

## CITY COUNCIL MEETING

February 8, 2010

Page 31

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

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

ABSENT: Councillor Morley

### PERSONAL APPEARANCE

1. Steve Rose, Montgomery Street, addressed Council regarding a storm sewer flooding problem that occurred in his home and neighborhood two weeks ago. Mr. Rose stated he has spoken with Director of Public Works Kit Smith regarding this and also wanted to make Council aware of the problem. Mr. Rose asked Council to begin a study of the sewer system in his area and approve a sewer separation project. Mr. Rose stated he will give City Manager Arthur Sciorra a detailed letter regarding the neighborhood's problems and issues. Mayor Nelson stated Mr. Smith is reviewing this with Stearns & Wheeler, and the process could take up to six weeks.

2. Scott Wright of Pepsi Cola Ogdensburg Bottlers addressed Council regarding the proposed sugar sweetened beverage tax and explained how this tax would have a negative outcome for the Pepsi Cola business in Ogdensburg. Mr. Wright stated he is looking for support in fighting against this unfair tax and has planned a rally on the front steps of City Hall on Thursday, February 11<sup>th</sup> at 4:30.

### CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #3-2010 in the amount of \$502,639.62 and Library Fund Warrant #3-2010 in the amount of \$26,075.70, Capital Fund Warrant #3-2010 in the amount of \$275,586.85 and Community Development Fund Warrant #3-2010 in the amount of \$0.00 and Community Renewal Fund Warrant #3-2010 in the amount of \$0.00 and HOME Fund Warrant #3-2010 in the amount of \$0.00 and AHC Funds Warrant #3-2010 in the amount of \$16,814.72 and RESTORE Program Warrant #3-2010 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Powers seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Nelson moved the appointment of Mindy McNamara to the Growth Fund Board, term to expire December 31, 2011, and Councillor Vaughn seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle moved a resolution supporting full funding of the Aid and Incentives for Municipalities (AIM) program and opposing any reductions in financial assistance, and Councillor Sholette seconded to wit:

**RESOLUTION OF THE OGDENSBURG CITY COUNCIL SUPPORTING FULL  
FUNDING OF THE AID AND INCENTIVES FOR MUNICIPALITIES (AIM)  
PROGRAM AND OPPOSING ANY REDUCTIONS IN FINANCIAL  
ASSISTANCE**

WHEREAS, the Aid and Incentives for Municipalities (AIM) program provides essential direct State aid to cities, towns and villages; and

WHEREAS, the FY2010-11 NYS Budget includes \$734.6 million in AIM program funding; and

WHEREAS, the City of Ogdensburg received \$1.85 million in AIM funding for 2009 and is projecting \$1.76 million for 2010; and

CITY COUNCIL MEETING

February 8, 2010

Page 33

WHEREAS, the City of Ogdensburg and other municipalities within New York are facing fiscal challenges which are burdening an already over-extended property tax base; and

WHEREAS, the State of New York is facing significant financial challenges of its own; and

WHEREAS, any reductions in AIM funding will result in regressive property tax increases at the local level or disrupt local government budgets resulting in service cutbacks at a time when municipal governments are already under fiscal strain; and

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council strongly opposes any reductions in AIM funding during the current or future State fiscal years and urges the State Legislature and Governor to maintain its statutory commitment to stable and consistent funding for this program and not indirectly enact a property tax hike for localities through reductions in AIM funding; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to Governor Paterson, Senate Majority Leader Skelos and Senators Smith, Breslin, Darrel Aubertine and Joseph Griffo, Assembly Speaker Silver, Assemblywomen Dierdre Scozzafava and Addie Russell and NYS Budget Director Robert Megna.

The vote was:

CARRIED, AYES ALL

2. Councillor Cilley moved a resolution opposing legislation that requires the U.S. Census to count prison inmates as living in their home communities instead of the prison where they are incarcerated, and Councillor Powers seconded to wit:

RESOLUTION OPPOSING LEGISLATION REQUIRING U.S. CENSUS  
TO COUNT INMATES AS LIVING IN THEIR HOME COMMUNITIES  
INSTEAD OF PRISONS

CITY COUNCIL MEETING

February 8, 2010

Page 34

WHEREAS, the U.S. CENSUS currently counts prisoners where they are incarcerated by utilizing the “Usual Residence Rule”, and

WHEREAS, the definition of “Usual Residence Rule” means that people will be counted where they “eat and sleep most of the time”, and

WHEREAS, prisoners should be counted in their prison residence for the duration of their incarceration, and

WHEREAS, prisoners are part of the local community as long as the host community is required to provide costly police, fire and emergency services, and

WHEREAS, a reduction in population could have a financial impact on the City’s eligibility for state and federal programs and funding, and

NOW, THEREFORE, BE IT RESOLVED that in the interest of good government, the Ogdensburg City Council opposes legislation requiring the U.S. Census to count prison inmates as living in their home communities instead of prisons, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to our Governor, US Senators and Congressmen and State Elected Officials to encourage their support.

