

CITY COUNCIL MEETING

November 8, 2010

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

PRESENT: Mayor Nelson, Councillors Cilley, Morley,
Powers, Sholette, Skamperle and Vaugh

ABSENT: None

Mayor Nelson stated he would like to have a work session next Monday night after the budget meeting to work on the Long Term Control Plan, the Beaverbrook storm sewer study with John LaGorga present and the workplace violence prevention policy. There was a consensus of Council to have a work session on Monday, November 15th after the budget session.

At this point in the meeting, Mayor Nelson asked everyone to join him in a moment of silence for Bob Bjork who recently passed away. Mayor Nelson stated Mr. Bjork was a charter member of the Ogdensburg Pride and Beautification Commission and the originator of the Maple City Trail Memorial Wall.

PERSONAL APPEARANCE

1. Matt Flynn, representative of VFW Post 2936, invited Council and the public to the Veterans' Day Ceremony on November 11th at 11:00 a.m. at Groulx Park. Mr. Flynn also thanked the Key Club members that cleaned the park and the individuals who handed out poppies.

PRESENTATION

1. City Manager, Arthur Sciorra, outlined for Council his 2011 budget address. (A copy of Mr. Sciorra's 2011 budget address follows these minutes.)

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2. Dave Bushey, President of Hyannis Air Service, Inc. d/b/a Cape Air, and Andrew Bonney presented Council with a packet and explained Cape Air's proposal to provide subsidized essential air service to Massena, Ogdensburg and Watertown areas. (A copy of the Cape Air presentation follows these minutes.)

3. Dave Lucas and Jim Gallagher, Charter Air Transport, presented Council with a packet and explained Charter Air's proposal to provide subsidized essential air service to Massena, Ogdensburg and Watertown areas. (A copy of the Charter Air Transport presentation follows these minutes.)

4. Micky Bowman, Vice President, Gulfstream International Air, presented Council with a packet and explained Gulfstream's proposal to provide subsidized essential air service to Massena, Ogdensburg and Watertown areas. (A copy of the Gulfstream International Air presentation follows these minutes.)

PERSONAL APPEARANCE

1. Steve Rose, 1702 Montgomery Street, addressed Council regarding the Beaverbrook storm sewer study completed by Stearns and Wheler. Mr. Rose stated at the last Council Meeting Councillor Skamperle asked Mr. Joly, a Beaverbrook resident, about the flooding in the Beaverbrook area. Mr. Rose stated at the last Council meeting the City Manager stated that the City has a cleaning schedule and traps are cleaned all the time. Mr. Rose stated there are no traps in any of the pipes; and if there are, they should be removed immediately so as not to cause serious problems. Mr. Rose also stated the City does not do extensive maintenance or cleaning of the sewer lines in that area. Mr. Rose stated there was a lawsuit brought by a Picquet Drive resident, and at that point the City was there every two weeks cleaning lines in the area. Mr. Rose stated this program was cut down or even stopped. Mayor Nelson stated the Long Term Control Plan will be discussed at the work session next Monday.

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CORRESPONDENCE

1. City Clerk, Kathleen Bouchard read a letter from Rena Goldberg, Way Back In Bed & Breakfast, 247 Proctor Avenue, supporting Cape Air as the best choice to provide Ogdensburg's Air Service. (A copy of the letter follows these minutes.)

2. City Clerk, Kathleen Bouchard read a letter from Letty Hockler, Ogdensburg, supporting Cape Air and urging Council to choose them for Ogdensburg's Air Service provider. (A copy of the letter follows these minutes.)

3. City Clerk, Kathleen Bouchard read a letter from Tobi Goldberg, 8 University Park, Waltham, MA supporting Cape Air as Ogdensburg's Air Service provider. (A copy of the letter follows these minutes.)

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #19-2010 in the amount of \$486,152.94 and Library Fund Warrant #19-2010 in the amount of \$22,547.40 and Capital Fund Warrant #19-2010 in the amount of \$157,238.35 and Community Development Fund Warrant #19-2010 in the amount of \$5,775.00 and Community Renewal Fund Warrant #19-2010 in the amount of \$58,580.75 and HOME Fund Warrant #19-2010 in the amount of \$0.00 and AHC Funds Warrant #19-2010 in the amount of \$0.00, RESTORE Program Warrant #19-2010 in the amount of \$0.00 and NSP Funds Warrant #19-2010 in the amount of \$14,000.00 as audited, be and the same are ordered paid and Councillor Vaughn seconded the motion.

The vote was:

CARRIED, AYES ALL

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Mayor Nelson stated that he would like to amend the agenda to have Bill #74 be the first Item for Council Action. There was a consensus of Council to move Bill #74 to the first Item for Council Action.

