

CITY COUNCIL MEETING

December 3, 2012

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

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

ABSENT: None

PUBLIC HEARING

1. A public hearing regarding the 2013 Budget for the City of Ogdensburg was held.

The following people spoke:

1. Fire Chief Steve Badlam advised Council that if the Fire Department staff is reduced to less than five men per shift, his department would not be able to effectively respond to calls and meet OSHA requirements. Chief Badlam added it would force firefighters to wait for another member to arrive on scene. Chief Badlam said his department has offered ideas to generate revenue and asked Council to review those ideas before cutting positions from his department.

2. Assistant Fire Chief Ron Bouchard said 30 years ago the fire department had 12 more members and did not provide many of the services they provide today. Assistant Fire Chief Bouchard said the following sources of revenue should be reviewed by Council:

- collecting a percentage of insurance payments received by the Ogdensburg Volunteer Rescue Squad since the fire department responds to calls
- an increase in sales tax revenue
- contribution from tax exempt properties with a per call charge

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No one else being present to speak, the hearing was declared closed.

2. A public hearing on a Local Law to amend Chapter 215 (Sections 39, 40 and 41) of the Ogdensburg Municipal Code entitled "Water Rates" was held. No one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Steve Rose, 1702 Montgomery Street, addressed Council regarding the Beaverbrook canal. Mr. Rose said he has received no response to his letters and explained Council had previously directed Public Works Director Kit Smith to obtain a quote to have the canal filled. Mr. Rose said he would like answers on the estimate.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #21-2012 in the amount of \$165,174.12 and Library Fund Warrant #21-2012 in the amount of \$344.66 and Capital Fund Warrant #21-2012 in the amount of \$0.00 and Community Development Fund Warrant #21-2012 in the amount of \$2,018.90 and Community Renewal Fund Warrant #21-2012 in the amount of \$0.00 and HOME Fund Warrant #21-2012 in the amount of \$0.00 and AHC Funds Warrant #21-2012 in the amount of \$0.00, RESTORE Program Warrant #21-2012 in the amount of \$0.00 and NSP Funds Warrant #21-2012 in the amount of \$21,111.69 and NY Main St. Program Warrant #21-2012 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Hosmer seconded the motion.

Councillor Morley asked for a breakdown of the NSP payment. City Comptroller Philip Cosmo said it is a combination of payments to C.W. Augustine, Inc. and vendors.

Councillor Morley expressed concern over continued payments to C.W. Augustine, Inc. and asked when the NSP program will end. Mr. Cosmo said there are still program reporting requirements, and he will forward a breakdown to Councillor Morley.

The vote was:

AYES: Mayor Nelson, Councillors Ashley, Cilley,
Hosmer, Skamperle and Stevenson

NAYS: Councillor Morley

APPROVED, 6 TO 1

ITEMS FOR COUNCIL ACTION

1. Councillor Stevenson moved a resolution authorizing the City Manager to enter into a contract with Bronze Contracting, LLC for a sum not to exceed \$39,895.00 for the demolition of 505 New York Avenue, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING AWARD OF CONTRACT
DEMOLITION OF 505 NEW YORK AVENUE

WHEREAS, bids have been solicited and received for the Demolition of 505 New York Avenue; and

WHEREAS, City staff have evaluated the bids and recommended the contract be awarded to the responsible low bidder;

NOW, THEREFORE, BE IT RESOLVED that John M. Pinkerton, City Manager, is authorized to enter into the following contract, for a sum not to exceed \$39,895.00, on behalf of the City; and

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<u>SUPPLIER</u>	<u>BID AMOUNT</u>	<u>CONTINGENCY</u>
Bronze Contracting LLC 9106 Plank Road Remsen, NY 13438	\$37,895.00	\$ 2,000

BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from the NSP Program and Housing Program Income-State.

