

CITY COUNCIL MEETING

August 13, 2007

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

PRESENT: Mayor Nelson, Councillors Ericksen, Flynn, Hannan,
LaMacchia, LaRose and Morley

ABSENT: None

PERSONAL APPEARANCE

Mayor Nelson presented NYCOM Public Service Certificates to Deborah A. Mitchell for 30 years of service and Kathryn K. Bateman for 35 years of service.

CORRESPONDENCE

1. City Clerk Kathleen Bouchard read a letter and an attached petition from Sean P. O'Brien, 101 Montgomery Street, with fifty signatures of neighbors in the area expressing concern of the condition of the crescent area. Mayor Nelson turned this matter over to the City Manager and staff to review.

Mayor Nelson moved to adjourn to Executive Session and Councillor Flynn seconded the motion.

The vote was:

CARRIED, AYES ALL

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

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CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in Warrant #14-2007 in the amount of \$1,387,709.92, and Library Warrant #14-2007 in the amount of \$67,879.58 and Community Development Fund Warrant #14-2007 in the amount of \$60,614.82 and Capital Fund Warrant #14-2007 in the amount of \$227,353.30 as audited, be and the same are ordered paid and Councillor LaRose seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Nelson moved to reappoint Nick Serio to serve a 3-year term on the Ogdensburg Planning Board, term to expire December 31, 2010, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved to reappoint Jerry Sheppard to serve a 3-year term on the Ogdensburg Planning Board, term to expire December 31, 2010, and Councillor Larose seconded the motion.

The vote was:

CARRIED, AYES ALL

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ITEMS FOR COUNCIL ACTION

1. Councillor Morley moved a resolution authorizing the Chief of Police to relinquish his position, and be reappointed to a lower rank, to facilitate his transfer to the Unified Court System, and Councillor Hannan seconded to wit:

RESOLUTION AUTHORIZING THE CHIEF OF POLICE
TO RELINQUISH HIS POSITION
AND BE REAPPOINTED TO THE POSITION OF POLICE SERGEANT

WHEREAS, Chief of Police Andrew P. Wells is one of four Ogdensburg Police Officers who will be transferring to the Unified Court System effective 08/23/2007, and

WHEREAS, the Chief of Police, to facilitate his transfer, has submitted a statement of relinquishment of his position to the City Manager, and requested to be reappointed to the position of Police Sergeant effective 08/22/07, at his current compensation rate of \$70,080.00 per year,

NOW THEREFORE, BE IT RESOLVED, that Chief of Police Andrew Wells is authorized to relinquish his position of Chief of Police effective 08/22/07, and be immediately reappointed effective 08/22/07 to the permanent, competitive position of Police Officer with the temporary rank of Sergeant at his current compensation rate of \$70,080.00 per year.

The vote was:

CARRIED, AYES ALL

2. Councillor Flynn moved a resolution to authorize the City Manager to enter into an agreement the New York State Unified Court System and the City of Ogdensburg for court security provide by police officers during April 1, 2007 and March 31, 2008, and Councillor LaMacchia seconded to wit:

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RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT
BETWEEN NEW YORK STATE UNIFIED COURT SYSTEM
AND THE CITY OF OGDENSBURG

RESOLVED, that the City Manager be authorized to enter into an agreement between the New York State Unified Court System and the City of Ogdensburg, New York for a proposed new Period in the five-year term of the Renewal of Agreement UCS #C-200342. The initial Period of this term shall commence on April 1, 2007 and end on March 31, 2008. The compensation for the initial Period shall not exceed \$110,000.00.

City Manager Art Sciorra stated that this should be the last agreement for Court security as they will be providing their own security services.

The vote was:

CARRIED, AYES ALL

3. Councillor LaMacchia moved a resolution authorizing the City Manager to execute a modification to a Temporary License Agreement Permitting Entry on Property located on Lincoln Avenue and Rensselaer Avenue, and Councilor Morley seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
MODIFICATION TO A TEMPORARY LICENSE AGREEMENT PERMITTING
ENTRY ON PROPERTY

WHEREAS, under an agreement with the New York State Department of Environmental Conservation (NYSDEC), National Grid o/b/o Niagara Mohawk Corporation is implementing a program at a number of locations to investigate and, where necessary, remediate potential environmental contamination possibly remaining from coal gas manufacturing operation of the 19th and early 20th centuries, and

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WHEREAS, in June 2006, the City of Ogdensburg entered into a Temporary License Agreement permitting entry on property at the following locations in the City of Ogdensburg:

Lincoln Avenue (Tax Parcels 48.078-5-48 and 48.078-5-18)

11 Rensselaer Avenue (Tax Parcel 48.078-5-20)

and,

WHEREAS, National Grid has requested a modification to the license agreement which will include a proposed monitoring well on the northeast corner of Lake and Mill Streets and an extension of the sampling time to December 31, 2012,

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute the attached modification to the Temporary License Agreement Permitting Entry on Property between Niagara Mohawk Power Corporation and the City of Ogdensburg.

