

CITY COUNCIL MEETING

February 9, 2009

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

PRESENT: Mayor Nelson, Councillors Hannan, Flynn,
Morley, Powers, Sholette and Vaugh

ABSENT: None

PRESENTATIONS

1. Mike Caton, Computel, Inc. made a presentation to Council regarding Time Warner Cable's underpayment of franchise fees to the City of Ogdensburg. Mr. Calton summarized and presented a prepared report to Council. (A copy of this report follows these minutes.)

2. Al Ricalton, NYSDOT Regional Office of Planning and Program Management, and Bruce Irwin, DANC Special Assistant, made a presentation to Council on the NCTS/NTE Studies for the proposed Rooftop Highway. Mr. Irwin stated that the Route 11 Corridor is the recommended route and that NYSDOT is not going to push for the highway due to financial concerns.

3. Mayor Randy Delosh and Supervisor Gary Edwards addressed Council regarding the proposed Rooftop Highway project. Both Mr. Delosh and Mr. Edwards agreed that they would support whatever corridor is chosen, but would prefer the Route 37 highway for the Canadian commerce and our industrial parks.

Mayor Nelson moved to amend the order of the agenda to move the Executive Session to this part of the meeting, and Councillor Flynn seconded the motion.

The vote to amend the order of the agenda was:

CARRIED, AYES ALL

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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.

PRESENTATIONS CONTINUED

4. Justin Woods, Director of Planning and Development, and Kimberly DesChamp, Economic Development Program Manger, made a presentation to Council outlining a proposed Strategic Community & Economic Development Plan. (A copy of the report follows these minutes.)

5. Justin Woods, Director of Planning and Development, made a presentation to Council regarding the Visitor's Center Landscaping Phase II plan. Mr. Woods reported that Woods Landscaping and L&M Construction will return in the spring to continue landscaping. Mr. Woods added that there is \$520,000.00 left in the budget. Mr. Woods also stated that at the end of the month we will begin the bidding process to construct a new access road for the Border Patrol and boaters. Mr. Woods explained that we will close the current road to develop a plaza area.

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CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #3-2009 in the amount of \$568,262.44 and Library Warrant #3-2009 in the amount of \$22,652.89, Capital Fund Warrant #3-2009 in the amount of \$8,891.21 and Community Development Fund Warrant #3-2009 in the amount of \$101,685.95 and Community Renewal Fund Warrant #3-2009 in the amount of \$0.00 and HOME Fund Warrant #3-2009 in the amount of \$0.00 and AHC Funds Warrant #3-2009 in the amount of \$9,620.00 as audited, be and the same are ordered paid and Councillor Powers seconded the motion.

The vote was:

CARRIED, AYES ALL

PERSONAL APPEARANCES:

1. Sam Burns, St. Lawrence County Legislator, addressed Council regarding the proposed Rooftop Highway project. Mr. Burns urged open communication among local governments on this project and added that in order to achieve the full impact of the highway for economic development, the spurs need to be a part of the construction. Mr. Burns stated that he will not support the Route 11 Corridor without spurs. Mr. Burns also stated that high speed rail service should also be considered with CXS to Syracuse.

2. Dan Skamperle, 814 Mansion Avenue, addressed Council regarding the Rooftop Highway project. Mr. Skamperle stated that he would like the Council to support the proposed highway with a spur to Ogdensburg as we have an unique situation with the Ogdensburg bridge to Canadian commerce. Mr. Skamperle stated we need to consider a balance between our community and the economic development in the region.

