

CITY COUNCIL MEETING

January 11, 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

PUBLIC HEARING

1. A public hearing regarding a resolution to amend the official City Map by deleting a portion of Old Ford Street and Kenrick Street was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding an ordinance to amend the Administrative Regulations for the City of Ogdensburg as per §23 of the City Charter was held. No one being present to speak the hearing was declared closed.

CORRESPONDENCE

1. City Clerk Kathleen Bouchard read a letter from Vernon "Sam" Burns, St. Lawrence County Legislator, complimenting the Ogdensburg Police Department's performance in a situation that occurred last week on upper New York Avenue. (A copy of the letter follows these minutes.)

CONSENT AGENDA

Councillor Cilley stated he was uncomfortable voting on this consent agenda without looking at what is being paid or viewing this summary prior to the meeting. Mayor Nelson explained that this information is available in his office for Council to review the Friday prior to the meeting.

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Mayor Nelson moved that the claims as enumerated in General Fund Warrant #1-2010 in the amount of \$1,641,633.42 and Library Fund Warrant #1-2010 in the amount of \$47,248.18, Capital Fund Warrant #1-2010 in the amount of \$59,970.55 and Community Development Fund Warrant #1-2010 in the amount of \$51,323.79 and Community Renewal Fund Warrant #1-2010 in the amount of \$13,518.50 and HOME Fund Warrant #1-2010 in the amount of \$27,053.00 and AHC Funds Warrant #1-2010 in the amount of \$51,301.45 and RESTORE Program Warrant #1-2010 in the amount of \$10,317.25 as audited, be and the same are ordered paid and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Nelson moved the appointment of James D. Fish to the Ogdensburg Public Library Board of Trustees, term to expire December 31, 2014, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved the re-appointment of Linda Fortin to the Board of Assessment and Review, term to expire September 30, 2014, and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle moved a resolution thanking the people and organizations who assisted with the 2010 Inaugural Ceremony, and Councillor Morley seconded to wit:

RESOLUTION

WHEREAS, three members of the City Council of the City of Ogdensburg, New York were on January 4, 2010, officially sworn into office, and

WHEREAS, it is recognized by said Council the efforts of all those involved in making this day one that will stand out in our memories, and

THEREFORE, BE IT RESOLVED, that special and public thanks be expressed to Father Terry LaValley, Basta's Flowers and Farrand's Flowers for the gifts, time and talent they donated to the citizens of Ogdensburg so that all will remember this day for years to come.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved a resolution appointing a Deputy Mayor for the City of Ogdensburg for 2010 – 2011, and Councillor Sholette seconded to wit:

APPOINTMENT OF
DEPUTY MAYOR

WHEREAS, the Ogdensburg City Charter provides that a Deputy Mayor is to be elected from the City Council members at the first regular Council meeting in January of even-numbered years,

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NOW, THEREFORE, BE IT RESOLVED, that Councillor Michael Morley is hereby elected Deputy Mayor of the Ogdensburg City Council for 2010 and 2011.

The vote was:

AYES: Mayor Nelson, Councillors Cilley,
Powers, Sholette, Skamperle and Vaugh

NAYS: None

ABSTAIN: Councillor Morley

APPROVED, 6 TO 0

3. Councillor Powers moved a resolution to amend the official City Map by deleting a portion of Old Ford Street and Kenrick Street, and Councillor Vaugh seconded to wit:

**RESOLUTION TO AMEND OFFICIAL CITY MAP
BY DELETING A PORTION OF KENRICK STREET AND OLD FORD STREET**

WHEREAS, the City desires to amend the Official City Map of the City of Ogdensburg by deleting a portion of Kenrick Street from Old Ford Street south approximately 68.31' and by deleting the remaining 66' portion of Old Ford Street east of Louise Wagner's property (Tax Map #48.065-1-1.1); and

WHEREAS, public notice and public hearing on the proposed changes to the Official Map have been filed and held per Section 29 of General City Law; and

WHEREAS, for environmental review, mapping of existing roads is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (17) and as such no further action is necessary regarding the same; and

WHEREAS, the proposal was forwarded to the Planning Board for recommendation;

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby amends the Official City Map of the City of Ogdensburg with the following changes:

Deletion of a portion of Kenrick Street from Old Ford Street south approximately 68.31'; and

Deletion of a 66' portion of Old Ford Street east of Tax Map. #48.065-1-1.1.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved an ordinance to amend the Administrative Regulations for the City of Ogdensburg as per §23 of the City Charter, and Councillor Morley seconded to wit:

ORDINANCE # 1 OF 2010
ORDINANCE TO AMEND THE ADMINISTRATIVE REGULATIONS

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

ITEM ONE:

That Section 23 of the City Charter mandates the Administrative Code shall be brought into compliance with the Charter by December 31, 2009; and

ITEM TWO:

That the Administrative Code is hereby amended to delete and add the following:

1) Delete: § AR-3.B. Management of regulations; distribution.

