo and Senator Elizabeth O' C. Little sponsor home rule legislation to allow St. Lawrence County to consider a possible increase of sales tax; and

BE IT FURTHER RESOLVED, that copies of said resolution will be sent to all Assembly Members representing St. Lawrence County, to the leadership of the Assembly and Senate, and to the Governor.

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The vote was:

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

NAYS: Councillor Hosmer

APPROVED, 5 TO 1

2. Mayor Nelson moved a resolution calling for a voluntary Tobacco Free Policy in City playgrounds and recreational fields, and Councillor Skamperle seconded to wit:

A RESOLUTION CALLING FOR A VOLUNTARY PLAYGROUND
AND RECREATIONAL FIELD TOBACCO-FREE POLICY IN THE
CITY OF OGDENSBURG

WHEREAS, the Ogdensburg City Council believes that tobacco use in the proximity of children and adults engaging in or watching outdoor recreational activities at City-owned playground equipment and youth recreational fields is detrimental to their health and can be offensive to those using such facilities; and

WHEREAS, the Ogdensburg City Council believes parents, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

WHEREAS, cigarettes, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the City's recreational facilities, and pose a risk to toddlers due to ingestion; and the City's Strategic Management Plan has stated goals for a "Safe and Secure Community" and a "Beautiful City"; and

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WHEREAS, the City Council asks parks users to refrain from using tobacco within 100-feet of all city-owned playground equipment found at Kids Kingdom, Grove Street Park, New York Ave. Park and Hamilton Street Park and established youth recreational fields at Montroy Park, Park Street, Champlain Street and Monnet Park. It is the intent of the City Council, in enacting this policy, to provide for the public health, safety, and welfare by protecting the public and the environment from tobacco-related litter; by discouraging the inherently dangerous behavior of tobacco use around non-tobacco users, especially children; by protecting the public from exposure to secondhand smoke where they play, exercise, and relax; by reducing the potential for children to wrongly associate tobacco use with a healthy lifestyle; and by affirming and promoting a healthy environment in and around our recreational areas; and

WHEREAS, according to the St. Lawrence County Tobacco Community Partnership, tobacco use causes death and disease and continues to be an urgent public health challenge, as evidenced by the following:

- Tobacco-related illness is the leading cause of preventable death in the United States, accounting for about 443,000 deaths each year;
- In New York State there are 25,500 deaths every year from causes attributable to smoking; and
- Tobacco use can cause chronic lung disease, coronary heart disease, and stroke, in addition to cancer of the lungs, larynx, esophagus, and mouth; and

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard, as evidenced by the following:

- The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke;
- Secondhand smoke exposure causes as many as 300,000 children in the United States to suffer from lower respiratory tract infections, such as pneumonia and bronchitis, exacerbates childhood asthma, and increases the risk of acute, chronic, middle ear infection in children;

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- Secondhand smoke has been designated as a known human carcinogen by the Environmental Protection Agency and the Public Health Service's National Toxicology Report;
- The 2006 U.S. Surgeon General Report on Involuntary Exposure to Secondhand Smoke concludes that even brief exposures to secondhand smoke may increase the severity of asthma attacks and lower respiratory tract infections, especially in children, and have adverse effects on the heart; and
- Secondhand smoke is responsible for approximately 47,400 deaths among nonsmokers each year in the United States;

WHEREAS, smokeless tobacco is not a safe alternative to smoking and also causes death and disease, as evidenced by the following:

- Smokeless tobacco use causes leukoplakia, a disease causing white patches to form in the user's mouth that can become cancerous;
- Smokeless tobacco products are known to cause lung, larynx, esophageal, and oral cancer; and
- The regular use of snuff doubles the user's risk of cardiovascular disease and death;

WHEREAS, exposure to secondhand smoke anywhere has negative health impacts, and exposure to secondhand smoke occurs at significant levels outdoors, as evidenced by the following:

- Irritation from secondhand smoke begins at levels as low as 4 micrograms per cubic meter, and in some outdoor situations this level can be found as far away as 13 feet from the burning cigarette;
- To be completely free from exposure to secondhand smoke in outdoor places, a person may have to move nearly 25 feet away from the source of the smoke, about the width of a two lane road; and
- A 2006 study by the California Air Resources Board found that at typical outdoor locations, persons may be exposed to tobacco smoke levels as high as indoor secondhand smoke concentrations;

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- WHEREAS, cigarette butts are a major and persistent source of litter, as evidenced by the following:
- Over two billion cigarette butts are discarded every day worldwide, and Americans alone discard more than 175 million pounds of cigarette butts every year;
- Cigarette filters have been found in the stomachs of fish, birds, and other animals that mistake them for food, thus swallowing harmful plastic and toxic chemicals; and
- Cigarette filters and plastic wraps from cigarette packages are not biodegradable and cigarette related waste discarded in parks, along sidewalks, and in street gutters make their way through storm drains into creeks and rivers leaking dangerous chemicals into our watershed;

WHEREAS, cigarette butts pose a health threat to young children, as evidenced by the following:

- In 2004, American poison control centers received nearly 8,000 reports of children poisoned by the ingestion of cigarettes, cigarette butts, and other tobacco products; and
- Children who ingest cigarette butts can experience vomiting, nausea, lethargy, and gagging.

