

CITY COUNCIL MEETING

May 28, 2013

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

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

ABSENT: Councillor Skamperle*

Mayor Nelson advised Council that Councillor Skamperle coaches a Little League team and will be here as soon as the game is over.

PUBLIC HEARING

1. A public hearing regarding an ordinance amending Chapter 189 of the City of Ogdensburg Municipal Code entitled Streets and Sidewalks, §189-1.(A) “Placement of Materials Restricted” and §189-1.1. “Placement of Materials Between Sidewalks and Curbs or on Streets, Highways or Public Places”, for the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #10-2013 in the amount of \$767,682.95 and Library Fund Warrant #10-2013 in the amount of \$20,764.81 and Capital Fund Warrant #10-2013 in the amount of \$89,860.29 and Community Development Fund Warrant #10-2013 in the amount of \$6,605.57 and Community Renewal Fund Warrant #10-2013 in the amount of \$426.46 and HOME Fund Warrant #10-2013 in the amount of \$0.00 and AHC Funds Warrant #10-2013 in the amount of \$0.00, RESTORE Program Warrant #10-2013 in the amount of \$0.00 and NSP Funds Warrant #10-2013 in the amount of \$0.00 and NY Main St. Program Warrant #10-2013 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Nelson moved to reappoint Wallace J. McDonald to a three-year term on the Frederic Remington Art Museum Board of Trustees, term to expire 12/31/2015, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved to reappoint Catherine Newell to a three-year term on the Frederic Remington Art Museum Board of Trustees, term to expire 12/31/2015, and Councillor Cilley seconded the motion.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved to reappoint Stephen White to a three-year term on the Frederic Remington Art Museum Board of Trustees, term to expire 12/31/2015, and Councillor Hosmer seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Morley moved an ordinance amending Chapter 189 of the City of Ogdensburg Municipal Code entitled Streets and Sidewalks, §189-1. (A) “Placement of Materials Restricted” and §189-1.1. “Placement of Materials Between Sidewalks and Curbs or on Streets, Highways or Public Places”, and Councillor Hosmer seconded to wit:

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

BE IT RESOLVED, that Ordinance No. ___ of 2013, entitled "Ordinance Amending Chapter 189 entitled "Streets and Sidewalks", 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 28th day of May, 2013, 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.

Councillor Morley asked for an explanation regarding the developed or undeveloped sidewalks section of this ordinance. Councillor Morley said behind his property there are no sidewalks or curbing, and the City doesn't have a right of way. City Manager John Pinkerton explained that this ordinance will clarify when there is an issue with property without sidewalks.

Police Chief Richard Polniak said there have been problems and confusion in various areas in the City over who owns a right of way.

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Chief Polniak explained that Code Enforcement is concerned about broken down campers and boat trailers in the area between the sidewalk and street. Chief Polniak advised if the resolution is passed it will be dealt with on a complaint basis only.

The vote was:

CARRIED, AYES ALL

2. A resolution authorizing the City Manager to enter into a contract with Bishop General Construction, for a sum not to exceed \$46,200., for the construction of a vac truck grit drying bed at the wastewater treatment plant was tabled at the May 13, 2013 Council Meeting.

Councillor Cilley made a motion to bring it off the table, and Councillor Hosmer seconded.

The vote to bring it off the table was:

CARRIED, AYES ALL

Councillor Morley asked Public Works Supervisor Gregg Harland if it is a good estimate, noting an approximate \$16,000 savings if we do the work ourselves. Mr. Harland said it is a good estimate of the cost, but cautioned that the DPW is very busy. Mr. Harland explained the department will be busy paving the streets and covering vacations. Councillor Ashley said we are saving more than the noted \$16,000 because we have to pay our employees anyway. Councillor Hosmer asked what work won't get done if our employees do this work. Mr. Harland said there was an increase in CHIPS money that will be left on the table if not used. Mr. Harland explained the job will require five men working 12 days. Councillor Morley said the money being used to do this project is taxpayer money, but the money lost in CHIPS money is free money. Councillor Hosmer asked if our people have ever done this work before, and Mr. Harland said one person has experience but he does not.