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ITEMS FOR COUNCIL ACTION

1. Councillor Morley moved a resolution authorizing the City Manager to execute a grant application to the US Department of Transportation Federal Highway Administration agreement for \$905,000 to fund the Paterson Street reconstruction Project, and Councillor Vaugh seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A STANDARD FEDERAL-AID HIGHWAY AND MARCHISELLI-AID
LOCAL PROJECT AGREEMENT FOR \$905,000 TO FUND THE
PATERSON STREET RECONSTRUCTION PROJECT

Authorizing Master Federal/Local Aid Agreement,
Paterson St. Reconstruction, PIN 775299
Preliminary Engineering, Right-of-Way Incidentals and Final Design

WHEREAS, a project for the reconstruction of Paterson Street, PIN 775229 (the "Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, the City of Ogdensburg desires to advance the project by making a commitment of 100% of the federal and non-federal share of the costs of the preliminary engineering, right-of-way incidentals and final design in the amount of \$905,000.;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Ogdensburg hereby authorizes the City Comptroller to pay in the first instance 100% of the federal and non-federal share of the costs of preliminary engineering, right-of-way incidentals and final design for the project; and

BE IT FURTHER RESOLVED, that the sum of \$905,000 is hereby appropriated from the City of Ogdensburg Capital budget and/or consolidated improvement program funding and made available to cover the cost of participation in the above phase of the project; and

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BE IT FURTHER RESOLVED, that in the event the full federal and non-federal share costs of the project exceed the amount appropriated above, the City Council of the City of Ogdensburg shall convene as soon as possible to appropriate said excess amount immediately upon notification by the City Manager's Office; and

BE IT FURTHER RESOLVED, that the City Manager of the City of Ogdensburg is hereby authorized and directed to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Ogdensburg with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the municipality's first instance funding of project costs and permanent funding for the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations that are not so eligible; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the project.

The vote was:

CARRIED, AYES ALL

2. Councillor Flynn moved a resolution authorizing City Manager to submit a grant application to NYSDOT for Maple City Trail signage, and Councillor Hannan seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO SUBMIT A GRANT APPLICATION TO THE US DEPT. OF
TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

WHEREAS, the US Dept. of Transportation Federal Highway Administration (FHWA) has announced that grant funds will be made available from the National Scenic By-ways (NSB) Program, and

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WHEREAS, the City has a popular 2.2-mile-long recreational trail along the St. Lawrence and Oswegatchie Rivers called the Maple City Trail, and

WHEREAS, this waterfront recreational trail presently intersects the Seaway Trail on Route 37, and

WHEREAS, the Scenic By-ways Program may be used for the development and implementation of an interpretive plan including tourist information directly related to the by-way and related by-way amenities, and

WHEREAS, the Scenic By-ways Program may fund interpretive signage and directional way-signs,

NOW, THEREFORE, BE IT RESOLVED that the City Manager, Arthur J. Sciorra, is hereby authorized and directed to file an application for funds from the US Dept. of Transportation Federal Highway Administration in accordance with the provisions of the National Scenic By-Ways Program, in an amount not to exceed \$40,000, and upon approval of said request to enter into and execute a project agreement with the Federal Highway Administration for such financial assistance to the City of Ogdensburg for this Maple City Trail project.

The vote was:

AYES: Mayor Nelson, Councillors Flynn, Hannan,
Powers, Sholette and Vaugh

NAYS: Councillor Morley

CARRIED, 6 TO 1

3. Mayor Nelson moved a resolution to change the Council Meeting of February 23, 2009, and Councillor Morley seconded to wit:

RESOLUTION TO CHANGE THE REGULARLY SCHEDULED
COUNCIL MEETING OF FEBRUARY 23, 2009

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BE IT RESOLVED, that the regularly scheduled City Council Meeting of Monday, February 23, 2009 be changed to Tuesday, February 24, 2009 at 7:00 p.m. in the City Council Chambers at City Hall.

The vote was:

AYES: Mayor Nelson, Councillors Hannan, Morley
Powers, Sholette and Vaugh

NAYS: Councillor Flynn

CARRIED, 6 TO 1

4. Mayor Nelson moved a resolution calling for a public hearing on an Ordinance to amend AR-42 "City Attorney", and Councillor Sholette seconded to wit:

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

BE IT RESOLVED, that Ordinance No. 2 of 2009, entitled:

Amendment to the Administrative Regulations, §AR-42 entitled "City Attorney" of the City of Ogdensburg 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 Ordinance 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 Ordinance at the City Council Chambers at 7:00 pm on Tuesday, February 24, 2009, and

BE IT FURTHER RESOLVED that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of Ogdensburg of said public hearing at least five days prior thereto.