Number of Copies	Personnel
1	City Planner (Director of Development)
1	Director of Recreation
1	Director of Buildings and Assessments

Add: § AR-3.B. Management of regulations; distribution.

Number of Copies	Personnel
1	Director of Planning and Development
1	Director of Parks and Recreation
1	City Assessor

2) Delete: § AR-6. D. Testing and selection.

(3) All new permanent or probationary appointments shall be made subject to a pre-employment physical examination. In addition, appointments to uniform police and fire positions shall be made subject to agility and psychological examinations.

Add: § AR-6. D. Testing and selection.

(3) All new permanent or probationary appointments shall be made subject to a pre-employment physical examination. In addition, appointments to uniform police and fire positions shall be made subject to agility examinations.

3) Delete: § AR-6. E. Appointments.

(2) Appointees must report to the Personnel Aide for employment processing prior to their first day of scheduled City work. A checklist will be given to each new employee to ensure that all enrollment materials have been issued and all benefit options explained.

Add: § AR-6. E. Appointments.

(2) Appointees shall report to the Payroll Clerk for employment processing prior to their first day of scheduled City work. A checklist will be given to each new employee to ensure that all enrollment materials have been issued and all benefit options explained.

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4) Delete: § AR-24.A. Right of entry; services on private property.

The Department of Public Works shall be permitted to provide the following services on privately owned property:

(1) Sewer routing.

5) Delete: § AR-31. C. Use of City-owned vehicles.

(1) All City-owned vehicles, except the City Manager's, Director of Public Works', Police Lieutenant's, Public Works Foreman's, Fire Chief's and the Recreation Director's shall remain at a City work site or garage facility at the close of the business day.

Add: § AR-31.C. Use of City-owned vehicles.

(1) All City-owned vehicles, except the City Manager's, Director of Public Works', Public Works Foreman's, Fire Chief's and the Director of Parks and Recreation shall remain at a City work site or garage facility at the close of the business day.

6) Delete: § AR-36. Assignment of duties.

E. City Comptroller.

The City Comptroller will maintain copies of all insurance policies and claims, and a perpetual inventory of current locations, descriptions and insurable values of all property owned or leased by the City (including buildings, contents, equipment, vehicles and supplies). Contractual requirements for bonds and insurance certificates will be continuously reviewed to ensure that the required bonds and certificates are current and in the quantity specified. The City Clerk will process all accident and loss notices and will notify the insurance company concerned.

Add: § AR-36. Assignment of duties.

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7) Delete: § AR-48. Director of Assessments.

A. The Director of Assessments shall be appointed by and shall serve under the direction and supervision of the City Manager.

B. The powers and duties of the Director of Assessments shall be the following:

Add: § AR-48. City Assessor.

A. The City Assessor shall be appointed by and shall serve under the direction and supervision of the City Manager.

B. The powers and duties of the City Assessor shall be the following:

8) Delete: § AR-53.1. Fire Chief.

(1) Have jurisdiction over the approval of the installation of all containers for combustibles, chemicals, explosives, inflammables or those dangerous substances, articles, compounds or mixtures, except storage tanks for oil-burning equipment, which shall be under the jurisdiction of the Building Inspector.

Add: § AR-53.1. Fire Chief.

(1) Have jurisdiction over the approval of the installation of all containers for combustibles, chemicals, explosives, inflammables or those dangerous substances, articles, compounds or mixtures, except storage tanks for oil-burning equipment, which shall be under the jurisdiction of the Code Enforcement Officer.

9) Delete: § AR-64. Designation of depositaries.

The banks and trust companies authorized for the deposit of moneys up to the maximum amounts are:

Depository Name	Maximum Amount	Officer
Fleet Bank	\$5,200,000	Manager local branch
Community Bank, N.A.	\$2,000,000	Manager local branch
Key Bank of N.Y.	\$2,000,000	Manager local branch
1st National Bank of Lisbon	\$100,000	Manager local branch

Add: § AR-64. Designation of depositaries.

