

CITY COUNCIL MEETING

September 14, 2009

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

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

ABSENT: Councillor Powers

Mayor Nelson stated Councillor Powers requested to be excused due to work obligations.

PUBLIC HEARING

1. A public hearing regarding an Ordinance to amend Chapter 221, Section 221-38 entitled "Open Storage of Inoperative or Unregistered Motor Vehicles" of the Ogdensburg Municipal Code was held. The following spoke:

Paul Richards, 905 Congress Street, spoke in favor of this code change.

Justin Woods, Director of Planning and Development, stated the Planning Department is opposed to this code change.

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

PRESENTATION

1. Mayor Nelson signed and read a Proclamation declaring the week of September 17 – 23, 2009 as Constitution Week. Sally Hartman, of the Swe-Kat-Si Chapter of the National Society Daughters of the American Revolution, thanked Mayor Nelson for continuing this tradition (a copy of the proclamation follows these minutes).

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CORRESPONDENCE

1. Mayor Nelson read a letter from Michael Lawson, Director of ICMA Center for Performance Measurement, which outlined that the City of Ogdensburg was presented a Certificate of Achievement in recognition of its use of performance measurement in local government management including training, verification and public reporting. (Copies of the certificate and letter follow these minutes.)

PERSONAL APPERANCE

1. Robert Flavin, 116 Ogden Street, addressed Council and questioned why the City was planning to spend \$437,000 on landscaping at the Visitors' Center and moving the Riverside Avenue roadway. Mr. Flavin also questioned why the children's portion of the Economic Development Summit was scheduled for 12:30 while they are in school.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #15-2009 in the amount of \$3,733,778.38 and Library Fund Warrant #15-2009 in the amount of \$349,933.03, Capital Fund Warrant #15-2009 in the amount of \$3,281.65 and Community Development Fund Warrant #15-2009 in the amount of \$714.30 and Community Renewal Fund Warrant #15-2009 in the amount of \$16,670.90 and HOME Fund Warrant #15-2009 in the amount of \$0.00 and AHC Funds Warrant #15-2009 in the amount of \$18,317.03 and RESTORE Program Warrant #15-2009 in the amount of \$13,140.00 as audited, be and the same are ordered paid and Councillor Vaughn seconded the motion.

The vote was:

CARRIED, AYES ALL

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APPOINTMENTS

1. Mayor Nelson moved the appointment of Steve White, 3607 Route 6, Hammond, NY 13646, to the Frederic Remington Art Museum Board of Trustees, term to expire January 31, 2012, and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved the appointment of Patrick A. Woods, 515 Judson Street, to the Planning Board, term to expire December 31, 2012, and Councillor Sholette seconded the motion.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved the appointment of Ronald Seguin, 702 Pickering Street, to the Planning Board, term to expire December 31, 2012, and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved the re-appointment of Scott Thomas, 13 Canada Circle, to the Zoning Board, term to expire December 31, 2012, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

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5. Mayor Nelson moved the appointment of Jamie R. Amo, 1017 Pickering Street, to the Zoning Board, term to expire December 31, 2012, and Councillor Flynn seconded the motion.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved the appointment of Sandy Porter, 723 Jay Street, to the Historic Commission, and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

7. Mayor Nelson moved the appointment of Kathleen Wade, 503 Caroline Street, to the Historic Commission, and Councillor Flynn seconded the motion.

The vote was:

CARRIED, AYES ALL

8. Mayor Nelson moved the appointment of John Stevenson, 525 Greene Street, to the Historic Commission, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

9. Mayor Nelson moved the appointment of Michael Carroll, 625 Ford Avenue, to the Historic Commission, and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

10. Mayor Nelson moved the appointment of Daniel Harradine, 18 Perry Road, to the Historic Commission, and Councillor Flynn seconded the motion.