The vote was:

CARRIED, AYES ALL

3. Councillor Powers moved a resolution authorizing the City Comptroller to transfer funds to pay for the City’s portion of the upgrade of the City Hall telephone switch box, and Councillor Skamperle seconded to wit:

RESOLUTION AUTHORIZING TRANSFER OF FUNDS

WHEREAS, the City’s telephone system is over 10 years old; and

WHEREAS, on January 14<sup>th</sup> the City experienced failure of two boards in the telephone switch box, which services City Hall offices as well as the Court Offices, causing phone service to be unavailable for several hours; and

WHEREAS, the consultant has advised that the system may completely fail and would result in an extended period with no phone service; and

WHEREAS, ADR Telecom has provided a quote of \$14,589 to update the switch box; and

WHEREAS, the NYS Unified Court System has agreed to pay 31% or \$4,523 of the total cost of the upgrade;

NOW, THEREFORE BE IT RESOLVED, that the City Comptroller is hereby authorized to transfer \$10,066 in funds from the General Fund – Fund Balance to the City Hall Equipment Maintenance Account (A1620.440) to allow for the upgrade of the City Hall telephone switch box.

The vote was:

CARRIED, AYES ALL

4. Councillor Sholette moved a resolution to allow a monument to be erected at Riverside Cemetery (Potter's Field), and Councillor Powers seconded to wit:

RESOLUTION OF THE CITY COUNCIL  
IN SUPPORT OF ERECTING A MONUMENT AT THE FRONT  
OF RIVERSIDE CEMETERY (POTTER'S FIELD)

WHEREAS, in 1862 Ogdensburg Village Trustees voted to take measures to convert the Hamilton Street Cemetery into a public park, and

WHEREAS, relatives and friends of those buried in the Hamilton Street Cemetery were requested to remove and relocate their loved ones within one year; and

CITY COUNCIL MEETING

February 8, 2010

Page 36

WHEREAS, despite numerous legal publications, there were many unclaimed graves that head to be removed and relocated, and

WHEREAS, a plot of land on State Hwy 812 was purchased and the unclaimed from the Hamilton Street Cemetery were placed to rest there, and

WHEREAS, this plot of land is known as Riverside Cemetery (also known as Potter's Field), and

WHEREAS, an individual has requested permission to erect a monument in Riverside Cemetery (aka Potter's Field) to honor all the deceased who are buried there, and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Ogdensburg gives its support and approval for a monument to be erected in front of Riverside Cemetery (aka Potter's Field) to honor all of the deceased who are buried there.

The vote was:

CARRIED, AYES ALL

5. Councillor Vaugh moved a resolution opposing the proposal to impose an additional excise tax on beverage syrups and soft drinks, Councillor Powers seconded to wit:

RESOLUTION OF THE OGDENSBURG CITY COUNCIL  
OPPOSING GOVERNOR PATERSON'S PROPOSED  
SUGAR SWEETENED BEVERAGE TAX

WHEREAS, the 2010-2011 NYS Budget includes a proposal to impose an additional excise tax on beverage syrups and soft drinks at a rate of \$7.68 per gallon for syrups and \$1.28 per gallon for bottled drinks and powders; and

CITY COUNCIL MEETING

February 8, 2010

Page 37

WHEREAS, raising taxes on soda and juice drink products hits hardworking New Yorkers who can least afford to pay the higher costs, especially middle and lower income New Yorkers the hardest, and

WHEREAS, the beverage industry currently supports more than 160,000 jobs held by hardworking New Yorkers all across the state in manufacturing, distribution, and retail, and

WHEREAS, the non-alcoholic beverage industry in New York State has a direct economic impact of \$7 billion per year and supports an additional \$18 billion in economic activity, and

WHEREAS, the enactment of these unfair and misdirected beverage taxes could cost our state over 6,000 jobs; and

WHEREAS, this increase would negatively affect our local producer, Pepsi Cola Ogdensburg Bottlers; and

WHEREAS, any reductions in jobs could result in disrupting local government budgets resulting in service cutbacks at a time when municipal governments are already under fiscal strain; and

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council strongly opposes the proposal to impose an additional excise tax on beverage syrups and soft drinks; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to Governor Paterson, Senator Malcolm A. Smith, Senator Pedro Espada, Jr., Senator Dean Skelos, Senator Carl Kruger, Senator Darrel Aubertine, Senator Joseph Griffo, Assembly Speaker Sheldon Silver, Assemblyman Ron Canestrari, Assemblyman Brian M. Kolb, Assemblywoman Dierdre Scozzafava, Assemblywoman Addie J. Russell and NYS Budget Director Robert Megna.