City Manager Art Sciorra explained that Niagara Mohawk has acquired this property and is in the process of cleaning it up. Mr. Sciorra said they need to monitor the hydrocarbons under EPA and the Department of Environmental Conservation.

The vote was:

CARRIED, AYES ALL

4. Councillor Hannan moved a resolution authorizing the transfer of the unallocated portion of a \$200,000 Rural Business Enterprise grant to the St. Lawrence County Chamber of Commerce, and Councillor Ericksen seconded to wit:

**RESOLUTION REALLOCATING A RURAL BUSINESS ENTERPRISE GRANT
TO THE ST. LAWRENCE COUNTY CHAMBER OF COMMERCE**

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WHEREAS, the City of Ogdensburg applied for and was awarded a \$200,000 Rural Business Enterprise Grant from the U.S. Department of Agriculture to recapitalize the revolving loan fund of the Ogdensburg Growth Fund Development Corporation whose primary objective is to facilitate the expansion of business activity within the City, create employment opportunities for City residents, and expand the City's industrial and commercial tax base; and,

WHEREAS, the City was able to effectively deploy \$100,000 of the grant as a loan to a small business; and,

WHEREAS, it has been a struggle to attract more new or existing businesses which meet the USDA Rural Development's eligibility criteria; and,

WHEREAS, all funds must be deployed within five years of the original grant and remaining funds must revert back to the U. S. Treasury; and,

WHEREAS, the City recognizes the relatively short time remaining to put these funds to use and the negative consequences to the region of losing this valuable business resource; and,

WHEREAS, the St. Lawrence County Chamber of Commerce has indicated that they have a significant current demand for these potential loan funds;

NOW, THEREFORE BE IT RESOLVED, in the spirit of unselfish cooperation, the Ogdensburg City Council hereby consents to the transfer of the unallocated portion (\$100,000) of the grant to allow these funds to assist small business throughout the county, while still remaining potentially available for the business community within the City of Ogdensburg.

City Planner Martin Murphy explained that we were able to loan \$100,000 from the \$200,000 Rural Business Enterprise Grant from the U.S. Department of Agriculture. He explained that the \$100,000, which was never actually in our coffers, but was available to us, needs to be reallocated to another entity such as the SLC Chamber of Commerce so they can entertain loans and utilize the money before the grant expires.

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Councillor Flynn asked why the City didn't loan out the \$100,000. Mr. Murphy stated that the businesses who applied didn't meet the eligibility criteria under USDA. Mr. Murphy added that there is only six months left in the grant's five year contract and the County has indicated they have applications waiting. He said they have asked us to reallocate these funds to the County. Mr. Murphy said if the County and USDA approve these loans, they would have access to the remaining \$100,000.

Councillor LaMacchia asked if these funds could be used for demolition work. Mr. Murphy stated that the funds have to be used by a small business that is creating new jobs.

The vote was:

CARRIED, AYES ALL

5. Mayor Nelson moved a resolution providing for public notice and public hearing with regard to an amendment to Chapter 221 entitled "Zoning", Section 221-42 – Permitted Signs, to amend the subsection regarding free standing signs, and Councillor LaMacchia seconded to wit:

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

BE IT RESOLVED, the Ordinance No. 7 entitled "Ordinance Amending Chapter 221 entitled "Zoning" 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 10th day of September, 2007, at 7:00 p.m., and

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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. Mayor Nelson moved a resolution requesting the installation of a traffic control light at State Route 37 and Champlain Street, and Councillor LaMacchia seconded to wit:

RESOLUTION REQUESTING THE INSTALLATION
OF A TRAFFIC CONTROL LIGHT AT
ROUTE 37 AND CHAMPLAIN STREET

WHEREAS, the intersection of Champlain Street with State Route 37 in the City of Ogdensburg is a busy and hazardous traffic intersection, and

WHEREAS, with the new development and opening of the Parkway Travel Center as well as other planned developments for adjacent lands on the south side of Route 37, it is imperative that this intersection be controlled, and

WHEREAS, there have been many tragic accidents involving individual personal injuries, and property damage accidents at this intersection, and

WHEREAS, one of the primary functions of local and state government is to serve to protect its citizens' lives and property from injury,

NOW THEREFORE, BE IT RESOLVED, that the City of Ogdensburg hereby petitions the New York State Department of Transportation to install and maintain a traffic control signal device at the intersection of Champlain Street with State Route 37, and

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BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Regional Office of the New York State Department of Transportation, Senator James Wright and Assemblyman Darrell Aubertine.