The banks and trust companies authorized for the deposit of moneys are:

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Depository Name

Community Bank, N.A.

Key Bank of N.Y.

1st National Bank of Lisbon

NBT Bank

NYCLASS

10) Delete: § AR-67. Permitted investments.

A. As authorized by General Municipal Law, § 11, the City of Ogdensburg authorizes the City Comptroller to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

(1) Special time deposit accounts.

(2) Certificates of deposit.

(3) Obligations of the United States of America.

(4) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America.

(5) Obligations of the State of New York.

(6) Obligations issued pursuant to Local Finance Law § 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the City of Ogdensburg.

(7) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general state statutes governing such entities or whose specific enabling legislation authorizes such investments.

(8) Certificates of participation (COP's) issued pursuant to General Municipal Law § 109-b.

(9) Obligations of this local government, but only with any moneys in a reserve fund established pursuant to General Municipal Law § 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m or 6-n.

Add: § AR-67. Permitted investments.

A. As authorized by General Municipal Law, § 11, the City of Ogdensburg authorizes the City Comptroller to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in those investments as allowed by NYS Law.

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ITEM THREE:

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

Mayor Nelson explained that this ordinance is a required "housekeeping" amendment to the Administrative Regulations as per §23 of the City Charter, which was added by the 2007 Charter Review Commission.

The vote was:

CARRIED, AYES ALL

5. Mayor Nelson moved a resolution to call for public notice and public hearing with regard to an amendment to the Zoning Map to rezone approximately 2.2 acres along Canton Street, east Franklin Street, from Business (B) to Moderate Density Residential (MDR), and Councillor Morley seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING
AN AMENDMENT TO THE ZONING ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED that the ordinance entitled "Ordinance Amending Chapter 221 Entitled 'Zoning' of the City of Ogdensburg Municipal Code" 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 in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York, on Monday the 25th day of January, 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 seven days before the hearing date, of a notice setting forth the time and place and describing the proposed ordinance in summary form.

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Director of Planning and Development, Justin Woods briefed Council and explained this zoning change will effect the areas between the School property to the Seaway Plaza. Mr. Woods explained that this change was requested by an existing business property owner in a residential neighborhood who wants to turn their property back into a residential unit.

Councillor Skamperle stated he was concerned that this change would limit any interested developers from purchasing the three parcels in front of the Lupia property. Mr. Woods stated that this doesn't change the Lupia property. Councillor Skamperle questioned why we're not changing the zoning on the effected parcel only. Mr. Woods said that would be spot zoning and it's illegal. Mr. Woods added that he will assist any developer interested in the Canton Street properties in front of the Lupia property.

The vote was:

CARRIED, AYES ALL

6. Councillor Sholette moved a resolution that determines the rezoning of 505 to 611 Canton Street (approximately 2.2 acres) along Canton Street, east of Franklin Street, from Business (B) to Moderate Density Residential (MDR), is a Type I action, and Councillor Powers seconded to wit:

SEQR NEGATIVE DECLARATION
FOR REZONING 505 TO 611 CANTON STREET
FROM B to MDR

WHEREAS, the City desires to amend the zoning map to rezone 505 to 611 Canton Street from B to MDR; and

WHEREAS, such change is consistent with the purposes and goals of Section 221-4 of the Zoning Ordinance; and

WHEREAS, such change is consistent with the principals and spirit of the Community Plan; and

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WHEREAS, § 221-51 designates City Council as the lead agency for SEQR reviews of zoning text and map amendments;

NOW, THEREFORE, BE IT RESOLVED that pursuant to Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act of the Environmental Conservation Law, the City Council has determined the proposed zoning map amendment is a Type I action and will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form; and

BE IT FURTHER RESOLVED that the proposal be referred to the Ogdensburg Planning & Development Board for recommendation and the County Planning Board for review under 239-m.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Morley stated at the last meeting he requested a breakdown of the expenses and revenues at the Lockwood Arena and hasn't received them. City Manager Arthur Sciorra stated this was completed today and is being reviewed before releasing it. Mr. Sciorra said he would also like to compare 2008 and 2009, and to contrast where we came from in 2008 and where we are going in 2010.

2. Councillor Morley said he read in the Watertown Times that St. Lawrence County and the NYSDOT share plow storage barns. Councillor Morley stated that the City should have joined in. Mr. Sciorra stated that we don't have a secure fenced in area to house their plows and added that Kit Smith, Director of Public Works meets with them a couple times a year regarding shared services.

