

## CITY COUNCIL MEETING

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

PRESENT: Mayor Nelson, Councillors Ericksen, LaRose and Morley

ABSENT: Councillors Flynn, Hannan and LaMacchia

### PUBLIC HEARING

1. A public hearing was held regarding an amendment to Section 221-8, entitled "Zoning Map". No one being present to speak, the hearing was closed.

2. A public hearing was held regarding an ordinance to authorize a lease of municipal property at the Plover Hill water tower to Ridgeview Tel.

Vince Jordan of Ridgeview Tel explained that this is not a cellular telephone company, it is wireless internet service. Mr. Jordan said it runs on the same frequency used in cordless phones in homes. Mr. Jordan explained that the proposal is to provide a number of different services in compensation for utilizing the tower. He added that all City facilities will be provided with wireless service and also a hot spot capability will be placed at the Marina (and other City areas) so the boaters could get access to the internet. Mr. Jordan also said he will create an introductory webpage to advise the available services in Ogdensburg.

Councillor Morley asked if how much it would cost a homeowner for this service. Mr. Jordan stated there is a \$30.00 activation fee and at the low end price would be \$30.00 per month and high end price would be \$59.95.

Mr. Jordan said the fiber optic loop that DANC has is fantastic and has made his deployment a lot easier. Councillor LaRose asked if there was a fee for utilizing DANC. Mr. Jordan stated there was a fee for the backhaul but it was very reasonable.

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Mayor Nelson said that the resolution requires a  $\frac{3}{4}$  vote to pass. City Attorney Katherine Wears stated that a lease of real property requires a  $\frac{3}{4}$  affirmative vote (5).

Russ Finley, 956 Fulton Road, Lisbon, NY, advised Council that he has been following Mr. Gordon for several months and is very impressed with what he has accomplished. Mr. Finley said the City is a big link to the other smaller communities and this service is very much needed. Mr. Finley strongly encouraged the Council to approve this resolution.

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

### PERSONAL APPEARANCE

1. Kevin Bateman addressed Council to request an amendment to the Ogdensburg Municipal Code, Chapter 189, Section 199-13 (C) (2) regarding streets and sidewalks. Mr. Bateman requested Council change to change owners consent from unanimous to 75%. There was a consensus of Council to direct staff to review this situation.

2. Steve LeFevre, Barton & Loguidice, P.C. representative, gave Council a handout regarding the status and history of the Diamond National cleanup project. (A copy follows these minutes.)

### CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in Warrant #17-2007 in the amount of \$361,453.62, and Library Warrant #17-2007 in the amount of \$22,513.66 and Community Development Fund Warrant #17-2007 in the amount of \$28,266.18 and Capital Fund Warrant #17-2007 in the amount of \$32,525.84 as audited, be and the same are ordered paid and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Morley moved an ordinance to amend Section 221-8, entitled "Zoning Map" and Councillor LaRose seconded to wit:

ORDINANCE #8 of 2007  
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:

SECTION ONE

Amendment of Chapter 221, Section 221-8, entitled "Zoning Map"

That Section 221-8 entitled "Zoning Map" is hereby amended to read as follows:

That the portion of Section No. 48.078, Block No. 4, Lot No. 13.1, consisting of approximately .8 acres; Section No. 48.079, Block No. 17, Lot No. 1.221, consisting of approximately .7 acres; Section No. 48.079, Block No. 17, Lot No. 1.222, consisting of approximately .3 acres; Section No. 48.079, Block No. 17, Lot No. 3, consisting of approximately 1.6 acres; Section No. 48.079, Block No. 17, Lot No. 1.212, consisting of approximately .7 acres; Section No. 48.079, Block No. 17, Lot No. 4, consisting of approximately .2 acres; and Section No. 48.079, Block No. 17, Lot No. 2.1, consisting of approximately 2.5 acres, bounded by the Oswegatchie River, Mill Street, the easternmost property line of 48.078-4-25, and a line running northeasterly through the center of 48.078-4-13.1, in the City of Ogdensburg, which is zoned Business (B) is hereby rezoned to Residential/ Business (R/B).

SECTION TWO

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

The vote was:

CARRIED, AYES ALL

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2. Mayor Nelson said the following ordinance authorizing a lease of municipal property at the Plover Hill water tower to RidgeviewTel for the placement and maintenance of broadband internet service and ground based switch box requires a majority plus one affirmative vote (5) for passage. Mayor Nelson stated that three Councillors are absent and there are only four members present, this ordinance will not be acted on tonight.