Councillor Morley questioned if this resolution had already been done. Mayor Nelson stated he had only spoken with DOT representatives and sent letters. Mayor Nelson added that DOT's response was if the owners of Parkway and other neighboring businesses want to pay for the traffic device, DOT would be open to that. Mayor Nelson said he has also spoken with our elected officials regarding this and hopefully something will happen soon.

Mr. Schiel Wood of Parkway Plaza told Council that he appreciates their help.

The vote was:

CARRIED, AYES ALL

7. Councillor Larose moved a resolution requesting the City Manager to immediately begin the process of demolition of the old Community Center building, and Councillor Morley seconded to wit:

A RESOLUTION REQUESTING THE CITY MANAGER TO PROCEED IN
DEMOLITION OF CITY OWNED PROPERTY

WHEREAS, the City of Ogdensburg had the vision to build a new community building, known as the Dobisky Center; and

WHEREAS, the Dobisky Center was dedicated in a ceremony on July 28, 2007; and

WHEREAS, the City of Ogdensburg sought and paid for the services of Brooks Washburn Architect, PC to identify the costs to stabilize and possibly upgrade the old Community Center building which stands next to the new Dobisky Center; and

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WHEREAS, in a report dated April 17, 2007, the costs estimated to stabilize the old Community Center building totaled \$102,500, with possible upgrade items including a new roof totaled \$67,000 for total costs identified by the architectural firm of \$169,500; and

WHEREAS, these costs did not include other construction items, architectural/engineering fees, owners site supervision costs, permit fees, financing costs, moving costs, or contingency costs; and

WHEREAS, additional costs to maintain the old Community Center building on a month to month and year to year basis must be taken into account in any decision to keep or demolish the old Community Center building; and

WHEREAS, the City of Ogdensburg passed a budget for the year 2007 that included job layoffs and cost containment measures to help bring the constitutional debt limit and its relation to the City financial future into a more favorable light; and

WHEREAS, additional costs to maintain the old Community Center building would put an additional burden on the hard pressed taxpayers of the City of Ogdensburg; and

WHEREAS, the City Council has chosen, on at least two occasions since deciding to build the new Dobisky Center, by consensus to demolish the old Community Center building; and

WHEREAS, the process for demolition has not been started in a satisfactory manner by City Manager Art Sciorra, due to what the City Manager deems as a lack of clear understanding of the previous consensus direction taken by the City Council;

NOW THEREFORE BE IT RESOLVED, that the City Council hereby directs City Manager Art Sciorra to immediately begin the process of demolition of the old Community Center building; and

BE IT FURTHER RESOLVED, that the funds to demolish the old Community Center building will be derived from the new Dobisky Center project.

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Councillor Larose explained that he put this resolution on the agenda to settle the Council's position on tearing down the old Community Center, and to put it to a vote so the City Manager can move forward with the demolition.

Councillor LaMacchia thanked Councillor Larose for the resolution and stated he had contacted Assemblyman Aubertine who came to Ogdensburg and walked around the building with him. Councillor LaMacchia added that Assemblyman Aubertine said he would try to get funds to stabilize this building. Councillor LaMacchia expressed his concern regarding the timing of demolishing this building and questioned what the hurry was.

The vote was:

DEFEATED, 4 - 3

After much discussion among Council, there was a consensus of Council to revisit the demolition of this building in three months and if there are no formalized plans for the use of this building by October 22, the Council will vote again regarding demolishing this building.

8. Mayor Nelson moved a resolution calling for a Special Council Meeting, and Councillor Larose seconded to wit:

RESOLUTION

THEREFORE, BE IT RESOLVED, that there will be a Special Council Meeting held on Monday, August 27, 2007 at 7:00 p.m. in the City Hall Council Chambers to consider the award of a contract for asbestos removal at the old Dobisky Community Center.

