

## CITY COUNCIL MEETING

April 14, 2008

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

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

ABSENT: Councillor Hannan

Mayor Nelson read a Proclamation naming April 25, 2008 as Arbor Day in the City of Ogdensburg (a copy of the proclamation follows these minutes).

### PERSONAL APPEARANCE

1. Lester Duvall, Commander of the VFW Post 2936, read a letter requesting the City help them purchase American and POW flags and bronze grave markers for fallen veterans. Mr. Duvall added that the American Legion is in charge of the Memorial Day parade and ceremony, but if they are unable, the VFW will hold the event.

2. Walter Relling, 10064 SH 37, addressed Council regarding the RFP (request for proposals) that was submitted for the Community Center concession. Mr. Relling stated that the RFP was due 8/31/07 and his wife delivered a proposal on 8/30/07, and they have not received any response from City staff.

### CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in Warrant #07-2008 in the amount of \$568,017.19, and Library Warrant #07-2008 in the amount of \$27,039.16 and Community Development Fund Warrant #07-2008 in the amount of \$48,952.95 and Capital Warrant #7-2008 in the amount of \$43,360.14, as audited, be and the same are ordered paid and Councilor Flynn seconded the motion.

The vote was:

CARRIED, AYES ALL

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ITEMS FOR COUNCIL ACTION

1. Councillor Flynn moved a resolution to authorize the submission of a grant application for \$650,000 to the NYS Governor's Office for Small Cities 2008 Program Year, and Councillor Vaugh seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO SUBMIT  
A CDBG SMALL CITIES GRANT APPLICATION TO THE  
NEW YORK STATE GOVERNOR'S OFFICE FOR SMALL CITIES

WHEREAS, the City Council has participated in the NYS Governor's Office for Small Cities for many years, and

WHEREAS, the City is committed to the improvement of housing stock, infrastructure and the addition of housing of the City, and

WHEREAS, the City is committed to the elimination of blighting influences in the City, and

WHEREAS, the Small Cities Program can result in benefits to the City in general and to low/moderate income persons in particular,

NOW, THEREFORE, BE IT RESOLVED that the Ogdensburg City Council hereby authorizes the City Manager to submit to the NYS Governor's Office for Small Cities an application for funding, in an amount not to exceed \$650,000 for 2008 Community Development Program.

The vote was:

CARRIED, AYES ALL

2. Councillor Vaugh moved a resolution to authorize the City Manager to execute a cooperative agreement to participate in the North Country Consortium Effort, and Councillor Flynn seconded to wit:

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RESOLUTION AGREEING TO PARTICIPATE IN THE “HOME”  
NORTH COUNTRY CONSORTIUM EFFORT

WHEREAS, the National Affordable Housing Act of 1990 created new initiatives to produce and preserve affordable housing including the HOME Investment Partnership Program (HOME), and

WHEREAS, the HOME Investment Partnership Program will provide monies to states and local governments to fund affordable housing strategies, and

WHEREAS, Section 216 (2) of the National Affordable Housing act provides that a consortium of geographically contiguous units of general local government (such as counties) may apply for funding to the Federal government under the HOME Program, and

WHEREAS, the City of Ogdensburg has determined that it is desirable and in the public interest to cooperate with the County of St. Lawrence, in order to participate in the North County HOME Consortium comprised of the counties of Jefferson, Lewis and St. Lawrence, in order to be eligible to apply for funding under the HOME program;

NOW, BE IT RESOLVED, that the City Council authorizes the City Manager to execute, on the behalf of the City of Ogdensburg a cooperative agreement with the County of St. Lawrence to undertake or assist in undertaking housing assistance activities for the HOME Investment Partnership Program though the formation of a consortium.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution endorsing Plan B+ to regulate the outflows of Lake Ontario and the management of the water levels of Lake Ontario and the St. Lawrence River, and Councillor Morley seconded to wit:

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RESOLUTION ENDORSING A PLAN TO REGULATE THE OUTFLOWS  
OF LAKE ONTARIO AND THE MANAGEMENT OF THE LEVELS  
OF LAKE ONTARIO AND THE ST. LAWRENCE RIVER

