

## CITY COUNCIL MEETING

June 14, 2010

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

PRESENT: Mayor Nelson, Councillors Cilley, Morley,  
Powers, Sholette, Skamperle and Vaugh

ABSENT: None

### PUBLIC HEARING

1. A public hearing for a local law to amend the Ogdensburg Municipal Code, Chapter 199, Article VI, entitled Capital Improvement Exemption, Sections 199-40 through 199-42, and deleting Chapter 199, Article VIII, Exemption of Residential Capital Improvements from Taxation, Sections 199-44 through 199-46 was held. No one being present to speak, the hearing was declared closed.

### PRESENTATION

1. Director of Planning and Development, Justin Woods, addressed Council and provided an overhead presentation on the Housing and Economic Development Programs and the BOA/LWRP. (A copy of the presentation follows these minutes.)

### PERSONAL APPEARANCE

1. Robert Wells, 917 Hasbrouck Street, presented Council with a petition requesting Council action to stop a commercial realty business, Bruyere-Chadwick Realty, from operating in a residential area. (A copy of the petition follows these minutes.)

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #11-2010 in the amount of \$1,669,877.40 and Library Fund Warrant #11-2010 in the amount of \$49,367.12 and Capital Fund Warrant #11-2010 in the amount of \$28,854.38 and Community Development Fund Warrant #11-2010 in the amount of \$17,103.50 and Community Renewal Fund Warrant #11-2010 in the amount of \$0.00 and HOME Fund Warrant #11-2010 in the amount of \$0.00 and AHC Funds Warrant #11-2010 in the amount of \$11,345.00 and RESTORE Program Warrant #11-2010 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson moved a local law to amend the Ogdensburg Municipal Code, Chapter 199, Article VI, entitled Capital Improvement Exemption, Sections 199-40 through 199-42, and deleting Chapter 199, Article VIII, Exemption of Residential Capital Improvements from Taxation, Sections 199-44 through 199-46, and Councillor Morley seconded to wit:

LOCAL LAW # 1 OF THE YEAR 2010  
A LOCAL LAW TO AMEND CHAPTER 199, ARTICLE VI,  
ENTITLED CAPITAL IMPROVEMENT EXEMPTION, SECTIONS 199-40  
THROUGH 199-42 AND DELETE ARTICLE VI, SECTIONS 199-44 THROUGH  
199-46 OF THE CODE OF THE CITY OF OGDENSBURG

Be it enacted by the City Council of the City of Ogdensburg, New York, as follows:

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Section 1. That Chapter 199, Article VI, Sections 199-40 through 199-42 entitled Capital Improvement Exemption of Chapter 199 of the Code of the City of Ogdensburg is hereby amended to read as follows:

ARTICLE VI

Exemption of Residential Capital Improvements from Taxation

§ 199-40. Exemption established.

The City of Ogdensburg has adopted the provisions Chapter 704 of the Laws of 1993, by local law, to provide for the partial exemption of certain capital improvements to residential property from taxation, with conditions. "Residential property" shall mean any building or structure designed and occupied exclusively for residential purposes by not more than two families. This article shall apply to residential buildings reconstructed or altered subsequent to the first day of April, 2001.

§ 199-41. Provisions of exemption.

A. Residential buildings reconstructed, altered or improved for residential purposes, subsequent to the effective date of this article, shall be exempt from taxation to the extent provided hereinafter. This exemption shall be for exterior components of such building for reconstruction, alteration or improvement to an existing residential structure.

B. Such buildings shall be exempt from taxation for capital improvement for a period of one year to the extent of 100% of the increase in assessed value thereof attributable to such exterior reconstruction, alteration or improvement and for an additional period of seven years; provided, however, that the extent of such exemption shall be decreased by 12.5% of the initial exemption each year during each additional period; provided that such exemption shall be limited to \$35,000 in increased market value or such other sum less than \$35,000, but not less than \$3,000 of the property attributable to such exterior reconstruction, alteration or improvement, and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purpose of this section, the market value of the exterior reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such exterior reconstruction, alteration or improvement divided by the most recently established state equalization rate, except where the state equalization rate equals or exceeds 95%,

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then the increases in assessed value attributable to such exterior reconstruction, alteration or improvement shall equal the market value of such exterior reconstruction, alteration or improvement.

