

CITY COUNCIL MEETING

September 24, 2012

Page 252

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

PRESENT: Deputy Mayor Morley, Councillors Ashley, Cilley, Hosmer, Skamperle and Stevenson

ABSENT: Mayor Nelson

Deputy Mayor Morley said Mayor Nelson is excused from the Council meeting because he is in Washington for his job.

PRESENTATION

1. Interim Planning Director Andrea Smith updated Council on the SEQR process and outlined the steps for the LWRP, referring to her memorandum to Interim City Manager Phil Cosmo dated September 18, 2012. (A copy of her memorandum follows these minutes.)

Deputy Mayor Morley asked if the Type II action classification is reviewed by a board other than DEC. Ms. Smith said it can be reviewed by Planning Board with a note included in the file, but there is no formal paperwork filed with the DEC. Councillor Hosmer asked why we are doing a SEQR on the plan when we don't know what the project will be. Ms. Smith explained we are required to do the SEQR first. Councillor Hosmer asked if we are locked into doing anything on the plan, and Ms. Smith said no. Deputy Mayor Morley asked if Council will receive a hard copy of the plan, and Mr. Cosmo said he can provide a hard copy for Deputy Mayor Morley. Ms. Smith stated if we are going to provide hard copies of the plan, she would like to wait until the final version is available. Councillor Stevenson asked Ms. Smith to check with each Councillor before printing to see if they want a hard copy.

CITY COUNCIL MEETING

September 24, 2012

CONSENT AGENDA

Deputy Mayor Morley moved that the claims as enumerated in General Fund Warrant #16-2012 in the amount of \$450,462.95 and Library Fund Warrant #16-2012 in the amount of \$21,474.56 and Capital Fund Warrant #16-2012 in the amount of \$0.00 and Community Development Fund Warrant #16-2012 in the amount of \$28,293.66 and Community Renewal Fund Warrant #16-2012 in the amount of \$40.02 and HOME Fund Warrant #16-2012 in the amount of \$3,192.00 and AHC Funds Warrant #16-2012 in the amount of \$0.00, RESTORE Program Warrant #16-2012 in the amount of \$0.00 and NSP Funds Warrant #16-2012 in the amount of \$0.00 and NY Main St. Program Warrant #16-2012 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Deputy Mayor Morley moved a resolution authorizing the interim City Manager to execute a Memorandum of Agreement with St. Lawrence County, and Councillor Ashley seconded to wit:

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER
TO SIGN A MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF OGDENSBURG
AND ST. LAWRENCE COUNTY

BE IT RESOLVED, that the Interim City Manager is authorized to sign the attached Memorandum of Agreement for joint emergency response and disaster recovery operations between the City and St. Lawrence County.

Interim City Manager Philip Cosmo explained that he along with the Police Chief, Fire Chief and Public Works Director met with the new St. Lawrence County Emergency Services Director. Mr. Cosmo said they discussed the joint emergency response and disaster recovery operations between the City and St. Lawrence County. Mr. Cosmo advised it is an umbrella program that ties in with FEMA and outlines how we will work together if needed. Councillor Skamperle stated he likes that the City maintains control over what happens in the City. Mr. Cosmo said the County is simply there if we need help, unless it is a county-wide disaster.

The vote was:

CARRIED, AYES ALL

2. Councillor Hosmer moved a resolution declaring the Ogdensburg City Council as lead agency for the Coordinated State Environmental Quality Review (SEQR) Process of the draft Local Waterfront Revitalization Program Amendment and Harbor Management Plan, and Councillor Stevenson seconded to wit:

**RESOLUTION DECLARING THE OGDENSBURG CITY COUNCIL
LEAD AGENCY FOR THE COORDINATED SEQR PROCESS**

WHEREAS, the City of Ogdensburg entered into a contract with the New York State Department of State for preparation of a Local Waterfront Revitalization Program Amendment and Harbor Management Plan; and