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The vote was:

AYES: Mayor Nelson, Councillors Hannan, Morley
Powers, Sholette and Vaugh

NAYS: Councillor Flynn

CARRIED, 6 TO 1

OLD BUSINESS

1. Councillor Powers asked City Manager Arthur Sciorra for an update on the Toped/Park Plaza legal proceedings. Mr. Sciorra stated that information was in last week's update from Attorney Michael Gebo outlining the process for court action in the spring.

2. Councillor Hannan stated he is willing to support the Route 11 Corridor as the proposed route for the Rooftop Highway with spurs. Mr. Hannan stated he would support a resolution containing the recommendation of spurs.

3. Councillor Hannan proposed having the local school children design the please refrain from smoking signs that are going to be posted in City parks through a contest. Mr. Sciorra stated he would work on that.

4. Mr. Sciorra asked Council which direction they would like staff to take on a possible Rooftop Highway resolution. After much discussion, there was a consensus of Council to draft a resolution supporting the Route 11 Corridor with a spur connecting Ogdensburg.

5. Councillor Sholette asked Mr. Sciorra if there has been any interest in the concession stand at the Visitor's Center. Mr. Sciorra reported there has been some interest, but there is nothing to report yet.

6. City Manager Arthur Sciorra asked Justin Woods, Director of Planning and Development, to summarize for Council how the City is involved with the Riverbank Power proposal.

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Mr. Woods stated he met with the Ogdensburg Bridge and Port Authority in January, 2009 regarding this proposal and has applied for intervener status. Mr. Woods added that he also sent Mr. Douglas a letter inviting him to address Council and the public. Mayor Nelson stated that he would like to do a press release or update our website to help the public understand the facts of this proposed project. Mayor Nelson added that the public also needs to know this project review process is just beginning and we have the final say. Mr. Woods said he would send a letter to the editor for the Sunday Advance News to educate the public.

NEW BUSINESS

1. Mayor Nelson welcomed Ogdensburg Journal reporter Brian Kidwell back to the City Council meeting after his recent surgery.
2. Councillor Hannan said he read the letter City Comptroller Philip Cosmo received from Robert Pomfrey, POMCO Group President and CEO, regarding a proposed tax on health care. Councillor Hannan stated that he would like to go on record opposing a hidden tax on our healthcare system. Mayor Nelson turned this letter over to staff for direction. (A copy of the letter follows these minutes.)
3. Councillor Flynn stated that he is familiar with the issues that can be discussed in Executive Session and questioned how the last order of business brought up after the City Attorney and Comptroller left, applied within the Executive Session regulations. Mayor Nelson stated that the City Attorney sent us his legal interpretation of 485e.
4. Mayor Nelson requested information from City Manager Arthur Sciorra regarding Councillors' expense reimbursements.

ITEMS FOR DISCUSSION

1. Mr. Sciorra stated that a Gouverneur official is upset with Time Warner Cable switching channels from a Syracuse affiliate to a Plattsburgh affiliate and has requested that the Mayor and Council contact Time Warner and voice their displeasure.

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After much discussion, there was a consensus of Council not to act on this issue with Time Warner Cable.

2. Mayor Nelson held up a water meter notice that Kit Smith, Director of Public Works has regarding water leaks and water conservation. Mayor Nelson explained that this card shows examples of how much water is lost through different sized leaks, such as running toilets and leaky faucets. Mayor Nelson suggested that these notices be included with water bills, newsletter and placed on our website. Mayor Nelson congratulated Mr. Smith for doing a great job trying to preserve and conserve City water.

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