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Councillor Stevenson noted \$16,000 is a big savings. Councillor Hosmer said we wasted the contractors' time bidding, and questioned why the project was bid out. Mr. Harland said he is not sure why the project was put out for bid. Councillor Cilley asked if we can afford to pull 5 men away for 12 days during the summer. Mr. Harland said it may be more than 12 days, adding the construction season is from May through October. Councillor Morley asked if we can use summer help for the street work. Mayor Nelson said we did not approve those extra positions in the budget. Councillor Hosmer asked when we are looking to complete this project. Mr. Harland said the Department of Environmental Conservation wants it completed right away. Mayor Nelson asked if there is a date that the project has to be completed. City Manager John Pinkerton said he thought the deadline is June 23rd, but he will confirm the date. Mr. Pinkerton explained if we use the vacuum truck, we must have a bed because we cannot take it to the landfill. Councillor Stevenson asked what other communities are using. Mr. Harland explained Gouverneur has a drying bed and some communities hire OPTEC, but they were also mandated to build a bed. Mr. Harland said another option is to rebid the project. Mr. Harland advised that the street lists were put together today, and the milling crew from the Town of Oswegatchie will start soon. Mr. Harland explained the entire procedure for the street work.

The vote on the resolution was:

AYES: Councillors Cilley and Hosmer

NAYS: Mayor Nelson, Councillors Ashley,
Morley and Stevenson

DEFEATED, 4 TO 2

Mayor Nelson moved a resolution authorizing the Department of Public Works to complete the vac truck grit drying bed project, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING THE DEPARTMENT OF
PUBLIC WORKS TO COMPLETE THE VAC TRUCK
GRIT DRYING BED PROJECT

WHEREAS, bids have been solicited and received for the Vac Truck Grit Drying Bed; and

WHEREAS, City staff have evaluated the bids and recommended that the Department of Public Works can complete this project at a cost lower than the bids of the low bidder;

NOW, THEREFORE, BE IT FURTHER RESOLVED that John M. Pinkerton, City Manager, is authorized to direct the Department of Public Works to complete the Vac Truck Grit Drying Bed Project, for a sum not to exceed \$16,000.

Councillor Morley asked where the funds will be appropriated from. Mayor Nelson said the funds will come from the sewer maintenance and/or sewer funds encumbered.

The vote was:

AYES: Mayor Nelson, Councillors Ashley,
Morley and Stevenson

NAYS: Councillors Cilley and Hosmer

CARRIED, 4 TO 2

3. Councillor Ashley moved a resolution authorizing the City Comptroller to re-appropriate the balance needed, \$38,000.00 into A7110.330, to finish the power upgrade project at the City Marina, and Councillor Stevenson seconded to wit:

A RESOLUTION TO AMEND THE 2013 BUDGET

WHEREAS, in the 2012 City Budget there were funds appropriated, in the amount of \$50,000.00 in A7110.330, to do a power upgrade at the City Marina, which was to include; installing ground fault receptacles, separate the power from the rest of the park, and add power along the wall, and

WHEREAS, only a portion of the project was able to be completed within that fiscal year, and

WHEREAS, the funds to complete the project were not re-appropriated in 2013, and

WHEREAS, the work still needs to be completed,

NOW THEREFORE BE IT RESOLVED, that the City Comptroller is authorized to re-appropriate the balance needed, \$38,000.00 into A7110.330, to finish the project, and

BE IT FURTHER RESOLVED, that the funds to cover this appropriation come from the un-appropriated General Fund Balance.

City Comptroller Philip Cosmo said the funds were allocated in 2012 because the project was intended to be completed that year. Mr. Cosmo advised that due to the number of projects that year it was not finished and the money was not rolled over. Mr. Cosmo explained the work still needs to be done and the money just needs to be appropriated. Councillor Morley asked if the work could be done in house, and Mr. Cosmo said most of it is.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution authorizing the City Manager to extend the lease of municipal property located at the Dobisky Visitors Center to Trevor Brunet, and Councillor Morley seconded to wit:

A RESOLUTION TO AUTHORIZE AN EXTENSION TO
LEASE OF MUNICIPAL PROPERTY

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

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WHEREAS, Ogdensburg City Council approved a lease of municipal property, subject to a prior ordinance and public hearing on May 14, 2012, at the Dobisky Visitors Center to Trevor Brunet; and

WHEREAS, Mr. Brunet has requested to extend this lease until September 30, 2013 under the current terms of lease; and

NOW BE IT THEREFORE RESOLVED, that the City Council hereby authorizes the City Manager to extend the lease of municipal property located at the Dobisky Visitors Center to Trevor Brunet, subject to City Attorney's review and approval of lease amendment.