Mayor Nelson moved to call for a Special Meeting on Monday October 15, 2007 at 7:00 p.m. in City Council Chambers to act on this resolution, and Councillor Ericksen seconded this motion.

The vote for a special Meeting was:

CARRIED, AYES ALL

3. Councillor LaRose moved a resolution authorizing the City Manager to submit an application to the New York State Division of Youth for Recreation and Youth Services Program Support, and Councillor seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER  
TO SUBMIT AN APPLICATION TO THE NEW YORK STATE DIVISION FOR  
YOUTH FOR RECREATION AND YOUTH SERVICES PROGRAM SUPPORT

BE IT RESOLVED, that the City Manager is hereby authorized to apply to the State Division for Youth for State Recreation Funds in the amount of \$4,840.00 and the Youth Services funds in the amount of \$2,000.00. Said Youth Services funds to be distributed among programs as follows:

	DIY FUNDS	TOTAL PROGRAM
Alternative Sentencing	2,000	6,840

The vote was:

CARRIED, AYES ALL

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4. Mayor Nelson moved a resolution calling for public hearing and public notice regarding an ordinance amending various sections of the Administrative Regulations and the Municipal Code of the City of Ogdensburg to provide for technical corrections required by reason of adoption of certain chapter amendments, administrative regulations amendments and Municipal Code amendments in relation to Building Code Enforcement, and Councillor Ericksen seconded to wit:

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

BE IT RESOLVED, the Ordinance No. 10 of 2007, entitled, Ordinance Amending various sections of the Administrative Regulations of the City of Ogdensburg and the Municipal Code of the City of Ogdensburg to provide for technical corrections required by reason of adoption of certain Charter amendments, Administrative Regulations amendments and Municipal Code amendments in relation to building and code enforcement 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 22<sup>nd</sup> day of October, 2007 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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5. Mayor Nelson moved a resolution appointing POMCO as the City's third party administrator for health insurance, and Councillor LaRose seconded to wit:

A RESOLUTION TO ENTER INTO A CONTRACT  
WITH POMCO TO PROVIDE THIRD PARTY ADMINISTRATION OF THE  
CITY'S HEALTH INSURANCE PLAN

WHEREAS, the City of Ogdensburg is self insured for the purposes of providing health insurance to it's employees and retirees, and

WHEREAS, the City uses a Third Party Administrator (TPA) to coordinate and run the plan, and

WHEREAS, the City has recently, with the help of First Niagara Risk Management, Inc., gone out and requested proposals to be the City's TPA, and

WHEREAS, we have received several responses to the request, and

WHEREAS, the City Administration and First Niagara have reviewed the submittals,

NOW, THEREFORE BE IT RESOLVED that the City Manager is authorized to enter into a contract with POMCO Group to administer the City's health insurance program effective January 1, 2008.

City Comptroller Philip Cosmo explained this is not a change in our insurance plan, only in the company that administers the plan. Mr. Cosmo stated that this change is not due to a problem with APA Partners. Mr. Cosmo added that POMCO, based on the numbers provided, can provide the same service the cheapest and they have a very good reputation.

Mayor Nelson asked if we were looking at shared services. City Comptroller Philip Cosmo stated the County presently has a program and we have contacted them to explore shared services.

The vote was:

CARRIED, AYES ALL

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6. Mayor Nelson moved a resolution providing for public notice and public hearing with regards to the sale at public auction of various City-owned properties, and Councillor LaRose seconded to wit:

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

BE IT RESOLVED, that Ordinance No. 11 entitled “An Ordinance to Offer for Sale at Public Auction City-Owned Properties” be and 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 aforementioned ordinance to be held at the Council Chambers in the City of Ogdensburg, New York on the 22<sup>nd</sup> day of October, 2007, 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

7. Mayor Nelson moved a resolution authorizing the transfer of the unallocated portion (\$100,000) of a Rural Business Enterprise Grant and the transfer of a St. Lawrence Food Corporation loan, including \$51,941.44 (\$41,796.49; \$10,144.95 Interest) in repayments, and Councillor Morley seconded to wit:

RESOLUTION REALLOCATING A RURAL BUSINESS ENTERPRISE GRANT  
AND TRANSFERRING A LOAN TO THE  
ST. LAWRENCE COUNTY CHAMBER OF COMMERCE

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WHEREAS, the City of Ogdensburg applied for and was awarded a \$200,000 Rural Business Enterprise Grant from the U.S. Department of Agriculture to recapitalize the revolving loan fund of the Ogdensburg Growth Fund Development Corporation whose primary objective is to facilitate the expansion of business activity within the City, create employment opportunities for City residents, and expand the City's industrial and commercial tax base; and,