§ 199-42 Conditions.

The following terms and conditions shall be applied in the implementation of this article:

- A. For purposes of this article, the terms "reconstruction," "alteration" and "improvement" shall not include ordinary maintenance and repairs. Ordinary maintenance and repairs are exempt.
- B. For purposes of this article, the terms "reconstruction," "alteration" and "improvement" shall not mean or include any increase in the size or square footage of the residential structure.
- C. The exemption provisions of this article shall not apply to swimming pools, garage structures (whether attached or detached) or any other accessory structures to the primary residential structure.
- D. In the event that a building granted an exemption pursuant to this article ceases to be used exclusively for residential purposes or title thereto is transferred to a person or entity other than the heirs or distributees of the owner, the exemption granted pursuant to this article shall cease.
- E. The value of such reconstruction, alteration or improvement must exceed \$3,000.
- F. The building to be reconstructed, altered or improved must be at least five years old.
- G. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the state board to the Department of Assessment Office.

Section 2. That Chapter 199, Article VIII, Sections 199-44 through 199-46 entitled Exemption of Residential Capital Improvements from Taxation of the Code of the City of Ogdensburg is hereby deleted.

Section 3. All other provisions of Chapter 199 shall remain in full force and effect.

Section 4. This Local Law shall take effect upon filing with the Office of the Secretary of State, subject to applicable provisions of law.

The vote was:

CARRIED, AYES ALL

2. Councillor Skamperle moved a resolution authorizing an increase in the contingency amount from \$500,000 to \$580,000 for the contract with Op-Tech Environmental Services to perform Interim Remedial Measures (IRM) at the former Diamond International Paper Mill Site, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING ADDITIONAL CONTINGENCY AMOUNT  
TO THE 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, on October 9, 2007, the City Council authorized the City Manager to enter into a contract with Op-Tech Environmental Services to perform Interim Remedial Measures (IRM) at the former Diamond International Paper Mill site for a sum not to exceed \$1,414,482., which included a \$200,000 contingency; and

WHEREAS, October 28, 2008, the City Council increased the contingency amount for this contract from \$200,000 to \$500,000 to cover substantial additional costs which were incurred due to unforeseen site conditions; and

WHEREAS, Barton & Loguidice has recommended the City execute Change Order No. 11 with Op-Tech to perform additional site work under the terms of the Interim Remedial Measures Contract as approved by DEC for an estimated total not to exceed \$90,955., and

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WHEREAS, the contingency balance currently remaining totals \$17,094.,

NOW, THEREFORE, BE IT RESOLVED, that the contingency amount for this contract is increased from \$500,000 to \$580,000 for a total contract sum not to exceed \$1,794,482; and

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

The vote was:

CARRIED, AYES ALL

3. Councillor Powers moved a resolution authorizing the City Manager to execute Addendum #7 to the Agreement for Engineering Services between the City and Barton & Loguidice in connection with the SI/RAR for the Former Diamond International Paper Mill Site Environmental Restoration Project, and Councillor Sholette seconded to wit:

RESOLUTION AUTHORIZING ADDENDUM NO. 7 TO THE AGREEMENT  
BETWEEN THE CITY OF OGDENSBURG AND BARTON & LOGUIDICE FOR  
ENGINEERING SERVICES IN CONNECTION WITH THE SITE  
INVESTIGATION/REMEDIAL ALTERNATIVES REPORT FOR THE FORMER  
DIAMOND INTERNATIONAL PAPER MILL SITE

WHEREAS, the City of Ogdensburg has entered into an amended State Assistance Contract (SAC) totaling \$2,305,000 with the New York State Department of Environmental Conservation (NYSDEC) for the preparation of a Site/Investigation/Remedial Alternatives Report (SI/RAR) of the former Diamond International Paper Mill Site, and;

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WHEREAS, the City of Ogdensburg has executed an Agreement and Addendums totaling \$539,193 with the firm of Barton & Loguidice (B&L) for the preparation of a SI/RAR Work Plan, other specified Site Investigation Tasks, and supplemental scope items, and;

WHEREAS, additional services have been required the preparation of a Site Management Plan (SMP) for an estimated total project cost of \$558,206.,

