

CITY COUNCIL MEETING

January 13, 2014

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

PRESENT: Deputy Mayor Morley, Councillors Ashley, Hosmer, Mitchell, Skamperle and Stevenson

ABSENT: Mayor Nelson

Deputy Mayor Morley welcomed new City Councillor Brian Mitchell and the audience to an exciting new year.

PERSONAL APPEARANCE

1. Ted Zoli, a Civil Engineer representing Gil Jones, addressed Council regarding the low City marina rates and the proposed expansion of the marina. Mr. Zoli stated the City marina should be run as a business because the private sector cannot compete with its low prices. Mr. Zoli also advised Council that money is not being collected for all slips being used, and the City should file 1099's if giving something away for free. Mr. Zoli said he has reviewed the proposed expansion plans and more services will be needed at the City marina for that many transient slips to be successful. Councillor Stevenson asked Mr. Zoli what surrounding marinas he compared our pricing with. Mr. Zoli stated he received price quotes from Brockville, Bonnie Castle and two marinas in Prescott. Councillor Stevenson asked if the difference in pricing could be due to the exchange rate of Canadian funds. Councillor Stevenson also asked if he checked rates in Waddington, Massena or Morristown. Mr. Zoli said no because they are not big boat facilities. Councillor Ashley said Mr. Zoli gave the impression that some people are getting slips for free. Mr. Zoli stated he has heard rumors from boaters. Councillor Ashley said the Recreation Director is here and he plans to ask him under New Business, but he doesn't believe it.

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2. Patrick C. Hansen, 123 Belmont Courts, addressed Council regarding not being able to bring his service dog to City Court. Mr. Hansen said he was told the City Court leases the second floor of City Hall and asked why Council is allowing a business to operate in their building that violates a person's civil liberties. Deputy Mayor Morley said the Court is not a business but a New York State Court. Councillor Hosmer suggested Mr. Hansen hire an attorney to file an appeal. Mr. Hansen handed out Citizens Rule booklets and asked Council to review Title 18 USC §241.

Deputy Mayor Morley advised Council that Mayor Nelson is home sick. There was a consensus of Council to excuse Mayor Nelson.

CONSENT AGENDA

Deputy Mayor Morley moved that the claims as enumerated in General Fund Warrant #1-2014 in the amount of \$1,220,660.01 and Library Fund Warrant #1-2014 in the amount of \$46,033.76 and Capital Fund Warrant #1-2014 in the amount of \$42,795.78 and Community Development Fund Warrant #1-2014 in the amount of \$849,149.79 and Community Renewal Fund Warrant #1-2014 in the amount of \$13,036.50 and HOME Fund Warrant #1-2014 in the amount of \$0.00 and AHC Funds Warrant #1-2014 in the amount of \$0.00, and NSP Funds Warrant #1-2014 in the amount of \$0.00 and Ogdensburg Growth Fund Warrant #1-2014 in the amount of \$2,230.00 as audited, be and the same are ordered paid and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

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APPOINTMENTS

1. Deputy Mayor Morley moved to appoint Dr. Michael A. O'Donnell to fill the unexpired term of Anee Longbottom on the Ogdensburg Library Board, term to expire 12/31/14, and Councillor Stevenson seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Stevenson moved a resolution urging the NYS Attorney General to obtain additional funding from Exxon Mobil for a claim Fort de la Presentation filed with the New York State Comptroller's Office seeking damages for the setbacks experienced waiting for the property to be cleaned up, and Councillor Hosmer seconded to wit:

A RESOLUTION URGING NYS ATTORNEY GENERAL
TO OBTAIN ADDITIONAL FUNDING FROM EXXON MOBIL
CORPORATION FOR FORT de la PRESENTATION

WHEREAS, Exxon Mobile Corporation owned and operated a major oil storage facility on Lighthouse Point, a site presently owned by the Fort La Presentation Association and,

WHEREAS, petroleum contamination was discovered in 2001 at the spill site when investigators encountered contaminated soil on a parcel adjacent to the main terminal facility and near underground pipelines connecting the terminal to the Oswegatchie River and,