WHEREAS, a Draft Local Waterfront Revitalization Program Amendment and Harbor Management Plan (LWRP & HMP) have been prepared under said contract under the guidance of the Department of Planning and Development and consultant, EDR Companies; and

CITY COUNCIL MEETING

September 24, 2012

Page 255

WHEREAS, the City Council has been provided Part I of the Full Environmental Assessment Form concerning the action of adopting the LWRP & HMP; and

WHEREAS, the City's Draft LWRP & HMP, upon its approval by the New York State Department of State, would become part of the State's Coastal Management Program;

NOW, THEREFORE, BE IT RESOLVED, the City Council has accepted Part I of the Full Environmental Assessment Form for review and consideration and will lead a coordinated State Environmental Quality Review of the draft LWRP & HMP with the Ogdensburg City Council designated as lead agency, under the provisions of the State Environmental Quality Review Act, in accordance with the requirements of Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law.

BE IT FURTHER RESOLVED, that the City Council will notify the appropriate interested and/or involved agencies of their decision to lead a coordinated SEQR review with the Ogdensburg City Council as Lead Agency.

Councillor Hosmer asked why the Planning Board is not the lead agency. Interim Planning Director Andrea Smith explained the Department of State recommended Council be the lead agency. Ms. Smith said Council will be asked to review the documents, but the forms will be prepared by the Planning Office. Councillor Stevenson asked if the Planning Board will make a recommendation. Ms. Smith said Council doesn't need the Planning Board's recommendation. Councillor Stevenson stated if the Planning Board has SEQR training it makes sense to have their recommendation. Councillor Hosmer agreed. Councillor Cilley said Council is financially responsible and he likes having the final say. Councillor Cilley stated Council needs input, but also needs to be the decision making body. Ms. Smith said Council is the determining body but she is sure the Planning Board will make a recommendation if requested.

CITY COUNCIL MEETING

September 24, 2012

Page 256

Ms. Smith stated at this point, only Council members have a working draft of the plan and asked that they send their comments to her or the City Manager. Councillor Cilley said Ms. Smith has done an excellent job keeping Council informed. Councillor Ashley asked if the project includes 4,900 acres. Ms. Smith

explained the 4,900 acres includes the entire City, St. Lawrence River and Oswegatchie River to the southernmost border. Deputy Mayor Morley said he would also like the Planning Board's opinion, with Council having the final say. Ms. Smith stated she will add this request to the next Planning Board agenda for discussion.

The vote was:

CARRIED, AYES ALL

3. Councillor Stevenson moved a resolution authorizing the City Manager to execute a supplemental agreement which will increase the total funding for the Paterson Street project from \$905,000 to \$950,000, and Councillor Hosmer seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXECUTE A STANDARD FEDERAL-AID HIGHWAY AND
MARCHISELLI-AID LOCAL PROJECT AGREEMENT FOR
\$950,000 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

CITY COUNCIL MEETING
September 24, 2012
Page 257

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 \$950,000.;

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 \$950,000 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

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.

CITY COUNCIL MEETING

September 24, 2012

Page 258

Interim City Manager Philip Cosmo said this \$45,000 increase covers the engineering and design work for the right of way incidentals, but only 5% of that cost is our responsibility. Councillor Morley asked what is Marchiselli Aid. Mr. Cosmo explained it is a separate New York State funding source named after a legislator. Mr. Cosmo added the funding for the Spring Street bridge renovations that were done years ago, also came from that same program. Deputy Mayor Morley asked for confirmation that the City's portion of the entire project will be \$47,000, and Mr. Cosmo said yes. Councillor Hosmer said he went to look at the