Councillor Ashley asked if NSP money will be used for the demolition. City Manager John Pinkerton explained that \$24,999. of NSP funds will be used, with the balance coming from CD funds. Councillor Ashley asked when the work will begin. Mr. Pinkerton said the project will move forward once this resolution is approved. Councillor Hosmer asked if the City has done business with this contractor in the past. City Comptroller Philip Cosmo said no, but all credentials were checked. Councillor Cilley questioned why their bid is so low, noting there is \$46,000 difference between the high and low bid. Interim City Planner Andrea Smith said Bronze Company, LLC is a new company with two municipal references and was given great reviews. Ms. Smith said Frank Richardson was the second lowest bidder, but did not submit a complete bid packet. Ms. Smith explained the project is to be substantially complete by January 15th and finalized on January 31st. Ms. Smith said the bid does not include the tipping fees. Councillor Morley asked if the CD funds are reimbursable from NSP. Ms. Smith explained that we were granted permission to not put the funds back into the NSP program as originally required. Councillor Cilley requested that a tipping fee estimate be included in all future bids so Council can review the total estimated cost of the project. Ms. Smith said the garage is not part of the demolition project and will remain. Mr. Pinkerton advised the garage is structurally sound. Councillor Skamperle said he would rather see a local contractor receive the project for only a \$4,000 difference. Mayor Nelson explained the local contractor did not submit a complete bid packet.

The vote was:

AYES: Mayor Nelson, Councillors Ashley, Cilley,
Hosmer, Morley and Stevenson

NAYS: Councillor Skamperle

APPROVED, 6 TO 1

2. Councillor Morley moved a resolution authorizing the City Manager to enter into an Environmental Easement with the NYS Department of Environmental Conservation for the former Diamond International Paper Mill Site, and Councillor Skamperle seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO AN
ENVIRONMENTAL EASEMENT WITH THE
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION
FOR THE FORMER DIAMOND INTERNATIONAL PAPER MILL SITE

WHEREAS, the City of Ogdensburg has entered into a State Assistance Contract (SAC) with the New York State Department of Environmental Conservation (NYSDEC) under the Environmental Restoration Program (ERP) for contamination remediation the former Diamond International Paper Mill Site, and;

WHEREAS, the ERP requires the City enter into an Environmental Easement, in the form attached to this resolution, with the NYSDEC as an enforceable means of ensuring performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land;

NOW, THEREFORE, BE IT RESOLVED BY the Ogdensburg City Council hereby authorizes the City Manager to execute an Environmental Easement with the NYS Department of Environmental Conservation for the former Diamond International Paper Mill Site.

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City Manager John Pinkerton explained the City has to allow NYS Department of Environmental Conservation on the property to evaluate how to move forward with the project. Mr. Pinkerton said City Attorney Andy Silver reviewed and approved the contract. Councillor Morley asked if NYS Department of Environmental Conservation already had access to the property, and Mr. Pinkerton explained the previous easement has expired. Councillor Morley asked if there is any cost associated with the easement, and Mr. Pinkerton said no.

The vote was:

CARRIED, AYES ALL

3. Councillor Skamperle moved a resolution authorizing the City Manager to execute the Final Design Report Project Approval Sheet for the Paterson Street Reconstruction Project, and Councillor Stevenson seconded to wit:

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
THE FINAL DESIGN REPORT PROJECT APPROVAL SHEET FOR
THE PATERSON STREET RECONSTRUCTION PROJECT**

WHEREAS, the City Council has appropriated money and passed resolutions to support the preliminary proposal for the Paterson Street Reconstruction Project; and

WHEREAS, on September 10, 2012, the City Council voted to continue to commit funding and support for the Paterson Street Reconstruction Project as originally proposed; and

WHEREAS, the City Council concurs with the design approval recommendation in the Final Design Report prepared by Barton & Loguidice, P.C.; and

WHEREAS, construction is anticipated in the construction season of 2013;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute the Final Design Report Project Approval Sheet for the Paterson Street Reconstruction Project.