NOW, THEREFORE BE IT RESOLVED, the City Manager is hereby authorized to execute Addendum No. 7 to the Agreement for Engineering Services between the City of Ogdensburg and Barton & Loguidice in connection with the SI/RAR for the Former Diamond International Paper Mill Site Environmental Restoration Project, and;

BE IT FURTHER RESOLVED, the City will seek one hundred percent reimbursement for additional investigation of the Newell property and ninety percent reimbursement for the remaining items from the NYSDEC for such work in accordance with the State Assistance Contract between the NYSDEC and the City.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution establishing a standard work day for elected and appointed officials who are participating members in the NYS Retirement System, and Councillor Powers seconded to wit:

Standard Work Day and Reporting Resolution  
For Elected And Appointed Officials

BE IT RESOLVED, that the City of Ogdensburg hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

<b>Title</b>	<b>Name</b>	<b>Social Security Number</b>  <b>(Last 4 digits)</b>	<b>Registration Number</b>	<b>Standard Work Day</b>  <b>(Hrs/day)</b>	<b>Term Begins/Ends</b>	<b>Participates in Employer's Time Keeping System</b>  <b>(Y/N)</b>	<b>Days/Month</b>  <b>(based on Record of Activities)</b>
<b>Elected Officials</b>							
<b>City Councillor</b>	<b>Daniel E. Skamperle</b>			<b>6</b>	<b>01/1/2010-12/31/13</b>	<b>n</b>	<b>10</b>
<b>City Councillor</b>	<b>Nicholas J. Vaugh</b>			<b>6</b>	<b>01/1/2008-12/31/11</b>	<b>n</b>	<b>8</b>

The vote was:

**CARRIED, AYES ALL**

5. Councillor Vaugh moved a resolution authorizing the City Manager to execute an amendment to the contract with Stearns and Wheler for additional services to complete the Combined Sewer Overflow Characterization Study, a Beaverbrook Hydrologic and Hydraulic Study, and Councillor Powers seconded to wit:

**RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE  
 AMENDMENT NO. 2 TO CONTRACT BETWEEN  
 THE CITY OF OGDENSBURG AND STEARNS & WHELER**



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WHEREAS, Stearns and Wheler, LLC (Engineer) and the City of Ogdensburg, New York (Owner) entered into an Agreement dated May 27, 2007, for professional services in connection with conducting a combined sewer overflow (CSO) characterization study at the City of Ogdensburg's collection system; and

WHEREAS, the OWNER executed Amendment No. 1 dated July 15, 2008 for the ENGINEER for additional services to complete the Combined Sewer Overflow System Characterization of the OWNER's system; and

WHEREAS, the ENGINEER has completed the characterization study and determined the OWNER's collection system is capturing approximately 79% the average annual CSO volume; and

WHEREAS, the OWNER is required to submit a Long-Term Control Plan to the New York State Department of Environmental Conservation by December 1, 2010; and

WHEREAS, the Beaverbrook residential area was flooded on January 25, 2010; and

NOW, THEREFORE BE IT RESOLVED, the City Manager is hereby authorized to enter into Amendment No. 2 to Agreement between City of Ogdensburg, New York and Stearns & Wheler, LLC for a sum not to exceed \$89,500 for the tasks as outlined in the scope of work; and,

BE IT FURTHER RESOLVED, funds to pay for this work shall be derived from Sewer Fund Balance for 2010 - G8120.515.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Sholette requested that the grass around the old K-Mart and Tractor Supply, to the south side of McDonald's, be cut.

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2. Councillor Sholette suggested moving the horseshoe pits to the volleyball court area on the east end of the Greenbelt, due to parking problems on Thursday evenings. Director of Public Works, Kit Smith stated a couple of areas have been identified that can be used to make additional parking for approximately 15 to 20 cars near the Customs building.

3. Councillor Skamperle asked for an update on the outstanding funds the Cheese Plant owes the City. City Manager, Arthur Sciorra stated the Cheese Plant has not yet paid the City and June 21st is the final day they can submit an answer to the Order to Show Cause. Mr. Sciorra added that the judge had ordered the cheese plant to make payments to us, but they haven't made a payment in the last three weeks. Mr. Sciorra explained that our attorney has requested the judge make a ruling on that; requiring the cheese plant to make the payments or be shut down immediately.