BE IT RESOLVED that the City Council supports this voluntary policy and asks park users to refrain from using tobacco within 100-feet of all city-owned playground equipment and established youth recreation fields.

Councillor Morley said smoking will be discouraged but not prohibited. Councillor Skamperle asked what the signs will say. Recreation Director Matthew Curatolo said the Tobacco Coalition has generic signs which state “no smoking in this area”, but the Rec Department can develop their own signs if Council prefers different language.

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The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution to accept the 2013 Preliminary Budget and direct that the Preliminary Budget be filed with the City Clerk and the Comptroller of the City of Ogdensburg, and Councillor Stevenson seconded to wit:

RESOLUTION TO ACCEPT THE
2013 PRELIMINARY BUDGET

WHEREAS, as required by the City Charter, the City Manager has submitted a preliminary budget for fiscal year 2013 to the City Council on or before November 1, 2012,

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

4. Mayor Nelson moved a resolution to establish a public hearing date for the Preliminary 2013 Budget for the City of Ogdensburg, and Councillor Morley seconded to wit:

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RESOLUTION ESTABLISHING A PUBLIC HEARING
FOR THE 2013 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 2013, said public hearing to be held at 7:00 pm on December 3, 2012 in the City Council Chambers, City Hall, and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication, in the newspaper so designated for the publication of legal notices, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed resolution in summary form.

The vote was:

CARRIED, AYES ALL

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

RESOLUTION
INTRODUCING LOCAL LAW #3 OF 2012

BE IT RESOLVED that proposed Local Law #3 of the year 2012 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

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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, December 3, 2012, and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication, in the newspaper so designated for the publication of legal notices, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed Local Law in summary form.

The vote was:

CARRIED, AYES ALL

6. Councillor Morley moved a resolution approving the transfer of 817 Ford Street back to the original owners in lieu of payment of the back taxes and reimbursement of the expenses incurred by the City, and Councillor Ashley seconded to wit:

RESOLUTION TO TRANSFER 817 FORD STREET

WHEREAS, the City recently took title to a parcel of property located at 817 Ford Street, Tax Map Number 48.071-9-11 through the tax sale process, and

WHEREAS, the owner has requested to have the property returned to them, upon payment of the back taxes and reimbursement of the expenses incurred by the City, and

WHEREAS, the City Council has agreed to the request that the parcel be returned to the original owners, and

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WHEREAS, the back taxes and expenses have been paid by the original owners.

NOW BE IT THEREFORE RESOLVED, that the City Council does hereby approve the return of 817 Ford Street to Mr. and Mrs. Douglas Dishaw.

Councillor Ashley said under the circumstances this was the best option, and Councillor Skamperle said it was very fair. Councillor Morley agreed. City Comptroller Philip Cosmo said the funds for the taxes are in escrow, and all legal fees will also be paid by the owner once this resolution is passed. Councillor Ashley said the owners should be made aware that this is a one-time deal and cannot happen again. Mr. Cosmo agreed.

The vote was:

CARRIED, AYES ALL

7. Councillor Skamperle moved a resolution authorizing the City Manager to submit a Brownfield Revolving Loan Fund Application to the U.S. Environmental Protection Agency (EPA), and Councillor Ashley seconded to wit:

**RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A
BROWNFIELD REVOLVING LOAN FUND APPLICATION TO
THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)**

WHEREAS, the Brownfields Revolving Loan Fund grants provide funding for a grant recipient to capitalize a revolving fund and to make loans and provide sub-grants to carry out cleanup activities at brownfield sites; and

WHEREAS, the City of Ogdensburg desires to expand our current revolving loan fund to make such loans and provide sub-grants to carry out cleanup activities; and

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WHEREAS, the City, as an eligible applicant, may apply for up to \$1,000,000.00 to clean up sites contaminated with petroleum and/or

hazardous substances; and

WHEREAS, for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and, as such, no further action is necessary regarding the same;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized and directed to submit a Revolving Loan Fund application to the U.S. Environmental Protection Agency for community-wide use with emphasis on properties within the Waterfront Brownfield Opportunity Area (WFBOA) and, upon approval of said request, to enter into and execute a project agreement with U.S. Environmental Protection Agency.