program plans today, but they were not available. Mr. Cosmo advised the plans are now available for review, as of this afternoon. Councillor Skamperle questioned why utilities won't be placed underground and added our community surveys show that people are not happy with the Ford Street aesthetics. Councillor Skamperle noted Public Works Director Kit Smith said there was a cost to each homeowner, but stated without underground utilities we are just rebuilding an eyesore. Mr. Cosmo said to change this project now and require each homeowner to pay a utility change fee, could push the project back several years. Councillor Skamperle suggested someone talk to the utility companies. Mr. Cosmo said he will get some information for Council. Deputy Mayor Morley stated the utility companies will just pass the cost onto homeowners. Councillor Stevenson said she would be concerned if there would be a cost to the homeowners. Councillor Hosmer questioned if there are any programs to lower the cost to homeowners. Mr. Cosmo said he will look into it.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Ashley advised the Lake Street Bridge will be opening in a couple weeks.

2. Councillor Ashley asked if Council Chamber walls can be painted, and Interim City Manager Philip Cosmo said yes.

CITY COUNCIL MEETING

September 24, 2012

Page 259

3. Councillor Ashley requested an update on Mr. Rose's piping and swale issue. Mr. Cosmo advised that we are waiting for cost information from Tisdal Associates.

4. Councillor Hosmer asked if there will be a Lake Street Bridge dedication and if there is a scheduled opening date. Mr. Cosmo said he assumes a dedication ceremony will be planned and an opening date has not yet been confirmed. Councillor Hosmer questioned if it will be known as the Lake Street Bridge. Mr. Cosmo said there is no official name but noted it is also referred to as the Maple City Trail Bridge.

5. Councillor Hosmer asked if we have received an update from the Oddfellow's Club since the weekly water flushing began. Councillor Morley asked if there have been any complaints. Public Works Director Kit Smith confirmed that weekly flushes are being done and there have been no complaints.

6. Councillor Hosmer asked if Canadian money is accepted at the Dobisky Visitor's Center. Mr. Cosmo said yes.

7. Councillor Hosmer asked if the City can obtain another access point for better Wi-fi reception in the City Council Chamber. Mr. Cosmo said he will check into it. Deputy Mayor Morley questioned who provides the City's internet service and Mr. Cosmo advised Westelcom/Slic.

8. Councillor Hosmer requested an update on the NSP program. Mr. Cosmo said the 819 Knox Street property should close within the first two weeks of October. Mr. Cosmo explained 2 Grove Street will need to be re-reviewed due to income eligibility issues and there is a meeting scheduled later this week to go over the applicants. Interim Planning Director Andrea Smith advised there are two applicants trying to finalize the eligibility paperwork. Councillor Stevenson asked if the property was re-advertised, and Ms. Smith said no because we are still using applications from the first round. Ms. Smith explained qualification depends on income, the makeup of the family and the HUD standards. Ms. Smith said both 2 Grove Street and 113 Adams Avenue have eligible parties. Councillor Stevenson said she is surprised that there are other eligible parties since she understood there

CITY COUNCIL MEETING

September 24, 2012

Page 260

were not multiple applicants and that the families receiving these properties were the only parties who applied. Councillor Hosmer agreed. Councillor Morley asked if the program is still being administered by C.W. Augustine, and Mr. Cosmo said yes. Ms. Smith said there are two homes left and two eligible entities. Councillor Stevenson asked for an update on the NSP program and Adams Avenue property. Ms. Smith said she is working on a memo to update Council.

9. Councillor Skamperle asked for an update on the paper street near Joe Basta's property. Interim City Manager Philip Cosmo said we will need to determine if it is a City-owned paper street, noting it is the northern portion of Adams Avenue. Councillor Skamperle said Joe Basta told him that the City

previously determined it is not a paper street and he just wants an easement. Councillor Skamperle asked Mr. Cosmo to call Joe Basta. Deputy Mayor Morley said he thought Mr. Basta bought the parking lot for access. Mr. Cosmo stated he will call Mr. Basta.

