

## SPECIAL CITY COUNCIL MEETING

October 15, 2007

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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, Flynn, Hannan, LaMacchia, LaRose and Morley

ABSENT: None

### PERSONAL APPEARANCE

1. Philip Deleel, Network Administrator for Claxton Hepburn Medical Center and member of St. Lawrence County IT Advisory Committee, addressed Council regarding the Ridgeview Tel wireless system. Mr. Deleel said effectively providing service to the residents of the county is one of the challenges facing the committee. Mr. Deleel said he feels Ridgeview Tel's business model and services are second to none and urged Council to approve this ordinance to allow them to move forward.

2. Russ Finley, Lisbon, addressed Council and urged them to look at the big picture. Mr. Finley said the County is educationally and economically disadvantaged and urged Council to pass this ordinance.

### ITEMS FOR COUNCIL ACTION

1. Councillor LaMacchia moved an ordinance authorizing a lease of municipal property at the Plover Hill water tower to Ridgeview Tel for placement and maintenance of broadband internet service and ground based switch box, and Councillor Morley seconded to wit:

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ORDINANCE # 9 OF 2007  
AN ORDINANCE  
TO AUTHORIZE A LEASE OF MUNICIPAL PROPERTY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
OGDENSBURG, NEW YORK, AS FOLLOWS:

ITEM ONE: An ordinance to authorize a lease of municipal property at the Plover Hill water tower to RidgeviewTel.

ITEM TWO: The City Manager has presented the attached proposed agreement to lease space within the fenced area of the Plover Hill water tower site to RidgeviewTel for the placement and maintenance of broadband internet service and ground based switch box. The lease term shall be for an initial period of two (2) years with the lessee having the option of extending this lease agreement for nine (9) additional successive two (2) year terms.

ITEM THREE: The City Manager is hereby authorized to execute the attached lease agreement, hereby made part of this ordinance.

ITEM FOUR: Passage of this ordinance shall be by a vote of three-fourths (3/4) of all members of the City Council

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

Councillor LaRose said there was a discrepancy between the ordinance and the attached contract. Councillor LaRose said the ordinance reads: 1) with option of extending this lease agreement for nine (9) additional successive two (2) year terms and the Contract says 5 additional terms, and 2) the resolution says the lessee has the option and the contract says either party. Councillor LaRose asked which was correct. City Attorney Katherine Wears stated the resolution was drafted before some of the negotiations and changes were done in the lease.

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Councillor Morley asked if we were responsible to provide power sources for this lease. City Attorney Katherine Wears said she understood from Kit Smith, that the amount of power is minimal. Mrs. Wears said that Kit Smith is comfortable monitoring their power usage for six months unless we find an issue with power. Mrs. Wears added that Ridgeview Tel will then install a private meter and they will be responsible for their power usage at all times. Councillor Morley asked what the monthly rent amount would be as it is blank in the contract. City Manager Arthur Sciorra estimated \$1,000 per month.

Councillor Hannan asked City Manager Arthur Sciorra if he had contacted any of Ridgeview Tel customers regarding the terms of their service agreement. Mr. Sciorra stated he had not, but that he did research the prices Ridgeview quoted, which are pretty much the industry costs.

Mayor Nelson said he had spoken with Alexandria Bay officials and some of the out-of-state Ridgeview Tel customers to find out about this new company and was impressed with what he heard.

Councillor LaRose said he questions the value of the water tower site because it is our obligation to the taxpayers to determine what is fair compensation from Ridgeview Tel. Chad Raphael, a representative from Ridgeview Tel explained the value of their equipment and the services they would be providing to the City in exchange for the use of the water tower site, approximately \$20,636. City Manager Arthur Sciorra said the City currently pays about \$7,000. per year for internet services and Ridgeview Tel was offering more services than we are currently receiving.

Mayor Nelson moved to adjourn to Executive session to discuss the lease agreement.

Upon returning from Executive session, all members of Council were still present.

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Mayor Nelson moved to amend the ordinance, Item Two, the last sentence from “The lease term shall be for an initial period of two (2) years with the lessee having the option of extending this lease agreement for nine (9) additional successive two (2) year terms” to “The lease term shall be for an initial period of two (2) years with either party having the option of extending this lease agreement for five (5) additional successive two (2) year terms” and Councillor Flynn seconded the motion.

The vote to amend the ordinance was:

CARRIED, AYES ALL

Mayor Nelson also stated that in the lease agreement under #3 Consideration in the first paragraph, the rent amount should be \$1,000.00 and the percentage of rent increase 3% ; and in the second paragraph the facilities should be listed – City Hall, Dobisky Center, Remington Art Museum, Fire Department, Police Department, Department of Public Works and the Water Treatment Plant. Mayor Nelson also stated that the value in consideration for the services to the City in lieu of rent is a value of \$20,635. He added that Ridgeview Tel will also pay for the cost of setting up the mobile access including the other costs of setting up the wireless system at the two hotspots, City Hall and the City Marina. Mayor Nelson pointed out that the rent will be paid by Ridgeview Tel only in the event that the City does not receive the promised internet service.

The ordinance as amended now reads:

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The vote on the ordinance as amended was:

CARRIED, AYES ALL

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