The vote was:

CARRIED, AYES ALL

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OLD BUSINESS

1. Councillor Morley said when he was at the City marina last week several boaters asked where the flag was and he asked City Manager Arthur Sciorra to check on this.

ITEMS FOR DISCUSSION

1. Councillor Hannan asked City Manager Arthur Sciorra about the status of the goals and objectives. Mr. Sciorra said he has them but would like to review them with city staff and will have a report for Council by 8/27/07.

2. Stearns & Wheler report on monitoring for the Long Term Control Plan (LTCP) – Council stated that this will be discussed at the August 27, 2007 work session, at 7:00 p.m.

3. Tisdell Feasibility Study for Lake Street Bridge – Council stated that this will be discussed at the August 27, 2007 work session, at 7:00 p.m.

4. Manager's report on the revenue and expenditures for the Dobisky Center project to date.

City Manager Arthur Sciorra gave Council a report on the breakdown of expenditures for the new Dobisky Center, and explained where the funds are coming from. (See attached)

5. Proposed Ogdensburg Tourism and Information Center on Route 37.

Mayor Nelson stated that he met with Dallas Sutton, President of the Ogdensburg Chamber of Commerce, regarding a permanent location for the Chamber Office.

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Mayor Nelson added that both he and Mr. Sutton felt that Route 37 would be the best location for the office. Mayor Nelson asked if there was Council interest to direct City staff to seek out grants or to write grants to obtain funds to build a Chamber office on Route 37. There was a consensus of Council to have City staff look into grants.

6. Review of Ogdensburg Charter Review Commission's Final Report.

Mayor Nelson and Council reviewed each and every recommendation listed in the attached Charter Review Commission's final report.

Mayor Nelson questioned #10, Section C-20.C.3., which read:

Serve as Acting City Manager in the City Manager's absence. In the absence of the City Manager and the Acting City Manager, another department head may serve temporarily as the Acting City Manager. A list of department heads eligible to serve as the temporary Acting City Manager shall be appointed by the City Council upon the recommendation of the City Manager.

Mayor Nelson questioned if the second sentence should read: **In the absence of the City Manager and the Assistant City Managers, another department head may serve temporarily as the Acting City Manager.**

City Manager Arthur Sciorra stated this is in case the City Manager and the two Assistant City Manager's are out of the City; we would have an acting City Manager list.

Michael Tooley, Chairperson of the Charter Review Commission, stated that Commission has no problem with this change.

There was a consensus of Council to make this change. #10, Section C-20.C.3., which read:

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Serve as Acting City Manager in the City Manager's absence. In the absence of the City Manager and the Assistant City Managers, another department head may serve temporarily as the Acting City Manager. A list of department heads eligible to serve as the temporary Acting City Manager shall be appointed by the City Council upon the recommendation of the City Manager.

Mayor Nelson moved to call for public notice and public hearing, to be held on September 10, 2007, at 7:00 p.m., in the Council Chambers at City Hall, regarding the proposed changes to the City Charter as recommended by the Ogdensburg City Charter Review Commission, and Councillor Ericksen seconded to wit:

RESOLUTION OF CITY COUNCIL
INTRODUCING A LOCAL LAW AND PROVIDING FOR PUBLIC NOTICE
AND PUBLIC HEARING

BE IT RESOLVED, that a public hearing be held by the Ogdensburg City Council on the proposed changes to the City Charter as recommended by the Ogdensburg City Charter Review Commission, said public hearing to be held on September 10, 2007, at 7 p.m. in the City Council Chambers, City Hall, and

BE IT FURTHER RESOLVED, that the City Clerk is directed to publish notice of said hearing at least seven days before the date of said hearing in the official newspaper of the City of Ogdensburg,

AND BE IT FURTHER 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 Local Law in summary form.

The vote was:

CARRIED, AYES ALL

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Mayor Nelson read the names of the fourteen people who served on the Charter Review Commission and thanked them for their time and service to the City.

The names of the 2007 Charter Review Commission were:

Rod Roca, Joseph Basta, John Badlam, Kathy Cary, Michael Frary, Francine Naccarato, Michael Herzog, Donna Pirie, Debra Abel, Robert Seymour, Laura Ashley, Michael Tooley, Thomas Patterson and Anna Marie Girard.

7. Mayor Nelson said that the rededication ceremony of the Sally Jane Fordham Spirit of Liberty statue (Soldier's and Sailor's monument) is scheduled for August 23rd at noon.

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