BE IT FURTHER RESOLVED that passage of this resolution shall be by a vote of three-fourths (3/4) of all members of the City Council.

Councillor Morley asked if the tenant planned to give up the lease after September. City Manager John Pinkerton said yes. Councillor Ashley asked if the rent is current and Mr. Pinkerton said yes. Recreation Director Matthew Curatolo said everything looks clean and in good condition and there have been no problems. Mr. Curatolo explained the tenant wants a lease term of late Spring to early Fall. Mr. Pinkerton said the winter season is difficult. Councillor Morley said the tenant will need to rebid next spring and hopefully we will have more applicants.

The vote was:

CARRIED, AYES ALL

5. Mayor Nelson moved a resolution calling for a public hearing on an ordinance to amend Chapter 203 of the Code of the City of Ogdensburg, entitled "Livery/Limo/Taxicabs", and Councillor Ashley seconded to wit:

RESOLUTION OF CITY COUNCIL CALLING FOR
A PUBLIC HEARING TO AMEND THE OGDENSBURG MUNICIPAL CODE,
CHAPTER 203 OF THE CITY OF OGDENSBURG ENTITLED
"LIVERY/LIMO/TAXICABS"

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BE IT RESOLVED, that Ordinance No. ___ of 2013, entitled "Ordinance amending Chapter 203 entitled "Livery/Limo/Taxicabs", 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 Monday the 10th day of June 2013, 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.

The vote was:

CARRIED, AYES ALL

6. Councillor Hosmer moved a resolution authorizing the City Manager to execute a Memorandum of Understanding with the Aquatarium, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER
TO EXECUTE A MEMORANDUM OF UNDERSTANDING
WITH THE AQUATARIUM

WHEREAS, as the 1000 Islands "RiverQuest" is a regional partnership initiative designed to create awareness of the wonders in the 1000 Islands region of the St. Lawrence River, and

WHEREAS, the Aquatarium is a not-for-profit charitable organization dedicated to inspiring curiosity in the 1000 Islands region of the St. Lawrence River, and

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WHEREAS, the City of Ogdensburg is a municipality represented in the RiverQuest geographical area, home of Frederic Remington Museum, and is dedicated to promote tourism in it's area, and

WHEREAS, both parties agree to collaborate on product development, projects of mutual interest and promotion designed to further each party's mission.

THEREFORE BE IT RESOLVED, that the City Manager is hereby authorized to execute the attached Memorandum of Understanding with the Aquatarium.

Mr. Pinkerton explained the initiative started on the Canadian side and encompasses all of the villages, towns and visitor's centers on both sides of the borders. Mr. Pinkerton said the purpose is to draw tourists to events on both sides of the river. Councillor Morley asked what collaboration on product development means. Mr. Pinkerton explained they want participants to develop events in their own communities, such as our Seaway Festival.

The vote was:

CARRIED, AYES ALL

7. Mayor Nelson moved a resolution calling for a public hearing with regard to the sale of City-owned property located at Haley Park and the old road bed connecting Ford and Bigelow Streets, in front of 2127 Ford Street, and Councillor Morley seconded to wit:

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

BE IT RESOLVED, that Ordinance No. ____ entitled "An Ordinance to Offer for Sale at Public Auction City-Owned Property " be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

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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 10th day of June, 2013, 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.

Councillor Ashley questioned the size of this parcel being offered for sale and if it's worth \$2,000. City Manager John Pinkerton said the assessed value is \$2,000. Councillor Morley noted a larger parcel was recently sold for \$2,000.

Mayor Nelson said we are going to call for a public hearing to offer it for sale for \$3,400.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Mayor Nelson said the St. Lawrence Psychiatric Center listening tour was successful. Mayor Nelson noted over 300 people attended, 70 spoke and over 100 were outside holding banners. Mayor Nelson explained all walks of upstate New York came to the rally and a wide array of people spoke to keep it open. Mayor Nelson explained the Task Force put together a binder containing the story of the St. Lawrence Psychiatric Center along with information, statistics, resolutions from surrounding communities and letters of support. Mayor Nelson said overall 1,600 people attended all of the statewide listening tours. Mayor Nelson said we had a positive message and showed we are a Center of Excellence. Mayor Nelson thanked all who participated and said we will do all we can to keep it open.