The vote was:

CARRIED, AYES ALL

11. Mayor Nelson moved the appointment of Douglas Farley, 125 Hamilton Street, to the Historic Commission, and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Morley moved to take a resolution off the table authorizing the City Manager to enter into an agreement with B & S Business Services, Inc. for the placement of an ATM inside the Dobisky Community Center, and Councillor Hannan seconded to wit:

RESOLUTION

BE IT RESOLVED that the Ogdensburg City Council hereby authorizes City Manager Arthur J. Sciorra to execute the attached agreement with B & S Business Services, Inc. for the placement of an ATM (automated teller machine) inside the Dobisky Community Center.

The vote was:

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

NAYS: Councillor Morley

APPROVED, 5 TO 1

2. Councillor Flynn moved an ordinance regarding an amendment to Section 221-38, entitled "Open Storage of Inoperative or Unregistered Motor Vehicles" of the Ogdensburg Municipal Code, and Councillor Morley seconded to wit:

ORDINANCE__ OF 2009
ORDINANCE AMENDING CHAPTER 221 ENTITLED "ZONING"
OF THE CITY OF OGDENSBURG MUNICIPAL CODE

BE IT ORDAINED AND ENACTED by the City Council of the City of Ogdensburg, New York, as follows:

WHEREAS, The City of Ogdensburg Planning Board reviewed §221-38 Open storage of inoperative or unregistered motor vehicles and concluded with the recommendation that the City should follow the state's law and allow the storage of one unregistered/unlicensed vehicle; and

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WHEREAS, 'New York Property Maintenance Code 302.8 Motor Vehicles' prohibits a vehicle at any time to be in a state of major disassembly, disrepair or in the process of being stripped or dismantled; and

WHEREAS, the City of Ogdensburg Code §221-37B(4) states that the storage of personal recreational vehicles are exempt from all permit requirements; and

WHEREAS, The City of Ogdensburg Code §189-1.1. 'Placement of materials between sidewalks and curbs or on streets, highways or public places.' prohibits the placement of unregistered motor vehicles, temporarily or otherwise, to be placed between the sidewalk and the curb or on any City right-of-way where there is no sidewalk; and

WHEREAS, there has been confusion and debates over a resident's ability to store an unregistered vehicle on their personal property under the existing wording of §221-38 Open storage of inoperative or unregistered motor vehicles; and

SECTION ONE:

That Chapter 221, ZONING, §221-38 entitled "Open Storage of Inoperative or Unregistered Motor Vehicles" is hereby **deleted** and **replaced** with the following:

"Except as otherwise provided for in Statute or City Regulations, open storage of two or more inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises. Storage of a single unregistered motor vehicle shall be permitted in all residential districts provided that its body is completely covered by a fitted cover or tarp in good repair that is securable to the vehicle and free of foreign objects placed upon the cover."

SECTION TWO:

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

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Mayor Nelson asked if the City Attorney has reviewed this amendment. City Manager Arthur Sciorra stated that the attorney needs to address how our Code Enforcement will enforce this. Councillor Morley said the Planning Board has approved this amendment and we need to get compliant with the State Code. Councillors Vaugh and Hannan agreed this ordinance should go no further until the attorney reviews it.

Mayor Nelson moved to table this ordinance for legal review of the administrative issues, and Councillor Vaugh seconded the motion.

The vote was:

AYES: Mayor Nelson, Councillors Hannan, Sholette and Vaugh

NAYS: Councillors Flynn and Morley

TABLED, 4 TO 2

3. Councillor Morley moved a resolution authorizing the City Manager to sign an agreement to extend the Snow and Ice Control Agreement between the City of Ogdensburg and St. Lawrence County, and Councillor Vaugh seconded to wit:

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

BE IT RESOLVED, that the City Manager is authorized to sign the attached extended Snow and Ice Control Agreement between the City of Ogdensburg and St. Lawrence County.