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3. Councillor Morley stated he read the 12/4/09 DEC hearing report on the Diamond property. Councillor Morley said there are many things we can't do on that property and suggested making it a solar energy facility. Mr. Sciorra stated any proposed use above SFR (single family residential) is allowable. Councillor Sholette requested a copy of the DEC report.

4. Councillor Powers stated that over the Christmas break there was an article in the paper stating that the Lockwood Arena was closed, and people called him complaining. Director of Parks and Recreation Phil Clemens, stated his department was over budget and had no funds to operate the arena for open skating that week. Mr. Clemens estimated that two and a half hours of open skating would cost about \$500. (five workers, a Zamboni driver and propane). Mr. Clemens added that there were also three hockey tournaments held during this time.

5. Councillor Powers asked Director of Planning and Development, Justin Woods how many participants attended the Main Street Grant meeting that was held November 11. Mr. Woods stated 25 to 30 attended and he received good feedback. Councillor Powers requested a copy of the meeting write-up.

6. Councillor Powers said he thought Council would receive a copy of the Power Point presentation defining Ogdensburg's future, and asked Mr. Woods when he will receive a copy. Mr. Woods stated he will present it to Council in February.

7. Councillor Powers requested cash flow actuals for December. City Manager Arthur Sciorra stated they will be completed this week. Councillor Powers also inquired about our liability insurance quote that went out, and asked how long the City has been self-insured. Mayor Nelson said we have been self-insured for 25-30 years. Councillor Powers asked how much we pay Jim Tompkins of First Niagara. Mr. Sciorra advised that we didn't pay him for this because he worked with us on other projects and 1st Niagara administers our health insurance.

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Councillor Powers questioned if we can do this in-house or if it is mandated that we hire a consultant. Mayor Nelson stated that it is good to have a third party independent expert who deals with this at no cost to us.

8. Councillor Vaugh stated the previous Council wanted to form a committee to review the next budget and expenses. Councillor Vaugh said he is checking to see if this Council is interested. Mayor Nelson said that Mr. Sciorra is looking at staffing levels, overtime and expenses, and asked Mr. Sciorra to come up with a plan to prepare for what-if situations. Mr. Sciorra stated that he put together a budget that will get us through this year and he will watch it carefully. Mr. Sciorra added there are some things we have little control over and it is hard to prepare for the what-if's. Mr. Sciorra stated that he will continue to keep Council informed with a revenue/expenditure cash flow projection with actuals on a month-to-month basis to allow Council to spot check on the budget. Mayor Nelson said Mr. Sciorra and staff need to prepare a contingency plan in case. Councillor Sholette suggested starting the next years' budget process now and keep Council informed.

9. Councillor Vaugh stated Mr. Sciorra discussed efficiency audits on City departments. Councillor Vaugh said he's not sure whether this should be done with an internal or outside agency; but it needs to be looked at and Council may need to appropriate funds. Mr. Sciorra stated there will be a cost for an outside agency to assess our departments and wants to look at ways to do this and will report back to Council.

10. Councillor Vaugh stated a FHL Hockey League is looking to form a league along the St. Lawrence River and would like to keep the dialogue open with the new teams. Mr. Sciorra stated Director of Parks and Recreation Phil Clemens went to a recent installation of a team in Alexandria Bay. Mr. Clemens stated he went to a press conference and met the Commissioner and offered the City's facility.

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11. Councillor Cilley stated he read a newspaper article that the Recreation Department was cutting the Sharing and Learning program to cut expenses. Councillor Cilley said he was contacted by previous employees who have worked in this program and they suggested cutting the program expenses by running it with volunteers. Mr. Clemens stated he tried to contact previous employees but received no return message. Mr. Clemens also stated he has spoken with Mary LaCombe from the Remington, who has summer programs. City Manager Arthur Sciorra stated last year thirty children signed up for this program which meant low participation and increased costs. Councillor Vaugh suggested looking at non-profit organizations to fill in such as the Ogdensburg Boys and Girls Club.

12. Councillor Sholette said he read in the 2009 engineering expense report that we budgeted \$40,000. and spent \$24,595, and questioned if we pay for the engineering reviews and are reimbursed. Mr. Sciorra explained that it's the site plan review process in which the Engineer reviews the plans for the City and we bill the developer. Councillor Sholette questioned why we paid seven amounts from the \$40,000. for specialized engineering to an engineering firm other than Tisdel. Mr. Sciorra explained it involved environmental or road engineering services and the Planner hired this firm to look at the Park Plaza and Tractor Supply plans. Councillor Sholette asked if we bid out the engineering work and Mr. Sciorra stated no, Tisdel is very reasonable and bills the City an hourly rate, which works well.