WHEREAS, the International Joint Commission (IJC) is a bi-national organization established by the Boundary Treaty of 1909 between the United States and Canada; and,

WHEREAS, the IJC has commissioned a \$20 million, five-year study to analyze the procedures and plans to regulate the outflows of Lake Ontario and the management of the levels of Lake Ontario and the St. Lawrence River (LOSL study); and,

WHEREAS, the LOSL study has been compiled and new regulation plans are being considered which will each have a significant impact on Lake Ontario and the St. Lawrence River water levels for years to come; and,

WHEREAS, Ogdensburg's water resources are unquestionably one of its most important assets and provide the basis for the City's very existence and its tourism industry and quality of life depends on the continued quality of the area's fishing, boating and recreational resources; and,

WHEREAS, the Ogdensburg City Council has concluded Plan B+ most closely follows the natural rhythm of the pre-St. Lawrence Seaway Project and offers the most positive influence on the overall environment when compared to other plans under consideration;

NOW, THEREFORE BE IT RESOLVED, the Ogdensburg City Council hereby endorses Plan B+ and urges the International Joint Commission to accept Plan B+ when deciding procedures and plans to regulate water levels of the St Lawrence River.

The vote was:

CARRIED, AYES ALL

4. Councillor Powers moved a resolution to approve the 2008 City/County tax collection warrant, and Councillor Morley seconded to wit:

RESOLUTION TO APPROVE THE  
2008 CITY/COUNTY TAX WARRANT

WHEREAS, the Tax Roll of the City of Ogdensburg, for the fiscal year January 1, 2008 through December 31, 2008, has been completed, and,

WHEREAS, Section C70 of the City Charter directs that when the tax rolls have thus been completed, a warrant signed by the City Manager and the City Clerk shall be attached hereto directing the Comptroller to collect from the persons named in the rolls the sum specified as levied against the parcels as owned by them, and

WHEREAS, the tax was computed on the taxable valuation of \$257,055,009 and the tax rate is \$14.609998 per thousand for the General City Tax and the taxable valuation of \$257,505,923 and the tax rate is \$9.216288 per thousand for the General County Tax for the fiscal year January 1, 2008 through December 31, 2008 and the tax roll will produce the following:

CITY AND COUNTY TAX	\$	6,128,820.78
DUE WATER ACCOUNT		185,118.88
DUE SEWER ACCOUNT		143,786.27
DUE MISCELLANEOUS ACCOUNT		14,689.89
OMITTED TAXES		<u>206,662.51</u>
TOTAL	\$	<u>6,679,078.33</u>

NOW THEREFORE, pursuant to Section C70 of the City Charter, the Tax Roll of the fiscal year 2008 is confirmed and the warrant in the sum of \$6,679,078.33 annexed thereto and be signed for the collections of all taxes in two installments; the first installment commencing April 15, 2008 and the second installment commencing July 15, 2008, and that all taxes shall be liens on the real property against which the sum levied is superior to all other liens and encumbrances from the date of signing of said warrant.

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The vote was:

CARRIED, AYES ALL

5. Councillor Sholette moved a resolution authorizing the City Manager to execute a contract with Saratoga Associates for Phase II Landscape Design, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE CONTRACT  
WITH SARATOGA ASSOCIATES FOR PHASE II LANDSCAPE DESIGN

WHEREAS, the City has recently completed construction of the new Dobisky Center, and

WHEREAS, the City intends to incorporate landscaping improvements that coincide with improvements identified in the Waterfront Redevelopment Action Plan, and

WHEREAS, the City desires a visual assessment, landscape plan, bidding documents, details and specifications for the Phase II Landscape design area to accommodate new parking areas, drop-off lanes, walking paths, lighting and planting plans, including a maintenance plan for plantings, and

WHEREAS, the City desires an updated Waterfront Redevelopment Master Plan for the project area, and

WHEREAS, the City has solicited proposals for such professional services,

NOW, THEREFORE BE IT RESOLVED, the City Manager is hereby authorized to enter into a contract with Saratoga Associates for Phase II Landscape Design Services for a sum not to exceed \$12,750 the tasks as outlined in the scope of work; and,

BE IT FURTHER RESOLVED, funds to pay for this work shall be derived from Capital Account H718201.519.