The vote was:

CARRIED, AYES ALL

4. Councillor Vaughn moved a resolution authorizing the City Manager to enter into a contract with T. J. Fiacco Construction, Inc. regarding the Ogdensburg Visitor Center Project – Landscaping Phase II, and Councillor Hannan seconded to wit:

RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR THE VISITOR CENTER PROJECT - LANDSCAPING PHASE II

WHEREAS, bids have been solicited and received for the Visitor Center Project - Landscaping Phase II; and

WHEREAS, City staff have evaluated the bids and recommended the contract be awarded to the responsible low bidder, including Alternate No. 1;

NOW, THEREFORE, BE IT RESOLVED that Arthur J. Sciorra, City Manager, is authorized to enter into the following contract, for a sum not to exceed \$437,000.00, on behalf of the City;

CONTRACTOR	BID AMOUNT	CONTINGENCY
T.J. Fiacco Construction, Inc. 7666 SH 56 Norwood, NY 13668	\$297,000.00 Alt. #1 <u>100,000.00</u>	
	\$397,000.00	\$40,000

BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from Capital Fund H718201.519.

The vote was:

AYES: Mayor Nelson, Councillors Flynn,
Hannan and Vaughn

NAYS: Councillors Morley and Sholette

APPROVED, 4 TO 2

5. Councillor Sholette moved a resolution to approve the sale of City-owned property located at 708 Main Street to Ron and Nancy Bell, and Councillor Morley seconded to wit:

RESOLUTION TO APPROVE THE SALE
OF CITY OWNED REAL PROPERTY

WHEREAS, the Ogdensburg City Council, on August 10, 2009, authorized the public auction of City owned real property located at 708 Main Street, Tax Map # 59.021-2-10, and

WHEREAS, the City held an auction on August 27, 2009 to sell said property, and

WHEREAS, the City received a bid that met the minimum bid set by City Council,

NOW THEREFORE BE IT RESOLVED, that the City Council approves the sale of 708 Main Street to Ron and Nancy Bell for the price of \$3,000.00, and

BE IT FURTHER RESOLVED, that said transfer will take place once all appropriate paperwork is completed.

The vote was:

CARRIED, AYES ALL

6. Councillor Hannan moved a resolution authorizing the City Comptroller to transfer \$2,217.57 from the Capital Fund balance to the Capital Account H718204.518 to close out the Skateboard Park Project, and Councillor Vaughn seconded to wit:

RESOLUTION AUTHORIZING TRANSFER OF FUNDS

WHEREAS, the Skateboard Park project has been completed and reimbursement has been received from the NYS Office of Parks, Recreation & Historic Preservation for 50% of the total construction cost; and

WHEREAS, this project has a deficit of \$2,217.57;

NOW, THEREFORE, BE IT RESOLVED, that the City Comptroller is authorized to transfer \$2,217.57 from the fund balance in the Capital Fund to Capital Account H718204.518 to cover this deficit and close out this account.

The vote was:

CARRIED, AYES ALL

7. Councillor Morley moved a resolution authorizing the City Manager to enter into an agreement with Bach Environmental, Inc. for a sum not to exceed \$19,610. for contaminated soil removal and disposal at the former Culligan property on Lake Street, and Councillor Flynn seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT FOR CONTAMINATED SOIL REMOVAL AND DISPOSAL

WHEREAS, the City of Ogdensburg has received proposals for contaminated soil removal and disposal at the former Culligan property on Lake Street; and

WHEREAS, staff have reviewed the three proposals received and have recommended the firm of Bach Environmental, Inc. of Clayton, NY;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to enter into the following agreement, for a sum not to exceed \$19,610., on behalf of the City;

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<u>CONTRACTOR</u>	<u>AMOUNT</u>	<u>CONTINGENCY</u>
Bach Environmental, Inc . 11176 CR 9 Clayton, NY 13624	\$16,343	\$3,267

BE IT FURTHER RESOLVED, the funding shall be provided from capital account H866601.518.