WHEREAS, the site was cleaned up between Fall 2006 and 2007 overseen by the New York State Department of Environmental Conservation and was paid for by the State Oil Spill Fund and,

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WHEREAS, the New York State Attorney General's Office pursued legal action against Exxon Mobil Corp to reimburse the Oil Spill Fund, and the Fort Association filed a claim with the New York State Comptroller's Office seeking damages for the setbacks it has experienced waiting for the property to be cleaned and,

WHEREAS, in 2006 a settlement was reached between Exxon Mobile, the Comptroller's Office and the Fort Association that included compensation to the Fort Association for its claims; that settlement was rejected by the NYS Attorney General's Office, and

WHEREAS, the NYS Attorney General recent announced that a settlement with ExxonMobil has been reached with the oil company agreeing to pay \$8.05 million to the Oil Spill Fund, and

WHEREAS, the Fort Association's claims remain outstanding, and

WHEREAS, ExxonMobil has refused to participate in negotiations to reach a joint settlement that includes the claims of the Fort Association.

NOW, THEREFORE, BE IT RESOLVED that the Ogdensburg City Council strongly urges the NYS Attorney General to use all possible legal means to reach a resolution that includes restitution from ExxonMobil to the Fort Association, the people of Ogdensburg and St. Lawrence County for the losses incurred by the City and County as a consequence of the Exxon Mobile contamination.

BE IT FURTHER RESOLVED that copies of this resolution be sent to N.Y. Governor Cuomo; N.Y. Senator Griffo; N.Y. Senator Ritchie; N.Y.S. Assemblywoman Russell; and Assemblyman Blankenbush, NYS Attorney General Eric T. Schneiderman, New York State Comptroller Thomas P. DiNapoli, and Fort La Presentation Association President Barbara J. O'Keefe.

The vote was:

CARRIED, AYES ALL

2. Councillor Ashley moved a resolution to re-appoint Dr. Mark Chalom as the City's Public Health Officer for a four-year term, and Councillor Skamperle seconded to wit:

RESOLUTION REAPPOINTING
DR. MARK CHALOM
AS PUBLIC HEALTH OFFICER

WHEREAS, Dr. Mark Chalom currently serves as the Public Health Officer for the City of Ogdensburg, and

WHEREAS, Dr. Chalom's term of office expired December 31, 2013,

NOW, THEREFORE, BE IT RESOLVED, that Dr. Mark Chalom is hereby re-appointed as the City of Ogdensburg Public Health Officer for a four-year term, effective January 1, 2014, and

BE IT FURTHER RESOLVED, that the annual stipend for this service is established at \$500.

The vote was:

CARRIED, AYES ALL

3. Councillor Skamperle moved a resolution authorizing the City Manager to enter into an agreement with GHD Consulting Services, Inc., for a sum not to exceed \$65,000., for design services for the CSO Weir Modifications and Hydraulic Improvements, and Councillor Ashley seconded to wit:

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RESOLUTION AUTHORIZING CITY MANAGER TO
ENTER INTO AGREEMENT WITH GHD CONSULTING
SERVICES, INC. FOR DESIGN SERVICES FOR THE
CSO WEIR MODIFICATIONS AND HYDRAULIC IMPROVEMENTS

WHEREAS, the City is obligated to meet the requirements of the Long-Term Control as approved by the US EPA and NYS DEC; and

WHEREAS, the City desires to improve the collection of stormwater within the City's sanitary system; and

WHEREAS, the City desires to limit overflows to the St. Lawrence River; and

WHEREAS, GHD Consulting Services, Inc. has submitted a proposal to provide design services for the CSO weir modifications and hydraulic improvements;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to enter into an agreement with GHD Consulting Services, Inc., for a sum not to exceed \$65,000., for design services for the CSO weir modifications and hydraulic improvements; and

BE IT FURTHER RESOLVED that funding for these services will come from the Sewer Fund Water Pollution Control Capital Construction – G8130.330.