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2. Mayor Nelson said the St. Lawrence Psychiatric Center Community Advisory Board needs Council representation. Mayor Nelson noted that Councillor Flynn and Councillor Powers were the previous representatives. Councillor Stevenson volunteered to serve.

3. Mayor Nelson requested an update on the properties known as 1A/1B. Mr. Pinkerton explained that when Filtran and the CRC were owned by the City, the water and sprinkler systems were combined. Mr. Pinkerton explained the separation of the walls was done and the architect advised that we needed an easement in place for the sprinkler and water systems for both buildings. Mr. Pinkerton said the architect also said we should consider separating those two systems. Mr. Pinkerton explained that recently another business with two buildings and one system asked for a shared system following a sale. Mr. Pinkerton said Code Enforcement contacted the State and was told a shared system would no longer be effective. Mr. Pinkerton explained the State gave three options: 1) separate the water lines and sprinkler systems for the SSI and Step by Step buildings; 2) hire an engineer to determine if the Step by Step building needed a sprinkler system based on City and State Building and Fire Codes; and, 3) apply for a NYS variance. Councillor Cilley asked if we are trying to comply with the State Fire Code or OMC. Mr. Pinkerton said the State Fire Code. Mayor Nelson said it is important to note that the buildings are in compliance. Councillor Stevenson thanked Mr. Pinkerton for the information and asked if United Helpers separated the sprinkler system on their own. Mr. Pinkerton said it was done to comply with the State Fire Code and the City installed a new water main to make it possible.

4. Councillor Morley said he has passed on the weed and grass complaints he has received.

5. Councillor Morley said he received a complaint from a Lake Street resident whose property borders the Maple City Trail. Councillor Morley said the property owner reported people are throwing trash down the hill onto his property and asked who is responsible for the cleanup. Councillor Cilley noted the whole trail has been dumped on. Councillor Cilley said he has brought it to Public Works Director Kit Smith's attention in the past, and it was cleaned up.

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Mr. Pinkerton asked Councillor Morley to stop by his office so they can determine the owner of the property. Mr. Pinkerton explained we had a successful cleanup day for the Crescent area. Mr. Pinkerton said he will also put out a request for volunteers to clean up the trail.

6. Councillor Morley asked for an update on the Cheese Plant. Mr. Pinkerton said Council will be provided with an update in Executive Session.

7. Councillor Stevenson said the Sias property on the corner of Tate and Ford Streets looks nice and thanked the Department of Public Works.

*Councillor Skamperle joined the meeting at this time.

NEW BUSINESS

1. Mayor Nelson thanked City Manager John Pinkerton for his work on the accessory structure requirements. Mr. Pinkerton said the proposed changes will be presented to the Planning Board and were prepared by Andrea Smith and Gregg Mallette.

ITEMS FOR DISCUSSION

1. Mayor Nelson said the City Manager received a request from Marty Murphy to utilize a portion of the Maple City Trail to access his Town of Oswegatchie property bordering the trail.

Mr. Murphy explained he recently acquired this property and would like to use the north service entrance off Spruce Street to bring in equipment to clear his lot and offered to clean up the City property at the same time. Mr. Murphy said he has already received permission from the Town of Oswegatchie and a permit from New York State DOT to erect a billboard on his property. Mr. Murphy advised he will hold the City harmless from liability and restore the property to its original condition. Councillor Skamperle suggested an agreement be reviewed by the City Attorney.

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Mayor Nelson asked if there was a consensus of Council to have the City Attorney to prepare a contract, for Council's review at the June 10th Council meeting. There was a consensus of Council to have a contract drawn up by the City Attorney.

Councillor Morley said he would like to see alternative options for accessing the property. Councillor Ashley said he would like to take a walk around the area, and Councillors Morley and Skamperle agreed. Councillor Skamperle asked for a map of the area including the paper streets. Mr. Murphy asked if someone will get him a list of requirements, and Mr. Pinkerton said he will get the list to Mr. Murphy.

Mayor Nelson said there was a need for Executive Session to discuss the Cheese Plant, a potential negotiation item and a possible lawsuit, and Councillor Hosmer seconded the motion.

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