The vote was:

CARRIED, AYES ALL

8. Councillor Flynn moved a resolution authorizing the award of the West River Street Pump Station Wastewater Pump contract, and Councillor Vaugh seconded to wit:

RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR THE WEST RIVER STREET
PUMP STATION WASTEWATER PUMP

WHEREAS, bids have been solicited and received for the West River Street Pump Station Vertical Open Shaft Solids Handling Wastewater Pump project; 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 Arthur J. Sciorra, City Manager, is authorized to enter into the following contract, for a sum not to exceed \$50,400.00, on behalf of the City;

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>	<u>CONTINGENCY</u>
Bat-Con, Inc. 4277 Slate Hill Road Marcellus, NY 13108	\$48,000	\$2,400

BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from the following sources:

G8130.310	\$45,000
G8130.240	\$5,400

The vote was:

CARRIED, AYES ALL

9. Mayor Nelson moved a resolution to call for a public hearing and public notice on a proposed ordinance amending Chapter 73, Animals, Article II, Dog License Fees; Impoundment; Adoption; §73-4 entitled “Impoundment Fees” of the Code of the City of Ogdensburg, and Councillor Vaugh seconded to wit:

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

BE IT RESOLVED, that Ordinance No. __ of 2009, regarding an ordinance amending Chapter 73, “Animals”, Article II, “Dog License Fees; Impoundments; Adoption”, §73-4. entitled "Impoundment fees” of the Code of the City of Ogdensburg 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 at the Council Chambers in the City of Ogdensburg, New York, on the 28th day September of 2009, 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 (7) 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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The vote was:

CARRIED, AYES ALL

10. Mayor Nelson moved a resolution to call for a public hearing and public notice on a proposed ordinance amending Chapter 185, Spray Painting, Outdoor, §185-4 entitled "License Fees" of the Code of the City of Ogdensburg, and Councillor Vaughn seconded to wit:

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

BE IT RESOLVED, that Ordinance No. __ of 2009, regarding an ordinance amending Chapter 185, Spray Painting, Outdoor, §185-4 entitled "License fees" of the Code of the City of Ogdensburg 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 at the Council Chambers in the City of Ogdensburg, New York, on the 28th day September of 2009, 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 (7) days before the hearing date of a notice setting forth the time and place and describing the proposed ordinance in summary form.

The vote was:

CARRIED, AYES ALL

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11. Mayor Nelson moved a resolution to call for a public hearing and public notice on a proposed ordinance amending Chapter 157, Peddling and Soliciting, §157-10, entitled "Expiration of License" and §157-12. (A) and (B) entitled "License fees" of the Code of the City of Ogdensburg, and Councillor Flynn seconded to wit:

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

BE IT RESOLVED, that Ordinance No. __ of 2009, regarding an ordinance amending Chapter 157, Peddling and Soliciting, §157-10. entitled "Expiration of License" and §157-12. (A) and (B) entitled "License fees" of the Code of the City of Ogdensburg 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 at the Council Chambers in the City of Ogdensburg, New York, on the 28th day September of 2009, 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 (7) days before the hearing date of a notice setting forth the time and place and describing the proposed ordinance in summary form.

The vote was:

CARRIED, AYES ALL

12. Mayor Nelson moved a resolution declaring the Wastewater Treatment Plant Energy Improvement Project a Type II Action pursuant to the State Environmental Quality Review Act, and Councillor Morley seconded to wit:

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RESOLUTION DECLARING THE
WASTEWATER TREATMENT PLAN ENERGY IMPROVEMENT PROJECT A
TYPE II ACTION PURSUANT TO THE
STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, the Wastewater Treatment Plant (WWTP) Efficiency Improvement Project (EIP) will be funded in part by the Environmental Facilities Corp. Clean Water Act Revolving Loan Fund or Green Infrastructure Grant Program; and

WHEREAS, the EIP, as set forth in the attached Engineering Report prepared by the Tisdell Associates Consulting Engineers, dated May 22, 2009, will rehabilitate, reconstruct, repair and/or replace existing structures and components of the WWTP to improve energy efficiency, reduce operational and energy costs and increase the operational efficacy of the WWTP; and