Councillor Skamperle asked if the project was put out to bid. City Manager John Pinkerton explained this is part of the process that GHD presented to Council at the December 9, 2013 meeting. Mr. Pinkerton said the project was initially put out to bid and GHD was awarded the project. Deputy Mayor Morley asked if these are automatic contracts. City Comptroller Philip Cosmo said no, but the consensus was that this company has all of the background information and maps, and was on the ground floor of the project.

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The vote was:

CARRIED, AYES ALL

4. Deputy Mayor Morley moved to table a resolution appointing a Deputy Mayor for the City of Ogdensburg for 2014-2015, and Councillor Hosmer.

The vote to table the resolution was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Skamperle said some residents are worried that the group working on the Blue Way Trail System grant is an environmental conservatory group. Councillor Skamperle explained people are worried this group will try to prevent boat motors in the Oswegatchie River. City Manager John Pinkerton said he has met with the group and the purpose of the grant is to do a study on the Blue Way Trail System to try to improve tourism. Mr. Pinkerton explained the recommendation was that the study be done on the Oswegatchie River. Mr. Pinkerton said he was not aware of any environmental group being involved. Mr. Pinkerton explained the City initiated the meeting with other municipalities and applied for the CFA grant to study marketing and business along the Oswegatchie River. Councillor Hosmer said he has information about the Blue Way Trail System that he can share. Mr. Pinkerton recommended reviewing the Black River Blue Way Trail which is similar.

2. Councillor Skamperle said he reviewed the January 3, 2014 update regarding the priority of City snow removal. Councillor Skamperle stated he is concerned the City may be removing snow for private entities and questioned if the hospital did its own sidewalk snow removal.

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City Manager John Pinkerton said the City removes snow from the Emergency Room entrance, but he will verify if the City does the hospital sidewalks. Councillor Stevenson asked Mr. Pinkerton to also verify that the City is not doing sidewalks for other private entities. Councillor Skamperle said he doesn't see the bridges on the list but noted the bridges look good. Councillor Stevenson noted there is a lot of snow along the top of the crescent. Mr. Pinkerton said we are the only community with any snow left, and the conditions of the snow/ice fall made cleanup difficult.

3. Councillor Skamperle asked for the complaint procedure if a neighbor doesn't remove the snow from their own sidewalks. City Manager John Pinkerton said when complaints are made they are given to the Code Enforcement Office. Mr. Pinkerton explained with the current conditions and the fact that the City couldn't clear its own sidewalks, he stopped letters from going out to about 28 property owners. Deputy Mayor Morley said Mr. Pinkerton handled it correctly. Councillor Skamperle asked where residents should call to file a complaint under normal circumstances. Mr. Pinkerton said they can call anyone at City Hall.

4. Councillor Hosmer said the Paterson Street Project funds are expected to be committed by January 31, 2014. City Manager John Pinkerton said the utility companies need to sign off. Mr. Pinkerton explained the funds need to be obligated before March 31st to move forward this summer. Mr. Pinkerton said he expects an update next week after a conference call with DOT, and added the tentative start date is 4/1/14.

5. Councillor Stevenson said she read the letter concerning the inspection of our water system and it suggested the City look at residential water meters. Councillor Stevenson explained there was a 38% decrease in water usage once meters were installed in businesses. Councillor Stevenson said since the City is making improvements to the sewer system, the City should also look at reducing what is being put into our sewer system. Councillor Stevenson suggested a work session on this subject to get information.

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NEW BUSINESS

1. Councillor Ashley asked Recreation Director Matthew Curatolo to clear up Mr. Zoli's comments about free rent at the City marina and asked if anyone receives dockage at a discount or for free. Mr. Curatolo said there are no free slips and everyone prepays. Mr. Curatolo said the City has receipts for all rentals, and anyone can stop by his office to review those receipts. Councillor Ashley asked if anyone other than the Police Department and Rescue Squad dock their boats at no charge. Mr. Curatolo said no. Deputy Mayor Morley requested a comparison of the marina rates along the river. Mr. Curatolo said the Recreation Commission reviewed those rates last year. Mr. Curatolo said he quickly checked marina rates this afternoon and they vary from \$24 to \$60 per foot. Mr. Curatolo explained the City charges \$27 per foot for non-power slips and \$33 per foot for power slips. Councillor Stevenson asked for a detailed report showing the rate comparison.