10. Councillor Skamperle stated he asked for a review of certain sections of the City's Municipal Code two years ago and asked for an update. Mr. Cosmo explained the Planning Board is working on a review of the entire Municipal Code. Mr. Cosmo said the last amendment took years. Councillor Skamperle advised he is receiving complaints and suggested the Planning Board hold a meeting to get input from businesses.

11. Councillor Ashley asked if the new zamboni has been ordered. Mr. Cosmo said yes and explained it will be 200+ days until delivery. Mr. Cosmo stated the zamboni purchase will be added to next year's budget. Councillor Hosmer asked what the City will use for a zamboni this season. Mr. Cosmo explained we have our current zamboni but noted we are working with other rinks for loaners. Councillor Morley asked if a date has been set for the ice to be put in. Mr. Cosmo said he will check with the Recreation Director.

CITY COUNCIL MEETING

September 24, 2012

Page 261

NEW BUSINESS

1. Councillor Ashley requested a resolution be prepared for the next Council Meeting requiring all City-owned vehicles be returned to their appropriate designated area in the City at the end of each day. Councillor Skamperle said he will support the resolution and added that vehicles should not be taken outside of the City for lunch breaks either. Deputy Mayor Morley and Councillor Stevenson also agreed. Interim City Manager Philip Cosmo asked if the resolution should include all City-owned vehicles, such as Police Chief and Fire Chief. Councillor Ashley said the Police Chief, Fire Chief and Public Works Director do not take their vehicles home. Councillor Cilley asked if the City has any contractual obligations with employees regarding the use of City-owned vehicles. Mr. Cosmo stated he will check into it. Public Works Director Kit Smith explained there are five vehicles issued to City employees: City Manager, Police Chief, Fire Chief, himself and a DPW Supervisor. Mr. Smith stated a study was previously done and it was established that it is cost effective to have the DPW Supervisor take the City-owned vehicle home because that vehicle contains the maps and tools needed for the emergency jobs. Mr. Smith explained that time is of the essence in an emergency, and the DPW Supervisor carries a pager and phone, while receiving no extra compensation. Mr. Smith advised that the DPW Supervisor lives eight miles outside the City, which amounts to 3,200 miles per year and about \$500 in gas. Mr. Smith added that the DPW Supervisor is on call 24/7 for all sewer and water main breaks. Councillor Ashley said all police and fire personnel are on call and drive their own vehicles when called in, adding we should set an example for the taxpayers since the new City Manager is not getting a vehicle. Mr. Smith advised the DPW Supervisor has the maps in the vehicle and goes directly to the scene when there is a problem, which is a huge advantage especially when parked City-owned vehicles are covered in snow and ice. Mr. Smith said the rest of the City workers can get by but the situation with the DPW Supervisor's vehicle is a little different.

CITY COUNCIL MEETING

September 24, 2012

Page 262

2. Councillor Hosmer said he has heard over the past couple of weeks that people have been taking things from the Cheese Plant. Interim City Manager Philip Cosmo explained that City Attorney Andy Silver said it is allowed. Mr. Cosmo advised depositions were just given and there will be a trial next year. Councillor Morley asked why the equipment cannot be secured to cover the cost of the unpaid bills. Mr. Cosmo explained that only equipment we have a known secured interest in can be withheld. Mr. Cosmo advised pictures are taken every time they access the premises to remove equipment.

3. Councillor Hosmer stated the Desperado's building that the City tried to sell at public auction needs a new roof, noting it is covered in mold. Councillor Hosmer explained if we do not put a roof on the building, we are going to have to demolish it. Mr. Cosmo said we can determine what is required to minimally secure the building. Public Works Director Kit Smith advised that he visited the property with Aaron Jarvis of Tisdal Associates and Matt Denner to look at the roof and Mr. Jarvis recommended replacing the roof. Mr. Smith said this will cost about \$50,000, noting the understructure of the roof needs to be replaced as well. Councillor Hosmer asked if the building will be sound if the roof is replaced. Mr. Smith said structurally the building is well put together but the mold needs to be removed. Mr. Smith added that he has taken about 10-12 people through it who were interested until they discovered the condition of the roof. Councillor Morley said he was approached by someone he referred to Mr. Cosmo, but Mr. Cosmo said that party never came back. Councillor Stevenson asked for an estimate to repair the roof. Mr. Smith explained the full length of the north end is damaged and will cost about \$40,000 to \$50,000 to stop it from leaking. Councillor Stevenson requested the estimated cost to stop the roof from leaking and also the cost to complete the entire project including all required cleaning to sell the property.