WHEREAS, the City was able to effectively deploy \$100,000 of the grant as a loan to the St. Lawrence Food Corporation; and,

WHEREAS, it has been a struggle to attract more new or existing businesses which meet the USDA Rural Development's eligibility criteria; and,

WHEREAS, all funds must be deployed within five years of the original grant and remaining funds must revert back to the U.S. Treasury; and,

WHEREAS, the City recognizes the relatively short time remaining to put these funds to use and the negative consequences to the region of losing this valuable business resource; and,

WHEREAS, the St. Lawrence County Chamber of Commerce has indicated that they have a significant current demand for these potential loan funds;

NOW, THEREFORE BE IT RESOLVED, in the spirit of unselfish cooperation, the Ogdensburg City Council hereby consents to the transfer of the unallocated portion (\$100,000) of the grant and \$51,941.44 (\$41,796.49 Principal; \$10,144.95 Interest) in repayments on the St. Lawrence Food Corporation loan to allow these funds to assist small business throughout the county, while still remaining potentially available for the business community within the City of Ogdensburg; and,

BE IT FURTHER RESOLVED, funds, in the amount of \$51,941.44, shall be derived from the Community Development Program.

Councillor LaRose asked if we could keep the loan interest and transfer the unallocated portion of the loan only. City Planner Martin Murphy said he attempted to do this and was told the loan and the unallocated portion were coupled.

The vote was:

CARRIED, AYES ALL

8. Councillor Morley moved a resolution authorizing the City Manager to enter into an agreement with Alpha Geological Services, Inc., d/b/a/ Alpha Geoscience for data validation services at the Former Diamond International Paper Mill for a sum not to exceed \$9,350, and Councillor LaRose seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO  
AGREEMENT FOR DATA VALIDATION SERVICES AT THE  
FORMER DIAMOND INTERNATIONAL PAPER MILL

WHEREAS, the City of Ogdensburg is the current owner of the former Diamond International Paper Mill site; and

WHEREAS, the City of Ogdensburg has been awarded funding from the New York State Department of Conservation (NYSDEC) under provisions of the Environmental Restoration Program; and

WHEREAS, the City has contracted with the firm of Barton & Loguidice as consulting engineers to conduct a Site Investigation in accordance with the 2004 NYSDEC Procedures Handbook for the "Brownfield Program" to determine the nature and extent of surface and subsurface contamination; and

WHEREAS, Barton & Loguidice have solicited proposals from qualified contractors to perform data validation services at the former Diamond International Paper Mill site; and

WHEREAS, Barton & Loguidice have evaluated the two proposals submitted and have recommended the contract be awarded to Alpha Geological Services, Inc., d/b/a Alpha Geoscience;

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NOW, THEREFORE BE IT RESOLVED, that the City Manager is hereby authorized to enter into a contract not to exceed \$9,350 with Alpha Geological Services, Inc., d/b/a Alpha Geoscience for said data validation services identified in the requests for proposals prepared by Barton & Loguidice,

BE IT FURTHER RESOLVED, the City will seek ninety-percent reimbursement from the NYSDEC for such work in accordance with the contractual agreement between the NYSDEC and the City of Ogdensburg.

The vote was:

CARRIED AYES ALL

9. Mayor Nelson moved a resolution authorizing the City Manager to execute Amendment No. 2 to the State Assistance Contract with the NYS Dept. of Environmental Conservation for the completion of a Site Investigation/Remedial Alternatives Report of the Former Diamond Paper Mill Site and appropriates \$79,846 for the City's required 10% local match, and Councillor Ericksen seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE AMENDMENT  
NO. 2 TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION-ENVIRONMENTAL RESTORATION PROGRAM  
CONTRACT FOR THE COMPLETION OF A SITE  
INVESTIGATION/REMEDIAL ALTERNATIVES REPORT OF 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 the preparation of a Site/Investigation/Remedial Alternatives Report (SI/RAR) of the former Diamond International Paper Mill Site, and;

WHEREAS, the ERP provides 90% grant funding requiring 10% local match of the costs associated with the preparation of a Site Investigation/Remedial Alternatives Report, and;

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WHEREAS, the ERP provides 100% grant funding (\$100,000) for off-site investigation; and

WHEREAS, the City of Ogdensburg has executed a Contract with the firm of Barton & Loguidice (B&L) for the preparation of said SI/RAR Work Plan, and;

WHEREAS, the NYSDEC is increasing the State Assistance Grant in the amount of \$898,457 for a total of \$1,810,000., requiring \$171,000 from the City as the local match contribution, and;

