

## CITY COUNCIL MEETING

October 28, 2008

Page 190

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

PRESENT: Mayor Nelson, Councillors Flynn, Hannan,  
Morley, Powers, Sholette and Vaugh

ABSENT: None

### PRESENTATION

1. Mayor Nelson presented Jacob Love a Certificate of Appreciation and wished him well at the Kansas City Casting Competition. (A copy of the certificate follows these minutes.)
2. Don Hooper, of Hooper and Van House, explained and passed out a copy of the 2007 City Audit Summary to Council (a copy follows these minutes).

### PERSONAL APPEARANCE

1. Robert Flavin, Chair of the SLVSC Walleye Restocking Project addressed Council and presented them with an information sheet (a copy follows these minutes). Mr. Flavin stated that last fall the City Attorney said the club needed to do something recreational to receive funding from the City. Mr. Flavin stated that he believes his group met those recreational requirements by holding two fishing derby's for the Recreation Department and still haven't received the \$1,000. funding that was promised in last years budget. Mayor Nelson asked Mr. Flavin to meet with the City Manager and Recreation Director.
2. Gil Jones, the owner of the Ogdensburg Cinema building in the Mall, addressed Council stating that Mrs. Connie Augsburg rents the theatre from him and has spent \$60,000. making renovations. Mr. Jones added that despite her efforts, the theatre is a sinking ship. Mr. Jones said that because it is important to have a theatre in Ogdensburg he has a plan to salvage the theatre and would like to address Council in executive session.

PRESENTATION

3. Tim Burley from Burley-Guminiak Associates made a presentation to Council on the Water Capacity Study for the Regional Water Project between the City of Ogdensburg; Village of Heuvelton; Town of Oswegatchie and Town of Lisbon. (A copy of the study follows these minutes.)

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in Warrant #18-2008 in the amount of \$682,817.43, and Library Warrant #18-2008 in the amount of \$23,032.68, Community Development Fund Warrant #18-2008 in the amount of \$3,514.65, Community Renewal Fund Warrant #18-2008 in the amount of \$76,070.39, HOME Warrant #18-2008 in the amount of \$ 0.00 and Capital Fund Warrant #18-2008 in the amount of \$106,226.92, and AHC Funds Warrant #18-2008 in the amount of \$17,625.00 as audited, be and the same are ordered paid and Councillor Vaughn seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson moved a resolution to nominate the City Comptroller for a seat on the CLASS Board, and Councillor Morley seconded to wit:

**RESOLUTION TO NOMINATE THE CITY COMPTROLLER TO A SEAT ON  
THE CLASS COOPERATIVE INVESTMENT BOARD**

CITY COUNCIL MEETING

October 28, 2008

Page 192

WHEREAS, Article 3-A of the General Municipal Law enacted, as part of Chapter 623 of the Laws of 1998 regarding cooperative investing requires the formation of a governing board; comprised of fiscal officers nominated by the Participants they represent;

NOW, THEREFORE BE IT RESOLVED that the City of Ogdensburg, hereby nominates Philip A. Cosmo, City Comptroller for board membership of the NYCLASS cooperative investment program.

The vote was:

CARRIED, AYES ALL

2. Councillor Vaugh introduced a resolution regarding a contract for Interim Remedial Measures at former Diamond International Paper Mill, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING ADDITIONAL CONTINGENCY AMOUNT  
TO THE CONTRACT FOR INTERIM REMEDIAL MEASURES (IRM)  
AT THE FORMER DIAMOND INTERNATIONAL PAPER MILL

WHEREAS, the City of Ogdensburg is the current owner of the former Diamond International Paper Mill site; and

WHEREAS, the City of Ogdensburg has been awarded funding from the New York State Department of Conservation (NYSDEC) under provisions of the Environmental Restoration Program; and

WHEREAS, on October 9, 2007, the City Council authorized the City Manager to enter into a contract with Op-Tech Environmental Services to perform Interim Remedial Measures (IRM) at the former Diamond International Paper Mill site for a sum not to exceed \$1,414,482., which included a \$200,000. contingency; and

WHEREAS, substantial additional costs have been incurred due to unforeseen site conditions;

NOW, THEREFORE, BE IT RESOLVED, that the contingency amount for this contract is increased from \$200,000. to \$500,000. for a total sum not to exceed \$1,714,482.; and

BE IT FURTHER RESOLVED, the City will seek ninety-percent reimbursement from the NYSDEC for such work in accordance with the current contractual agreement between the NYSDEC and the City of Ogdensburg.