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson moved a resolution in support of Cape Air to provide Essential Air Service to the Ogdensburg International Airport, and Councillor Morley seconded to wit:

RESOLUTION IN SUPPORT
OF CAPE AIR SERVICE PROPOSAL

WHEREAS, the United States Department of Transportation has solicited proposals for Essential Air Service to the North Country, and

WHEREAS, the community has judged Cape Air to best satisfy the air travel needs of the Ogdensburg area; and

WHEREAS, Cape Air will provide EAS service to Albany and Boston;

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby supports Cape Air, as the best proposal for Essential Air Service for Ogdensburg and the North Country, and

BE IT FURTHER RESOLVED, that the City Clerk forward copies of the resolution to the Chairman of the OBPA, Mr. Dennis DeVany (USDOT), Renee Williams (USDOT), Congressman Bill Owens, and Senators Charles Schumer and Kirsten Gillibrand.

After much discussion amongst Council, Councillor Vaugh moved to amend the resolution to make it a four-year contract, and Councillor Powers seconded the motion.

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The vote to amend the resolution was:

AYES: Mayor Nelson, Councillors Cilley, Powers and Vaugh

NAYS: Councillors Morley, Sholette and Skamperle

APPROVED, 4 TO 3

The resolution as amended now read:

RESOLUTION IN SUPPORT
OF CAPE AIR SERVICE PROPOSAL

WHEREAS, the United States Department of Transportation has solicited proposals for Essential Air Service to the North Country, and

WHEREAS, the community has judged Cape Air to best satisfy the air travel needs of the Ogdensburg area; and

WHEREAS, Cape Air will provide EAS service to Albany and Boston;

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby supports Cape Air, Option 1 for a 4 year rate, as the best proposal for Essential Air Service for Ogdensburg and the North Country, and

BE IT FURTHER RESOLVED, that the City Clerk forward copies of the resolution to the Chairman of the OBPA, Mr. Dennis DeVany (USDOT), Renee Williams (USDOT), Congressman Bill Owens, and Senators Charles Schumer and Kirsten Gillibrand.

The vote on the resolution as amended was:

CARRIED, AYES ALL

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2. Councillor Sholette moved an ordinance to authorize a lease of municipal property at the Plover Hill Water Tower to Clearwire US LLC, and Councillor Powers seconded to wit:

ORDINANCE #9 OF 2010
AN ORDNANCE
TO AUTHORIZE A LEASE OF MUNICIPAL PROPERTY

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

ITEM ONE: An ordinance to authorize a lease of municipal property at the Plover Hill water tower to Clearwire US LLC, a Nevada limited liability corporation, d/b/a Clearwire.

ITEM TWO: The City Manager has presented the attached proposed agreement to lease space within the fenced area of the Plover Hill water tower site to Clearwire US LLC, d/b/a Clearwire, for the placement and maintenance of 10 antennae, 3 microwave & 22 coax and an accessory shelter building. The lease term shall be for an initial period of five (5) years with the lessee having the option of extending this lease agreement for four (4) additional successive five (5) year terms.

ITEM THREE: The City Manager is hereby authorized to execute the attached lease agreement, hereby made part of this ordinance.

ITEM FOUR: Passage of this ordinance shall be by a vote of three-fourths (3/4) of all members of the City Council.

ITEM FIVE: This ordinance shall take effect ten (10) days after publication of notice that shall give the title and describe same in summary form.

The vote was:

CARRIED, AYES ALL

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3. Councillor Skamperle moved a resolution to accept the 2011 Preliminary Budget, and Councillor Powers seconded to wit:

RESOLUTION TO ACCEPT THE 2011 PRELIMINARY BUDGET

WHEREAS, as required by the City Charter, the City Manager has submitted a preliminary budget for fiscal year 2011 to the City Council on or before November 1, 2010,

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 2011 Budget for the City of Ogdensburg, and Councillor Vaugh seconded to wit:

RESOLUTION ESTABLISHING A PUBLIC HEARING FOR THE
2011 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 2011, said public hearing to be held at 7:00 pm on December 6, 2010 in the City Council Chambers, City Hall,

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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 to establish the Ogdensburg Journal as the official newspaper for the City of Ogdensburg for 2011, and Councillor Sholette seconded to wit:

RESOLUTION DESIGNATING THE
2011 OFFICIAL NEWSPAPER

BE IT RESOLVED, that the official newspaper for the City of Ogdensburg for 2011 shall be the Ogdensburg Journal.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved a resolution designating the official City bank depositories for 2011, and Councillor Powers seconded to wit:

RESOLUTION DESIGNATING THE
2011 OFFICIAL BANK DEPOSITORIES

BE IT RESOLVED, that Community Bank NA, NBT Bank NA, Upstate National Bank, Key Bank of Northern New York NA, Chase Bank and CLASS through Municipal Investors' Service Corp, MBIA be designated as official depositories for City Funds for 2011.

The vote was:

CARRIED, AYES ALL

7. Mayor Nelson moved a resolution designating the 2011 City Council Meeting Dates, and Councillor Vaugh seconded to wit:

2011 CITY COUNCIL
MEETING DATES

BE IT RESOLVED, that the regular City Council meetings for the City of Ogdensburg, shall be on the second and fourth Mondays, of each month except July, August and December, and unless such date is a legal holiday, in which event the meeting will be held on the next business day. The date of these meetings are listed below:

January	10, 24
February	14, 28
March	14, 28
April	11, 25
May	9,23
June	13, 27
July	11
August	8
September	12, 26
October	11, 24
November	14, 28
December	5, 12

BE IT FURTHER RESOLVED, all the meetings will be held at 7:00 pm in the City Council Chambers, City Hall or at such other places as may be designated by the City Council. All meetings are open to the public .