13. Councillor Sholette said in the 2001 Charter (C-13), it reads the City Attorney shall attend all Council meetings and the 2009 Charter section says the duties of the City Attorney are to attend all Council Meetings. Councillor Sholette asked if this needs to be cleaned up and how is the City Attorney paid. City Manager Arthur Sciorra stated the Charter sections regarding the City Attorney are not inconsistent and added that he is paid hourly. Mayor Nelson stated he doesn't think the City Attorney needs to be at every Council meeting and he would rather get legal advise after a question is asked and have him research it. Councillor Sholette asked if he has a legal question and the majority of Council agree, do they have to wait two weeks for an answer. Mayor Nelson said no.

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14. Councillor Skamperle questioned the status of the Lake Street Bridge Award. Mr. Sciorra stated the City is completing grant requirements and the final design and bid work will go out by summer or fall. Councillor Powers asked if we can begin the demolition of the bridge while we are waiting. Mr. Sciorra said no, we have to build a new bridge and transfer all the utilities first. Mr. Sciorra stated he just asked for an update and timeline on the project which he will provide Council.

NEW BUSINESS

1. Mayor Nelson stated that he spoke to Police Chief Rick Polniak earlier and sent the Chief and department a letter on behalf of the City Council commending him and his team, department and other agencies who joined him at the Nice & Easy Store incident on New York Avenue.

2. Councillor Morley stated he read in the Watertown newspaper that New York City awarded a contract for new voting machines to a Nebraska firm rather to a New York State firm like Dominion-Ansen. Mayor Nelson stated this was political, 45 of 61 counties choose the lower bidder Dominion, and NYC chose a Nebraska firm with a higher bid.

3. Councillor Sholette requested an update on what we spent for 2009 attorney fees for employee grievances.

4. Councillor Sholette asked if the City has reached out to P&C. City Manager Arthur Sciorra stated there has been a great offer to buy the store, and now it is up to the attorneys and accountants for Tops. Mr. Sciorra stated we have to be patient with the court process.

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5. Councillor Powers stated that Council received something in the update from New Partners for Community Revitalization regarding the \$355,500. Brownfields Opportunity Area Plan grant funding we secured. Councillor Powers said that Mr. Sciorra and the Planner attended a Brownfields Conference in New Orleans and asked for an update on that conference at a future Council meeting. Councillor Powers also said at that conference they were asked to join a Brownfields Redevelopment in Rural Areas panel, and the City was featured in a panel. Councillor Powers also requested an update on what has been done on this and on how it's proceeding. Mr. Sciorra explained that we are in the process of moving forward with the planning process and that'll take time. Mr. Sciorra added that part of the reason for the summit we held was to roll out the plans' initiatives and we're now focusing on the Brownfield Opportunity Area Grant. Mr. Sciorra stated that we will update Council on what the grant is about and what it will do for our overall plans and timeframe. Mr. Sciorra added that Ogdensburg is one of the few areas in New York State that takes advantage of Brownfields.

Councillor Vaughn stated that a year ago a developer fell through at the Diamond property and questioned if we should send out a new RFP. Mr. Sciorra explained that we're doing waterfront revitalization with the BOA and Main Street Program towards pulling together a strategy for a revitalized waterfront. Mr. Sciorra added that they plan to integrate this information into our plans for marketing strategy not just for the Diamond property, but to include Ford Street down to the water across the entire City.

Councillor Sholette questioned if we have the actual DEC certificate. Mr. Sciorra said not yet because we just held the DEC and DOH public hearing, which is the last step in the process. Director of Planning and Development, Justin Woods stated the public hearing was held on the preliminary Remedial Action Plan and the recommendation from DEC was for no further action. Mr. Woods said they are putting together a draft recommendation of decision and once completed and recorded, we'll receive the certificate. Mr. Woods also said we have some final survey work to complete and we'll receive a certificate of completion in the spring.

Councillor Sholette suggested putting the old Diamond property up for sale with planning stipulations, to get it back on the tax roll.

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Mr. Sciorra responded that controlling what the preferred developer wants to do with the property is very important. Mr. Sciorra added that Council could put this property up for sale, but he would like the opportunity to explain the BOA plan first to show Council the larger picture.

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