2. Councillor Hosmer clarified that the City owns 611 Rensselaer Avenue and the Growth Fund has not approached the City about acquiring it. Councillor Hosmer explained the Growth Fund was using it as an example of something they may wish to do with other properties in the future. City Manager John Pinkerton said he proposed that property as an example so the Growth Fund could look at the pros and cons of that type of project. Mr. Pinkerton stated the City is trying to determine how to keep property taken by the City at a tax sale from becoming a blight and eventually torn down. Mr. Pinkerton explained we are looking at alternatives and this is just one scenario. Councillor Stevenson asked if the Growth Fund's new by-laws have been approved making this type of scenario possible. Mr. Pinkerton said yes, if approved by Council. Mr. Pinkerton reminded Council that property owned by the Growth Fund is taxable. Councillor Stevenson asked that the Growth Fund's new by-laws and officers be updated on the City website.

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3. Councillor Stevenson said she attended the Governor's address last week and noted it contained great news regarding the tax cap, sharing of services and tax credits.

4. Councillor Stevenson said the SPCA will hold a fundraising dinner on January 26th from 3-6pm at the Busy Corner Café. Councillor Stevenson said they will offer a meatloaf dinner for \$7 or \$8 including dessert.

5. Councillor Ashley asked if we can hold a tax sale in early spring. City Manager John Pinkerton said he plans to discuss a sale with staff tomorrow. Mr. Pinkerton said we can sell surplus property and supplies. Councillor Stevenson said she recommends a list of available City properties be posted on the City website.

6. City Manager John Pinkerton commended Governor Cuomo for listening to the SLPC Task Force and said the results sound promising. Deputy Mayor Morley said it is great news for our community.

ITEMS FOR DISCUSSION

1. Deputy Mayor Morley said there will be both a NYCOM Meeting and a City Council Meeting on February 10, 2014. Mr. Pinkerton explained there was a request to move the City Council Meeting. Councillor Stevenson said she will be out of town February 10-13, 2014 and asked if video conferencing or Skype could be available. Mr. Pinkerton said he will look into it. There was a consensus of Council to wait until the next meeting to discuss changing the February 10th meeting.

2. City Manager John Pinkerton said he received a request from residents at Centennial Towers to change the street light at the corner of State and Washington Streets to be similar to the light at the corner of State and Ford Streets. Mr. Pinkerton explained elderly and disabled residents are having difficulty crossing the road before the light changes.

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Mr. Pinkerton said NYSDOT will look into this request if he sends them a written request. There was a consensus of Council to request the change from NYSDOT.

Deputy Mayor Morley said there was a need to hold an Executive Session to discuss contract negotiations. There was a consensus of Council to adjourn to Executive Session.

Upon returning from Executive Session, all members were still present.

Councillor Ashley moved a resolution to approve a one year extension of the expiring CSEA Salaried Unit Labor 2013-2014 Contract until 12/31/2015, and Councillor Stevenson seconded to wit:

A RESOLUTION TO APPROVE THE ONE YEAR EXTENSION
OF EXPIRING 2013-2014 CSEA SALARIED UNIT
COLLECTIVE BARGAINING AGREEMENT

WHEREAS, the City Manager and representatives of the CSEA Salaried Unit have agreed to extend the 2013-2014 CSEA Salaried Unit for one year until December 31, 2015, and

NOW THEREFORE, BE IT RESOLVED, that the City Council hereby approves this extension, as negotiated in the agreement.

Deputy Mayor Morley highlighted the contract items. City Manager John Pinkerton said there will be a 2% increase for 2013, 2014 and 2015. Councillor Stevenson said only nine employees are affected by the change in the safety boot requirement.

The vote was:

CARRIED, AYES ALL

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