Councillor Morley asked for the definition of a sub-grant. Interim Planning Director, Andrea Smith said the City has an existing RLF from which sub-grants and loans will be issued. Ms. Smith said the Growth Fund will administer those sub-grants and loans. Councillor Morley asked if the repayment goes back into the fund, and Ms. Smith said yes, with priority to BOA properties. Councillor Morley asked if the Growth Fund will administer the program, and Ms. Smith the Growth Fund will handle decision making, review applications and submission to EPA for approval. Councillor Morley asked if they can loan money to the City for projects such as Shade Roller, and Ms. Smith said yes. Mayor Nelson said as per Barton & Loguidice, P.C., when the first million dollars used for hazard waste removal is paid back, it can be used in other City areas. Councillor Morley asked if the Kiwanis and Augsbury waterfront properties on Riverside Drive are eligible, and questioned the ownership of the Kiwanis property. City Manager John Pinkerton said Kiwanis is still the owner. Councillor Morley asked if this money is earmarked, and Ms. Smith said these funds would be available for the Augsbury property. Ms. Smith said it is not limited to the BOA area and once the funds are repaid they can be used for any EPA Brownfield activity. Councillor Skamperle asked if the funds can be used for private entrepreneurs. Ms. Smith said we have funds available, but those funds are not ready to be re-lent yet.

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Ms. Smith explained to be a successful applicant you must be a bonafide prospective purchaser, meaning that you did not cause the damage or contamination. Mayor Nelson said it is important that the properties

recommended for the program pass through Council for approval. Ms. Smith explained that the City is one of the few success stories in Region 2 for RLF's, and the EPA is pleased with us. Ms. Smith explained there are restrictions this year with 50% being awarded to first time recipients and 50% being awarded to previous recipients. Councillor Morley asked if matching funds are required. Ms. Smith said we are applying for a hardship waiver for the matching funds requirement.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Ashley asked if the money received from the sale of the Mall property and the back taxes from the old Hackett building are allocated to be spent in 2012 or in 2013. City Comptroller Philip Cosmo said the funds from the old Hackett building back taxes will be applied to the taxing entities to which it is owed. Mr. Cosmo said the funds from the sale of the Mall CRC building will be put back into the CD program where the rental income was kept. Mr. Cosmo said we plan to use some of the money to fund the Planning Department in 2013.

2. Councillor Skamperle asked for an update on the Oddfellow's water turbidity test. City Manager John Pinkerton said the tests are on-going and have been done at the Oddfellow's building, the National Grid building and the main water line. Mr. Pinkerton explained the City is trying to determine the impact of a water filtration system, noting there is an increase in pressure at the main but a decrease with a filtration system at National Grid and Oddfellow's. Mr. Pinkerton said the water filtration system will solve the problem short term, and the loop from Champlain Street to Linden Street is the long term solution for which funding will be sought.

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Councillor Morley asked if the \$400 - \$500 fee for the water filtration system is the City's responsibility. Mr. Pinkerton said yes, but he has not discussed it with the Club because he wanted to first determine the potential short term solution.

3. Councillor Skamperle asked if the City has met with OBPA. Mr. Pinkerton said the last meeting was held on November 8 and there is a tentative meeting scheduled for December 13.

NEW BUSINESS

1. Councillor Stevenson said she is concerned about the buses parked at Park Plaza. Councillor Stevenson explained there are about 25 buses parked at the entrance to the City and it looks like a junkyard. Mr. Pinkerton said he will follow-up on the matter. Councillor Ashley said he understands the buses are being parked there short term as a layover to California.

2. Mayor Nelson said there was a fire last night and gave kudos to our retired firefighter Jeff Thornton, who saved their lives.

3. Mayor Nelson said the Veteran's ceremony was very nice and encouraged residents to visit the Revolutionary War monument and the memorial bench for Nic Sovie. Mayor Nelson noted the City does not have a Civil War monument. Mr. Pinkerton said the DPW crew put up the Vietnam Memorial in the Mall. Councillor Stevenson said it was also nice to see Jason Sovie honored for the VFW color guard at the Veteran's ceremony.

ITEMS FOR DISCUSSION

1. Interim Planning Director Andrea Smith provided an update on the Tree Inventory and Management Plan.

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Ms. Smith requested feedback from Council on the potential dates to meet with Farcon, the Tree Commission and Council to develop the policy language. Ms. Smith suggested a work session.

Councillor Stevenson said she is interested in a work session and requested the meeting be open to citizens. Ms. Smith said when the plan is completed

there will be a public workshop. Mayor Nelson suggested the City Manager's Secretary send potential dates to Council and the Tree Commission. Ms. Smith said she will send a copy of memo to Council members.

Mayor Nelson said there was a need for Executive Session to discuss the PBA contract and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

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

City Manager John Pinkerton suggested a Tree Inventory & Management Plan work session the week of December 10th through December 13th or January 10th. Councillor Hosmer said he will not be available on December 10th. There was a consensus of Council to hold the work session on January 10th. Ms. Smith asked if Council wanted the work session before or after the Council meeting. Mayor Nelson suggested after that night's Council Meeting. Ms. Smith said she will confirm January 10th is still available and notify Council.

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