The vote was:

CARRIED, AYES ALL

3. Councillor Powers moved a resolution regarding an agreement with Dadras Brothers Architects for a Main Street Site Assessment, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN  
AGREEMENT WITH DADRAS BROTHERS ARCHITECTS FOR A MAIN  
STREET SITE ASSESSMENT ON THE HISTORIC DISTRICT AT THE  
INTERSECTION OF STATE AND FORD STREETS

WHEREAS, the City is beginning to develop a Main Street program to revitalize its downtown; and

WHEREAS, the City is applying for a Main Street grant for the downtown area; and

WHEREAS, Dadras Brothers Architects are state providers of Main Street technical assistance; and

WHEREAS, it is necessary to conduct a Main Street assessment to apply for a \$25,000. community planning grant to develop the Main Street improvement plan; and

WHEREAS, it is necessary to conduct a Main Street assessment so that the City can use the Main Street grant funds for implementation;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to enter into an agreement with Dadras Brothers Architects for a sum not to exceed \$5,000. for a Main Street Site Assessment on the historic district at the intersection of State and Ford Streets; and

BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from CD Misc. Rev.

The vote was:

CARRIED, AYES ALL

4. Councillor Sholette moved a resolution regarding a contract with Paragon Environmental Construction for underground tank removal at the former Montgomery property sites, and Councillor Flynn seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO A  
CONTRACT WITH PARAGON ENVIRONMENTAL CONSTRUCTION, INC.  
FOR UNDERGROUND STORAGE TANK REMOVAL AT  
THE FORMER MONTGOMERY PROPERTIES

WHEREAS, the City owns property commonly referred to as the former Montgomery properties; and

WHEREAS, the NYS Department of Environmental Conservation (DEC) has notified the City that its records indicate there are up to (4) underground storage tanks (UST), including up to three (3) 2,000 gallon gasoline UST's and one (1) 1,000 gallon unknown UST; and

CITY COUNCIL MEETING

October 28, 2008

Page 195

WHEREAS, there is an outstanding order issued by the Commissioner of the DEC to remove said tanks from the ground, said order being issued before the City owned the property; and

WHEREAS, the DEC inspected the site on September 29, 2008, and confirmed the presence of at least one UST by discovering a visible fill port, which was open to the air and contained approximately 14 inches of fluid, the top 4 inches of which was identified as a petroleum product; and

WHEREAS, the City engaged the professional services of Barton & Loguidice, P.C. to assist in the preparation of a request for proposals, review of the proposals, and to oversee the removal of said tank and filings with DEC; and

WHEREAS, the City has requested and received proposals from four (4) qualified contractors to oversee the tank removal and closure; and

WHEREAS, Paragon Environmental Construction, Inc. was recommended by Barton & Loguidice, P.C. after reviewing all four proposals; and

WHEREAS, Paragon Environmental Construction, Inc. submitted the lowest responsible proposal and proposed the lowest cost of all four proposals;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to enter into a contract with Paragon Environmental Construction, Inc. for an amount not to exceed \$19,500., for the purposes of closing and removing the UST's, and removal and disposal of any fluids in the UST's and any contaminated soil; and

BE IT FURTHER RESOLVED, that funds to pay for this work shall come from H866601.518 (Lake Street Demo Grant).

The vote was:

CARRIED, AYES ALL

## CITY COUNCIL MEETING

October 28, 2008

Page 196

### OLD BUSINESS

1. Councillor Morley questioned if Council was told that the River crossing piping purchased years ago is unusable. Public Works Director Kit Smith stated that this piping is useable and was purchased in 2004 in anticipation of this work. Mr. Smith stated that it is being stored at the City landfill.

### NEW BUSINESS

1. Councillor Morley stated that he received a call from a Rensselaer Avenue resident complaining that DPW workers had blown sewage into their mother's basement. Councillor Morley stated that he advised the homeowner that they had 90 days to file a claim against the City. Mr. Smith stated he advised the homeowner of our policy and suggested that they may need a backflow prevention valve, which the City assists in the cost.

2. Councillor Hannan stated that the Mayor received a request for a crosswalk on Canton Street between Kinney Drugs and P & C and it was installed quickly. Mayor Nelson and Councillor Hannan thanked City Manager Arthur Sciorra and Public Works Director Kit Smith for their quick response.

3. Councillor Sholette questioned if the \$200,000. marina district grant was awarded to the Growth Fund. Councillor Sholette also asked if any grant money had been given out in the marina district or if anyone had applied. Justin Woods, Director of Planning & Development, advised that the appropriate staff person to update Council on the Growth Fund is Kim Deschamp. City Manager Arthur Sciorra stated that Kim Deschamp is currently implementing a work plan.

Mayor Nelson advised Council there was a need for an Executive Session regarding contract negotiations and there would be no Council action.

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