The vote was:

CARRIED, AYES ALL

CITY COUNCIL MEETING

February 8, 2010

Page 38

6. Mayor Nelson moved a resolution to adopt the Climate Smart Communities Pledge, and Councillor Vaugh seconded to wit:

RESOLUTION  
TO ADOPT THE CLIMATE SMART COMMUNITIES PLEDGE

WHEREAS, the City of Ogdensburg (hereinafter "local government") believes that climate change poses a real and increasing threat to our local and global environments which is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that City of Ogdensburg, in order to reduce greenhouse gas emissions and adapt to a changing climate will

**1. Pledge to Combat Climate Change by Becoming a Climate Smart Community**

Set goals to reduce GHG emissions and adapt to predicted climatic changes. Establish a task force of local officials and community members to review the issues and propose a plan of action. Designate a point person who will oversee climate change initiatives and publicly report on progress.

## CITY COUNCIL MEETING

February 8, 2010

Page 39

Work cooperatively with similar task forces in neighboring communities to ensure that efforts complement and reinforce one another. As an official signal of commitment and for access to technical resources, sign on to a widespread climate campaign such as ICLEI Local Governments for Sustainability - Climate Protection campaign.

### **2. Set Goals, Inventory Emissions, Move to Action**

Gather data, inventory GHG gas emissions, and establish baselines for local government operations and community sectors. Develop quantifiable interim GHG emission targets consistent with emission reduction goals and propose a schedule and financing strategy to meet them. Encourage stakeholder and public input and develop an action plan. Report emissions to The Climate Registry (TCR), which has developed a standardized method for reporting emissions inventories; use ICLEI and TCR's tools to track and evaluate progress.

### **3. Decrease Energy Demand for Local Government Operations**

Adopt a goal of reducing electricity use by 15 percent from projected levels no later than 2015.

**Existing Public Facilities.** Inventory current building electricity usage and identify opportunities for conservation and efficiency retrofits. Obtain energy assessments from the New York State Energy Research and Development Authority (NYSERDA), the New York Power Authority, the Long Island Power Authority or other professionals. Consider actions such as purchasing energy efficient equipment and appliances, such as ENERGY STAR®; improving lighting, heating, and cooling efficiency; setting thermostats for maximum energy conservation; decreasing plug load from office equipment; and increasing pump efficiency in water and wastewater systems.

**New Public Buildings.** Achieve at least minimum U.S. Green Building Council Leadership in Energy and Environmental Design standards (LEED Silver) for all new local government buildings.

**Infrastructure.** Incorporate energy efficient technologies and operations and maintenance practices into municipal street lighting, traffic signals, and water and wastewater treatment facilities.

**Vehicle Fleet and Commuting.** Improve the average fuel efficiency of local government fleet vehicles. Discourage vehicle idling and encourage bicycling, car-pooling and public transit for employees. Consider reducing the number of vehicles; converting fleet vehicles to sustainable alternative fuels; and using electric vehicles where possible.

#### **4. Encourage Renewable Energy for Local Government Operations**

Supply as much of the local government's power, heat and hot water needs as possible from solar, wind, and small hydro through purchase or direct generation.

#### **5. Realize Benefits of Recycling and Other Climate Smart Solid Waste Management Practices**

Expand the "reduce, reuse and recycle" approach to waste management in local government operations and in the whole community. Reduce the amount of solid waste generated -- promote backyard composting, implement volume-based pricing and educate residents on how to prevent waste. Promote reuse by organizing community-wide yard sales, and providing a space for drop-off or trade of reusable goods. Provide recycling receptacles in local government buildings and outdoor spaces, require duplex printing in government offices, compost food scraps and green waste, and adopt a comprehensive green purchasing program.

#### **6. Promote Climate Protection through Community Land Use Planning**

Combat climate change by encouraging low-emissions development that is resilient to climatic changes. When updating land use policies, building codes or community plans, include provisions to combat climate change; reduce sprawl; preserve and protect open space, biodiversity, and water supplies; promote compact, transit-oriented, bikeable and walkable communities; promote infill development; minimize new development in floodplains; maintain or establish healthy community forests; and promote best forest management practices and encourage tree planting, especially along waterways, to increase shading and to absorb carbon dioxide.

#### **7. Plan for Adaptation to Unavoidable Climate Change**

Evaluate risks from unavoidable climate change, set adaptation goals and plan for adaptation. Identify climate change impacts (such as flooding, drought, and extreme temperatures) that could affect the community. Identify areas such as water supply and sewer infrastructure that may be at risk due to sea-level rise and future changes in climate.

## CITY COUNCIL MEETING

February 8, 2010

Page 41

Factor risks into long-term investments and decision-making. Execute climate change adaptation and preparedness measures through local government planning, development and operations, giving priority to the highest risk areas.