WHEREAS, the Engineering Report identifies components of the aeration system and the methane recapture system that will be replaced, rehabilitated and/or repaired as part of the EIP including blowers and automated operation, bubble diffuser, methane boiler and gas flare; and

WHEREAS, the annual energy cost savings to the City have been estimated to be approximately \$92,718; and

WHEREAS, the Energy Improvement Project will reduce impacts to the environment by decreasing electricity and natural gas used at the project; and

WHEREAS, the City Council hereby clarifies its resolution adopted on May 11, 2009, declaring the WWTP EIP to be a Type II action pursuant to 6 NYCRR 617:

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council finds that the Wastewater Treatment Plant Energy Improvement Project will involve the repair of existing structures with no substantial change in the structures and/or the in-kind replacement, rehabilitation and reconstruction of components of the WWTP on the same site; and

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BE IT FURTHER RESOLVED that the WWTP EIP is a Type II action under SEQRA pursuant to 6 NYCRR 617.5 (c) (1) and (2) as set forth in the Tisdell Associates Engineering Report dated May 22, 2009.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Morley questioned the public's access to the Diamond property. Director of Planning and Development Justin Woods stated the site is still under review by the Department of Environmental Conservation and the Department of Health. Kit Smith, Director of Public Works, stated sheet piling still needs to be covered and the old wooden dockage needs to be removed before the public is allowed access.

2. Councillor Morley asked if the City still had the \$750,000. RESTORE New York funding for the Shade Roller property and if there is a deadline to spend it. City Manager Arthur Sciorra said that we haven't received a grant contract from the State which means the clock hasn't started. Mr. Sciorra also stated that City staff is working to obtain additional funding as the estimated cost of this project is \$1.4 million. Mr. Woods stated the pre-demolition cost exceeded the estimate of the first phase of demolition.

3. Councillor Morley questioned the status of the sales tax agreement with the County. Mr. Sciorra stated there has been no response from the County.

4. Councillor Morley requested a Maple City Trail update. City Manager Arthur Sciorra stated we don't have access to the property and the estimated cost to renovate the bridge is \$1,000,000. Mr. Sciorra added that the City has permission to use some of the property on the other side of the bridge, but we aren't ready to renovate the bridge. Mr. Sciorra said we are looking into using the County bike trail.

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5. Councillor Morley asked if we have contacted Harold Myers, owner of Myers Pub, regarding the River District Façade Grant money. Justin Woods, Director of Planning and Development stated he met with Mr. Myers and advised him that his property is currently outside the target area. Mr. Woods added that the City can expand the target area after the other projects are completed and if there is funding.

6. Councillor Vaugh asked if any corrective action has been taken in response to the Housing Rehab Audit Report. City Manager Arthur Sciorra stated the federal and state funding has been separated.

7. Councillor Flynn requested the City Manager obtain the attorney's legal opinion on the Unregistered Motor Vehicle Ordinance that was tabled earlier, in the next two weeks. Councillor Flynn requested any recommended changes be brought to Council. Mayor Nelson stated any changes will require a new public hearing. Councillor Morley stated this ordinance shouldn't need major changes.

NEW BUSINESS

1. Councillor Flynn asked if the resolutions for public hearings could be posted on our website. Mr. Sciorra said yes when our website is revamped.

2. Councillor Hannan stated that St. Lawrence County has been looking into early retirement incentives and asked if the City was considering early retirements as a way of downsizing. City Manager Arthur Sciorra stated he is looking at this option.

3. Councillor Sholette stated over the weekend the Police Department was observed towing a log and the DPW pulled it out of the river. Councillor Sholette said he hoped no one was called in for overtime.

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4. Councillor Sholette asked if staff is looking at cheaper alternatives for health insurance. Mr. Sciorra stated a study was done by First Niagara Risk Management offering ways to reduce costs. Mr. Sciorra added that we are conducting a shared services review with the County to possibly create a larger pool for self insurance. Councillor Sholette asked if we have considered not being self insured. Mr. Sciorra said being self insured is better for the City.

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