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The vote was:

CARRIED, AYES ALL

8. Mayor Nelson moved a resolution calling for a public hearing to amend Chapter 215 of the OMC Entitled "Water Rates", and Councillor Vaugh seconded to wit:

RESOLUTION
INTRODUCING LOCAL LAW #2 OF 2010

BE IT RESOLVED that proposed Local Law #2 of the year 2010 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

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 6, 2010, 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

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9. Mayor Nelson moved a resolution to call for a public hearing on a Local Law to amend Chapter 73 of the OMC entitled “Animals”, and Councillor Powers seconded to wit:

RESOLUTION
INTRODUCING LOCAL LAW #3 OF 2010

BE IT RESOLVED that proposed Local Law #3 of the year 2010 entitled:

Amendment to the OMC Chapter 73 Entitled Animals be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

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, November 22, 2010, 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

10. Mayor Nelson moved a resolution calling for public notice and public hearing with regard to the adoption of the City’s Abbreviated Consolidated Plan, and Councillor Vaugh seconded to wit:

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A RESOLUTION OF THE CITY COUNCIL
CITY OF OGDENSBURG
TO PROVIDE FOR PUBLIC NOTICE AND PUBLIC HEARING

WHEREAS, in order to seek certain funding from the U.S. Department of Housing and Urban Development (HUD) the City must adopt an Abbreviated Consolidated Plan; and

WHEREAS, pursuant to 24 CFR 91.235(3)(c), the Abbreviated Consolidated Plan contains an assessment of the City's needs, resources and planned activities; and

WHEREAS, in accordance with the Citizens Participation Plan and HUD regulations a 30-day comment period and public hearing are required prior to the City's adoption of the Abbreviated Consolidated Plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council shall hold a public hearing in the matter of the adoption of the City's Abbreviated Consolidated Plan to be held in the City Council Chambers at City Hall, Ogdensburg, New York, on the 13th day of December, 2010 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 (30) days before the hearing date setting forth the time and place of the hearing.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Skamperle asked if Council would like to wait for the work session to discuss the Beaverbrook storm sewer study.

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Mayor Nelson stated Council will have a work session after the budget review next Monday night. At that work session Council will meet with John LaGorga of Stearns and Wheler to review the Long Term Control Plan and Beaverbrook, along with the workplace violence policy. Councillor Sholette asked if City staff would be present with a plan of action for Beaverbrook. City Manager, Arthur Sciorra stated the engineering firm has already submitted a preliminary report; and as soon as the final report becomes available, Mr. Sciorra will provide that to Council in the update. Councillor Sholette asked if the report states there is a compromised pipe that needs to be fixed, will we do it soon. City Manager, Arthur Sciorra stated this will be discussed at the work session on Monday. Mr. Sciorra also stated this project would need to be designed and sent out to bid. Mayor Nelson stated next week this issue will be discussed at the work session. Director of Public Works, Kit Smith stated if this is a project the City plans to do; with winter approaching, it is a project that needs to be started as soon as possible. Councillor Skamperle stated he would like to see some decisions made at the work session. Mayor Nelson stated this will be discussed at the work session along with how the City will pay for the project.

2. Councillor Skamperle stated the pipe at the marina is filled with sediment and now would be a great time to clean it out with low water levels on the St. Lawrence River. Director of Public Works, Kit Smith stated Perras Construction was going to give us a price quote on this, but we have not heard back from them. Mr. Smith also stated Perras may be able to open the area up and we could use a bridge to get over the causeway. Mr. Sciorra stated the pipe providing water flow through the marina is not sufficient, and a causeway could create better circulation. Mr. Sciorra also stated if the City obtains the funding for the marina, it could be addressed at that time. Mr. Smith stated he will be meeting with the Engineer, Aaron Jarvis next week and will call Perras.

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NEW BUSINESS

1. Councillor Powers stated the Smart Growth Infrastructure Policy Act could help provide a complete fix of the entire Beaverbrook area. Councillor Powers suggested forming an advisory board to help obtain financial assistance.

2. Mayor Nelson stated he recently spoke with Bob Bjork who shared some stories with him. Mayor Nelson added that he felt the City had dropped the ball on taking care of the Maple City Trail Memorial Wall. Mayor Nelson stated the City agreed they would put up a plaque displaying the names of people who made donations to the wall. Mayor Nelson stated he would like staff to do something on the memorial wall to recognize Mr. Bjork and his efforts. Mayor Nelson suggested that when the Lake Street bridge project is being completed, this could be tied into reinvigorating the area as a lot of hard work went into the Memorial Wall. City Manager, Arthur Sciorra stated he is not sure if landscaping funds will be available with the bridge project, but this could possibly be addressed with the final grade.

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