WHEREAS, the City of Ogdensburg has exhausted funds (\$13,871) from an earlier U.S. Environmental Protection Agency (EPA) grant as the required 10% local match to secure ERP grant funds of approximately \$138,710 for the preparation of a SI/RAR of the former Diamond International Paper Mill Site, and;

WHEREAS, an additional \$57,550 was appropriated by the City Council from the 2005 Fund Balance on February 13, 2006, and \$19,733 from the 2006 Fund Balance on October 23, 2006, to fully leverage the remaining ERP grant funds at that time; and

NOW, THEREFORE BE IT RESOLVED, the City Council hereby authorizes the City Manager to execute Amendment No. 2 to the State Assistance Contract with the New York State Department of Environmental Conservation for the completion of a Site Investigation/Remedial Alternatives Report of the Former Diamond International Paper Mill Site; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to appropriate \$79,846 from the 2007 Fund Balance for the City's required 10% local match to DEC's ERP.

The vote was:

CARRIED, AYES ALL

10. Councillor LaRose moved a resolution authorizing the City Manager to enter into a contract with Op-Tech Environmental Services for Interim Remedial Measures (IRM) at the Former Diamond International Paper Mill for a sum not to exceed \$1,414,482., and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO ENTER  
INTO A CONTRACT FOR INTERIM REMEDIAL MEASURES (IRM)  
AT THE FORMER DIAMOND INTERNATIONAL PAPER MILL

WHEREAS, the City of Ogdensburg is the current owner of the former Diamond International Paper Mill site; and

WHEREAS, the City of Ogdensburg has been awarded funding from the New York State Department of Conservation (NYSDEC) under provisions of the Environmental Restoration Program; and

WHEREAS, the City has contracted with the firm of Barton & Loguidice as consulting engineers to conduct a Site Investigation in accordance with the 2004 NYSDEC Procedures Handbook for the "Brownfield Program" to determine the nature and extent of surface and subsurface contamination; and

WHEREAS, Barton & Loguidice have solicited bids from qualified contractors to perform Interim Remedial Measures (IRM) at the former Diamond International Paper Mill site; and

WHEREAS, Barton & Loguidice have evaluated the two bids submitted and have recommended the contract be awarded to the low bidder, Op-Tech Environmental Services;

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 \$1,414,482., on behalf of the City:

CONTRACTOR	BID AMOUNT	CONTINGENCY
Op-Tech Environmental Services 14 Old River Road Massena, NY 13662	\$1,214,482	\$200,000

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BE IT FURTHER RESOLVED, the City will seek ninety-percent reimbursement from the NYSDEC for such work in accordance with the contractual agreement between the NYSDEC and the City of Ogdensburg.

The vote was:

CARRIED, AYES ALL

11. Councilor LaRose moved a resolution authorizing the City Manager to submit an application to the New York State Office of Children and Family Services to assist in the funding of a Juvenile Aid Officer, in the amount of \$4,000.00., and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO SUBMIT  
AN APPLICATION TO THE NEW YORK STATE OFFICE OF CHILDREN  
AND FAMILY SERVICES TO ASSIST IN THE  
FUNDING OF A JUVENILE AID OFFICER

BE IT RESOLVED, that the City Manager, on behalf of the City of Ogdensburg, submit the necessary application to the New York State Office of Children and Family Services, to assist in the funding of a Juvenile Aid Officer, in the amount of \$4,000.00.

The vote was:

CARRIED, AYES ALL

NEW BUSINESS

1. Mayor Nelson read a Proclamation regarding Fire Prevention Week, October 7 through October 13.

2. Councillor Ericksen said while he was walking along the Oswegatchie River he noticed there are areas along the concrete wall where it is washing out and creating a dangerous situation. Councillor Ericksen asked the City Manager to have Kit Smith look at this and possibly backfill the areas.

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3. Councillor LaRose said there was information in the Council packet last week from the Historical Commission recommending they add Judge Shea's name to their list. Councillor LaRose added that Council received a request from Mike Herzog that to name the lane between Lafayette and Montgomery Street after Judge Shea. Councillor LaRose said he would like to see Council act on this at the next meeting.

4. Mayor Nelson advised Council that yesterday the City of Ogdensburg had the distinction of honoring two youngsters, Joey Kiah and Jacob Love, who won the New York State Bassmaster's casting competition. Mayor Nelson stated that they are now representing not only the State but also Ogdensburg, in the semi-national competition held in Orlando, Florida. Mayor Nelson encouraged residents to donate to their trip through the Community Bank.

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