

CITY COUNCIL MEETING

December 12, 2011

Page 291

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

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

ABSENT: None

PERSONAL APPEARANCE

1. John Mart, Morris Street, addressed Council and stated he will be meeting with the City Attorney later this week regarding his retirement issue. Mr. Mart questioned why City retired employees can't get to speak with the City Comptroller. Mr. Mart said he has called Mr. Cosmo's office and he won't talk to us. Mayor Nelson asked Mr. Mart if he had an appointment with Mr. Cosmo and he stated yes.

Mr. Cosmo responded that he never avoided Mr. Mart and had no appointment. Mr. Cosmo added that he's mad because he's not getting his own way.

2. Donald Hassig, Director of Cancer Action NY, addressed Council regarding persistent organic pollutants exposure minimization education.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #21-2011 in the amount of \$388,197.89 and Library Fund Warrant #21-2011 in the amount of \$20,428.68 and Capital Fund Warrant #21-2011 in the amount of \$22,971.28 and Community Development Fund Warrant #21-2011 in the amount of \$22,708.70 and Community Renewal Fund Warrant #21-2011 in the amount of \$165.51 and HOME Fund Warrant #21-2011 in the amount of \$0.00 and AHC Funds Warrant #21-2011 in the amount of \$0.00, RESTORE Program Warrant #21-2011 in the amount of \$0.00 and NSP Funds Warrant #21-2011 in the amount of \$0.00 and NY Main St. Program Warrant #21-2011 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Powers seconded the motion.

CITY COUNCIL MEETING

December 12, 2011

Page 292

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Nelson moved to reappoint Tom Fife to a three-year term on the Ogdensburg Tree Commission, term will expire 12/31/14, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved to reappoint Don Brown to a three-year term on the Ogdensburg Tree Commission, term will expire 12/31/14, and Councillor Powers seconded the motion.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved to reappoint John Farrand to a three-year term on the Ogdensburg Tree Commission, term will expire 12/31/14, and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved to reappoint John Reed to a seven-year term on the Ogdensburg Recreation Commission, term will expire 12/31/18 and Councillor Powers seconded the motion.

The vote was:

CARRIED, AYES ALL

CITY COUNCIL MEETING

December 12, 2011

Page 293

5. Mayor Nelson moved to reappoint Linda Griffin to a five-year term on the Ogdensburg Library Board, term will expire 12/31/16, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved to reappoint William Flynn to a three-year term on the Ogdensburg Zoning Board, term will expire 12/31/14, and Councillor Powers seconded the motion.

The vote was:

CARRIED, AYES ALL

7. Mayor Nelson moved to reappoint Bonnie Franz to a three-year term on the Ogdensburg Zoning Board, term will expire 12/31/14, and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Powers moved a resolution to re-appoint City Clerk Kathleen A. Bouchard as City Marriage Officer, and Councillor Vaugh seconded to wit:

RESOLUTION TO RE-APPOINT
A MARRIAGE OFFICER FOR THE CITY OF OGDENSBURG

WHEREAS, §11-c(1) of the New York Domestic Relations Law permits the City Council of the City of Ogdensburg to appoint one or more Marriage Officers who shall have the authority to solemnize marriages within the City, and

CITY COUNCIL MEETING

December 12, 2011

Page 294

WHEREAS, the City Council of the City of Ogdensburg adopted a Local Law establishing the position of City Marriage Officer under §AR-57 of the Ogdensburg Municipal Code, and

WHEREAS, §11-c(4) of the New York Domestic Relations Law requires that the term of a marriage officer shall be determined by the governing body making the appointment but shall not exceed four years, and

WHEREAS, Kathleen A. Bouchard is over the age of 18, and resides within the City of Ogdensburg, as required by §11-c (2) of the New York Domestic Relations Law,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ogdensburg that Kathleen A. Bouchard shall be reappointed as a Marriage Officer for the City of Ogdensburg with the duties established by § AR-57 of the Municipal Code of the City of Ogdensburg and by Article 3 of the New York Domestic Relations Law.

The vote was:

CARRIED, AYES ALL

2. Councillor Skamperle moved a resolution to approve a conceptual site plan for transient docking and marine fuel station as prepared by Tisdell Associates and Councillor Vaughn seconded to wit:

RESOLUTION TO APPROVE THE CONCEPTUAL SITE PLAN
FOR TRANSIENT DOCKING AND MARINE FUELING STATION

WHEREAS, the City of Ogdensburg has been awarded a Boating Infrastructure grant in the amount of \$501,311 by the US Department of Interior: US Fish & Wildlife Service; and

WHEREAS, in January 2010, the City of Ogdensburg was awarded \$50,000 by NYS Office of Parks and Recreation and Historic Preservation towards the construction of transient docks; and

WHEREAS, such improvements are consistent with the approved LWRP; and

CITY COUNCIL MEETING

December 12, 2011

Page 295

WHEREAS, the addition of these transient docks and fuel station to the existing municipal marina is expected to increase Ogdensburg's identity as a destination for transient boaters; and

WHEREAS, the proposed conceptual plan is consistent with the 2012 Strategic Management Plan;

NOW, THEREFORE, BE IT RESOLVED that City Council approves the presented conceptual site plan for transient docking and marine fuel station as prepared by Tisdell Associates.