4. Councillor Skamperle stated the asphalt on the new road near the Community Center looks like a binder coat and asked why a top coat was not applied. Director of Public Works, Kit Smith explained that a type 6 asphalt was used because it is stronger and lasts longer on low volume roads.

5. Councillor Skamperle stated he reviewed the Arena Marketing Report from Director of Parks and Recreation, Phillip Clemens. Councillor Skamperle asked if the arena pays for itself during the ice season through ice rental alone. Mr. Sciorra explained it almost broke even because of adjustments made to the schedule; a month of the ice season was taken out, the sale of advertisements and increases in the hourly rates. Mr. Sciorra also added that the utilities were cheaper. Councillor Skamperle asked who markets the arena and how is it being done. Mr. Sciorra stated the Recreation and Economic Development Departments are responsible for marketing the arena. Councillor Skamperle asked if the Chamber of Commerce plays a role in the marketing of the arena. Mr. Sciorra stated it is not the responsibility of the Chamber to market City property. Mayor Nelson stated the City has a contract with the Chamber of Commerce to promote the City of Ogdensburg for economic development and those purposes. Mayor Nelson added in addition to that, Council would like economic development or promotion as another facet of that to help us market the arena more aggressively.

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### NEW BUSINESS

1. Mayor Nelson stated today is officially Flag Day and stated he, Councillor Sholette and City Manager, Arthur Sciorra did a Proclamation Saturday, declaring today Flag Day at the Elks' program. Mayor Nelson thanked the Elks for continuing the Flag Day event.

2. Councillor Vaugh stated last week the City was awarded \$258,000. for the CHIPS grant. Councillor Vaugh requested an update on where the target areas are in the City.

3. Councillor Sholette asked who the City representative is at the Chamber of Commerce meetings since Kim Deschamp's departure. Mayor Nelson stated he remembered Councillor Sholette stating he would be the representative. Councillor Sholette stated he would start attending the Chamber's meetings.

4. Councillor Sholette asked if it is possible to appoint a Council member to attend the JEDC meetings. Mayor Nelson stated the meetings are open to the public.

5. Councillor Sholette asked for an update on the criteria to be a residential business. Mayor Nelson advised Councillor Sholette to check the Administrative Regulations for those guidelines. Councillor Powers requested an Executive Session be held after the next Council meeting to discuss the issues surrounding the zoning on Hasbrouck Street near the Bruyere-Chadwick Realty Office with the City Attorney.

6. Councillor Skamperle stated there was an article in the NYS Conference of Mayors that mentions Ogdensburg and the fact that we have so much tax exempt property. Councillor Skamperle asked if Council can pass a resolution to initiate a pilot program to allow the City to request some payment from our tax exempt properties. City Manager, Arthur Sciorra stated there is no law allowing us to force the State or any of the other exempt non-profits to pay the City a pilot, but Council could pass a resolution.

7. Councillor Skamperle stated he reviewed the cash flow analysis and would like an explanation for the payroll increase in April. Mr. Sciorra stated he would provide that information to Council.

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8. Councillor Skamperle requested the lights be cleaned along the Crescent Maple City Trail and on the Lafayette Street Bridge.

9. Councillor Skamperle requested an Executive Session after the next Council meeting to discuss an employee who was assigned light duty and immediately brought in a doctor's excuse, and also about Medicare payments for a retired fireman. City Manager, Arthur Sciorra stated he would speak with Councillor Skamperle after the meeting to obtain additional details for the Executive Session request.

### ITEMS FOR DISCUSSION

1. Councillor Powers stated Director of Planning and Development, Justin Woods is doing a great job with the City's economic development and planning. Councillor Powers stated he wanted to acknowledge that the City is busy and feels that the BOA and LWRP programs need to be positively recognized for helping to develop the City.

2. Councillor Powers asked Mr. Sciorra to explore the state legalities to determine if the City can extend the capital improvement exemption or rework the percentages due to the City being rated one of the highest in the state for tax exemption. Mr. Sciorra stated he would research the state limitation on the exemption. Councillor Vaugh requested the Assessor, Kathryn Bateman and Director of Planning and Development, Justin Woods provide Council with a more thorough review of the program and a comparative look at other communities in the state. Mr. Sciorra stated he has assembled a committee internally to look at all the local and state exemptions to show how it impacts our revenue, and he will get that information to Council.

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