4. Councillor Hosmer requested an update on the Blue Way Trail email. Councillor Hosmer explained it is a map and brochure system of hotels, parks and maps that he would like to see used for the area from the Oswegatchie River to Heuvelton and into Ogdensburg. Mr. Cosmo advised Recreation Director Matthew Curatolo is looking into this.

CITY COUNCIL MEETING

September 24, 2012

ITEMS FOR DISCUSSION

1. Interim City Manager Philip Cosmo requested Council's reaction to the email regarding the sale of 807/809 Ford Street. Councillor Ashley asked how soon the public auction can be held. Mr. Cosmo explained if a public hearing and ordinance are required to sell the property, it must be publicized for three weeks before the public auction can be held. Mr. Cosmo advised that the prospective buyer will commit to purchasing the property if the current tenant stays. Councillor Hosmer asked if the current tenant is moving, and Mr. Cosmo said the tenant is looking at another property. Councillor Stevenson stated she would like to see the property go through public auction process, but not if it will delay the sale and require us to winterize the property. Councillor Skamperle said he would like to see the property on the tax rolls as soon as possible. Councillor Morley stated he thought City-owned property must be sold through the public auction process. Mr. Cosmo explained that City Attorney Andy Silver said if the property is taken at tax sale, a public auction is not required. Councillor Morley stated he has a hard time not holding the public auction because the property is being sold to someone who will make a profit, which differs from selling it back to a property owner who lost it for taxes. Councillor Ashley said he agrees with Councillor Morley and a public auction should be held. Mr. Cosmo said six ayes will be required to sell this property and he needs to know how to proceed. Councillor Skamperle stated the minimum bid should be lowered to get it back on the tax rolls. Councillor Stevenson said she would like to see the process move along as quickly as possible so we do not lose the interested party.

Deputy Mayor Morley made a motion to hold a public hearing at the October 9, 2012 Council Meeting and Councillor Ashley seconded the motion.

Councillor Ashley asked if there are any other properties that could be sold, and Mr. Cosmo said we are not ready yet. Councillor Hosmer asked if the City has to hire an auctioneer, and Mr. Cosmo said no.

CITY COUNCIL MEETING

September 24, 2012

Page 264

The vote was:

CARRIED, AYES ALL

2. Councillor Hosmer said the Chamber of Commerce is holding the City's first Ogotoberfest on October 6, 2012 and it will include fireworks.

3. Councillor Hosmer asked if we are updating the new City Manager John Pinkerton through updates. Interim City Manager Philip Cosmo said we will start including him with City Council updates.

4. Councillor Skamperle noted that October 8, 2012 is Columbus Day and asked if next Council Meeting will be on October 9th. Mr. Cosmo said yes.

5. Councillor Stevenson stated she enjoyed the Library tour and suggested the City Manager and Council visit all City Departments. Councillor Hosmer and Deputy Mayor Morley agreed. Public Works Director Kit Smith said members of Council have toured the DPW and he would be happy to conduct a tour through all of the facilities.

6. Mr. Smith announced that the Lake Street Bridge should be completed on October 1, 2012. Mr. Smith explained Wayne Ladouceur of VIP Productions, Inc. is doing a documentary of the project and noted Tuscora was great to work with. Councillor Ashley asked if the project was over or under budget, and Mr. Smith said the project was completed on time and under budget.

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