### **8. Support a Green Innovation Economy**

Identify opportunities to incorporate climate protection, sustainability and environmental goods and service industries into economic development plans. Encourage workforce development training and school curricula that support the emerging green collar job sector, including renewable energy and energy efficiency, as well as climate smart solid waste management practices. Procure climate smart goods and services for local government operations and support modernizing of local and national electricity grids.

### **9. Inform and Inspire the Public**

Lead by example. Highlight local government commitment to reducing energy use, saving tax dollars, and adapting to changing conditions. Demonstrate the benefits of energy savings, energy efficiency, and renewable energy projects by hosting open houses; distributing fliers; holding local meetings; working with school districts, colleges, and universities to develop climate change curricula and programs; engaging faith-based communities in climate protection; and regularly communicating community climate protection goals and progress to constituents.

### **10. Commit to an Evolving Process**

Acknowledge that research and policy on climate protection are constantly improving and evolving. Be willing to consider new ideas and commit to update plans and policies as needed. Compare successes, cooperate and collaborate with neighboring communities to redirect less-effective actions and amplify positive results.

The vote was:

CARRIED, AYES ALL

## CITY COUNCIL MEETING

February 8, 2010

Page 42

### OLD BUSINESS

1. Councillor Powers stated that at the last Council meeting he asked if the asbestos abatement process had started at the Morris and Knox Street buildings. Councillor Powers asked if the buildings would be demolished this winter. Public Works Director, Kit Smith, stated the buildings will be demolished when the City receives the second installment of the \$400,000. grant, hopefully this winter.

2. Councillor Skamperle asked if the sewer drainage problems at Beaverbrook were caused by two 18 inch storm sewer drains emptying into the 15 inch drains on Jay Street. Mr. Smith stated that the area between Beaverbrook, Montgomery Street and Jay Street is combined with an old area, and Stearns and Wheeler would like to include this area in their long-term plan. Mr. Smith stated he will be giving Council an update on long-term control after his meeting with Stearns and Wheeler and will present their recommendations for the entire City's hydraulics at the March 22<sup>nd</sup> meeting.

3. Councillor Sholette asked if Mr. Denny's complaint from the last Council meeting has been addressed. City Manager Arthur Sciorra stated the issue was turned over to the police and code departments.

4. Councillor Sholette stated he previously requested a housing income guideline chart, and hasn't received it. Mr. Sciorra said he will get him this information.

### NEW BUSINESS

1. Councillor Skamperle stated that when he was campaigning residency requirements for City employees was discussed. Councillor Skamperle said he would like Council to review a residency requirement for new employees.

## CITY COUNCIL MEETING

February 8, 2010

Page 43

Councillor Skamperle added that the City of Hornell and Village of Massena have adopted new residency requirements for current employees. Mayor Nelson stated that this issue has been discussed each year, and NYCOM has some information on the requirements which can be obtained. City Manager Arthur Sciorra stated he was familiar with police and fire requirements but was not sure how Hornell's requirements were written. Councillor Cilley stated he is not in favor of residency requirements for employees and suggested that Council should look at why employees do not want to live in the City of Ogdensburg.

2. Councillor Sholette asked if the property on the corner of State and Lafayette Streets was going to remain a park or if it will be put up for auction. Mr. Sciorra stated it is not a park and he would like to redevelop to commercial property as it is a buildable lot. Councillor Cilley stated we need to look at properties owned by the City and put them back on the tax rolls. After much discussion, there was no consensus of Council to designate this property as a park.

3. Councillor Sholette thanked Mr. Sciorra for the memo containing information on our shared services. Mr. Sciorra stated he wanted Council to know what shared services we provide.

Councillor Vaugh asked if we have talked to the school district and OBPA about sharing services with the City. Mr. Sciorra stated he has talked with the school district, but not yet with the OBPA.

4. Mayor Nelson stated the next NYCOM meeting in Albany is February 21<sup>st</sup> through the 23<sup>rd</sup>, and he and City Manager Arthur Sciorra will be attending. Mayor Nelson proposed rescheduling the Monday, February 22<sup>nd</sup> City Council meeting to Wednesday, February 24<sup>th</sup> at 7:00 pm.

Mayor Nelson moved the Monday, February 22<sup>nd</sup> City Council Meeting to Wednesday, February 24<sup>th</sup> at 7:00 p.m. in City Council Chambers, and Councillor Powers seconded to wit:

CITY COUNCIL MEETING  
February 8, 2010  
Page 44

The vote was:

CARRIED, AYES ALL

ITEMS FOR DISCUSSION

1. Councillor Sholette stated he is going to take part in the Greater Ogdensburg Chamber of Commerce's Polar Bear Plunge and is looking for sponsors.

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