Councillor Skamperle said he previously asked that a redesign be reviewed to include underground utilities. City Manager John Pinkerton said he met with representatives from Barton & Loguidice, PC who indicated the City would need to start the entire project all over again if any changes are requested. Councillor Hosmer asked what the City's cost for the project will be, and Mr. Pinkerton said 5%. Councillor Hosmer suggested underground utilities be reviewed for future projects. Councillor Morley said there was a possibility that State funding would be cut for this project and asked if the City had been notified. City Comptroller Philip Cosmo said the funding will not change. Mayor Nelson said there was a lot of work done behind the scenes to get this project approved and funded.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution adopting the Preliminary 2013 Budget as amended, and Councillor Morley seconded to wit:

RESOLUTION TO ADOPT
THE CITY OF OGDENSBURG'S 2013 BUDGET

THEREFORE BE IT RESOLVED, that the City of Ogdensburg adopts the 2013 Preliminary Budget as amended in the attached schedules,

BE IT FURTHER RESOLVED, that the following rates shall be in effect for 2013:

1. The City Real Property Tax Rate for 2013 shall be \$16.74 per thousand dollars of assessed valuation.

There was much discussion amongst Council regarding the budget adjustments. (A copy of the 2013 budget adjustments follow these minutes.)

The vote was:

AYES: Mayor Nelson, Councillors Ashley,
Morley, Skamperle and Stevenson

NAYS: Councillors Cilley and Hosmer

APPROVED, 5 TO 2

5. Mayor Nelson moved a local law to allow for the changes in the OMC Chapter 215 entitled "Water Rates" as dictated by the adoption of the 2013 budget, and Councillor Hosmer seconded to wit:

Local Law #3 of 2012

§ 215-39 Rates for metered service; meter reading, installation and repair.

A. The following schedule of rates for metered water service is hereby fixed and established effective the first billing date after January 1, 2013, and upon filing with the Secretary of State:

Meter Size (inches)	Water Allowed (gallons)	Minimum Quarterly Rate
5/8	20,000	69.00
3/4	27,000	92.00
1	40,700	138.50
1 1/4	53,900	183.50
1 1/2	67,800	230.50

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2	135,600	461.00
3	204,400	695.00
4	272,600	927.00

\$3.40 per 1,000 gallons of water used

B. Meters shall be read and billed monthly or quarterly at the discretion of the City.

C. Meters shall be installed and repaired by the City of Ogdensburg. The cost of such installation and repair for all meters is to be charged to the customer.

§ 215-40. Flat-rate charges.

The following schedule of rates for flat-rate service is hereby fixed and established effective the first billing date after January 1, 2013 and upon filing with the Secretary of State:

<u>Type of Use</u>	<u>Rate</u>
Single-family residence, per year	\$276.00
Multi-family residence for each family unit or each tenant, per year	276.00
Rooming houses; private homes with additional rooms to rent or commercial rooming houses	
Minimum annual rent	276.00
Annual rooms to hire (annual rent)	69.00
Commercial or office units in a commercial/residential mixed structure (where metering is determined impractical by City Engineer), per commercial or office unit per year.	276.00

§ 215-41. Miscellaneous charges

The following schedule of rates is hereby fixed and established for the period effective the first billing after January 1, 2013, and upon filing with the Secretary of State:

<u>Type</u>	<u>Rate</u>
Fire protection for unoccupied metered or unmetered premises or where service is shut off and/or meter is removed by DPW employees. If this type of service is performed by other than DPW personnel the property owner is not entitled to the fire protection rate.	\$138.00
Fire hydrant on private property	276.00
Swimming pools (filling of), per occasion	92.00
Circus (in advance), per day	92.00
Service disconnect or seal by the City, per occasion	38.00
Service reconnection by the City, per occasion	38.00
Water service turn/off, per occasion	34.00
Annual rooms to hire (annual rent)	69.00

The vote was:

AYES: Mayor Nelson, Councillors Ashley, Cilley,
Hosmer, Skamperle and Stevenson

NAYS: Councillor Morley

APPROVED, 6 TO 1

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OLD BUSINESS

1. Councillor Morley asked for an update on the Beaverbrook canal issue. There was a consensus of Council that a full report be given at the December 10, 2012 meeting.

2. Councillor Morley said he wanted the City Manager to look at cutting equipment from the fund balance. Mayor Nelson said the City Manager will look at it.

NEW BUSINESS

1. Councillor Hosmer said he would like staff to look into a three year projected budget to help Council see future concerns. Councillor Morley suggested that budget cuts be made during work sessions with department heads instead of Council trying to review the entire budget at the meeting.

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