Councillor Cilley stated that he won't vote for storage tanks in the marina, and added that he along with Councillors Morley and Sholette, all requested an alternate site but nothing came of it. Councillor Ashley said after looking at the plans the large tanks will be an eyesore and the City shouldn't be in competition with private marinas.

City Manager Arthur Sciorra stated that the City Planner has a presentation to address Councillor Cilley and Ashley's questions.

Andrea Smith, Planning and Development Program Manager, stated the original location was moved closer to Kids Kingdom so we could cater to larger boats that can't get into the Oswegatchie River. Ms. Smith also explained that the fuel station is a component of the grant and if it's cut out of the project it could jeopardize the grant.

Councillor Cilley questioned how close the fueling station needs to be to the marina, and Ms. Smith said it has to be in the marina.

Councillor Morley stated our need has evaporated; Hosmer's Marina will be open in the spring.

Ms. Smith explained that the Planning Department did look at other locations but the hotel was privately owned and we didn't have sufficient room. Ms. Smith stated this is a conceptual plan with the tanks above ground because they're more expensive in the ground. Councillor Cilley stated this is not written as a conceptual plan, if it's approved it's a done deal. Ms. Smith stated that without an approved conceptual plan they can't get a grant contract.

CITY COUNCIL MEETING

December 12, 2011

Page 296

Councillor Morley moved to table this resolution until January for the new Council's input, and Councillor Skamperle seconded the motion.

Councillor Cilley stated he could approve this if no construction will begin until final plans approved by Council.

Ms. Smith suggested holding a public hearing and let the public view and comment on the conceptual plan.

Mayor Nelson said these are huge tanks and he won't accept above ground tanks. Mayor Nelson requested to see the business plan. Mr. Sciorra said we can't give Council a business plan without the conceptual plan, but can price out the cost of the in ground tanks. Ms. Smith stated that until the conceptual plan is approved for the fuel tanks, she will verify if the transient docks are still grant approved without the tanks.

Councillor Powers said the area will be congested. Mayor Nelson questioned if we have received Federal approval of the marina extending in to the channel and also asked if the DEC, Army Corp of Engineers and Feds have been contacted. Mr. Sciorra said he spoke with the engineer and its part of the plan. Mr. Sciorra stated that the previous fueling station grant was not approved due to the lack of transient docks and if we split this application we will have to re-apply again. Councillor Skamperle questioned if Tisdel has offered any other potential sites for gas tanks. Ms. Smith said no, but she would like to schedule a work session with Tisdel, Council and staff. Councillor Skamperle said when all the marinas in the City went out of business, the City had no gas to draw boaters to the City. Councillor Skamperle said he wants the pumps moved.

The vote to table was:

CARRIED, AYES ALL

3. Councillor Cilley moved to expand the representation of the Wladis Law Firm under the same conditions as pertained to the C-14 investigation and related proceedings to include representation of the City as agent to the notices of claims filed by the City Manager, and Councillor Powers seconded the motion.

CITY COUNCIL MEETING

December 12, 2011

Page 297

The vote was:

CARRIED, AYES ALL

NEW BUSINESS

1. Councillor Skamperle questioned if someone is going to address Mr. John Mart. City Manager Arthur Sciorra stated he has an appointment with the City Attorney to work this out.

ITEMS FOR DISCUSSION

1. Proposed St. Lawrence County Sales Tax Increase

Councillor Morley stated that County Legislator, Sam Burns, came and asked for Council support to raise the County sales tax. Councillor Morley said we sent a letter of support last year but he would like to send another one. Councillor Morley stated that St. Lawrence County is one of five counties with a seven percent tax rate.

Mayor Nelson suggested we ask the County to give a presentation at one of our meetings.

Councillor Morley said raising the sale tax rate is the most sensible way to keep the County and City going. Councillor Cilley stated he is concerned for the low income people in St. Lawrence County and won't approve it unless they exempt fuel oil. Councillor Skamperle stated that twenty-seven percent of the City property owners pay taxes, and he will support this. Councillor Powers said he supports sales tax increase.

Mayor Nelson requested that the County Administrator or Treasurer do a presentation before Council.

Mayor Nelson stated there was a need for an executive session for potential litigation, and Councillor Skamperle seconded the motion. Mayor Nelson said no action was expected.

CITY COUNCIL MEETING

December 12, 2011

Page 298

Mayor Nelson thanked Councillor Powers and Councillor Vaughn for their four years of service to the City.

Mayor Nelson wished the citizens of Ogdensburg and City staff a Merry Christmas, and a safe and Happy New Year.

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