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The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved a resolution calling for public hearing and public notice regarding a Local Law designating Empire Zone Lands in Massena, and Councillor Morley seconded to wit:

RESOLUTION OF CITY COUNCIL REGARDING A LOCAL LAW  
DESIGNATING EMPIRE ZONE LANDS IN MASSENA AND PROVIDING FOR  
PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED, that Curran Renewable Energy, LLC is proposing a start-up of their manufacturing facility at 16 and 20 Commerce Drive in the Towns of Massena and Norfolk and the Village of Massena, and

BE IT FURTHER RESOLVED, that the Zone Administrative Board of the City of Ogdensburg Empire Zone has determined that the proposed expansion is eligible for Empire Zones benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law,

BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid local law to be held at the Council Chambers in the City of Ogdensburg, New York, on the 28<sup>th</sup> day of April, 2008 at 7:00 p.m., and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the newspaper so designated by the City Council of the City of Ogdensburg for legal and public notices at least seven (7) days before the hearing date of a notice setting forth the time and place and describing the proposed local law in summary form.

Kim Deschamp, Economic Development Program Manager, made a Empire Zone Program presentation to Council. (A copy of the presentation packet follows these minutes.)

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The vote was:

CARRIED, AYES ALL

Mayor Nelson introduced and welcomed Justin Woods, Director of Planning and Development and Philip Clemens, Director of Parks and Recreation.

### OLD BUSINESS

1. Councillor Morley asked Kit Smith, Director of Public Works, for an update on street repairs. Mr. Smith stated that Carter Trucking will begin milling streets in the next two weeks and City DPW crews are currently patching holes. Mr. Smith added the blacktop companies don't open until May 27 and asked residents to slow down and be patient as crews are filling holes with winter mix until May 27.

2. Councillor Morley stated that certain City streets have no curbing. Mr. Smith stated there will be a limited number of curbs done this year due to high snow removal expenditures.

3. Councillor Sholette stated at the last meeting he passed out copies of the Relling's RFP concession proposal to Council. Councillor Sholette added that staff should revisit the Relling's RFP and notify them of their decision.

4. Councillor Sholette stated that Patterson Street is a very populated street and large trucks use it when going to and from the OBPA port area. Councillor Sholette asked if there was any way the City and Ogdensburg Bridge and Port Authority could tap into state money to redo Paterson Street and possibly reroute those trucks.

Mayor Nelson asked City Manager Arthur Sciorra to contact OBPA Director Wade Davis to review their master plan and truck route options.

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5. Councillor Powers asked for an update on the demolition of the old Dobisky Center. City Manager Arthur Sciorra stated the asbestos abatement has been completed and this building and the Culligan Building will both be taken down at the same time. Public Works Director Kit Smith stated that the machine to tear down both buildings has been ordered and will be here on Friday.

6. Councillor Powers asked for an update on the Diamond National site. Mr. Sciorra stated that the cleanup is done, we need to finish grinding up cement and grading.

7. Councillor Vaugh asked for an update on the Lockwood Civic Center expansion. Mr. Sciorra stated that we have not received anything from Tisdell, but will update Council when we receive it.

### NEW BUSINESS

1. Mayor Nelson asked for an update on the Visitor's Center. Justin Woods, Director of Planning and Development, passed out a packet of information regarding the budget and timeline for the Visitor Center projects. (A copy follows these minutes.) Mr. Woods stated that we have \$850,000. left to complete this project.

City Manager Mr. Sciorra stated that he could not consider the Relling RFP due to current code issues with their Ford Street property. Mr. Sciorra stated when he met with Mr. Relling he was told the building would be demolished by December, 2007 but it wasn't. Mr. Sciorra added that Code Enforcement sent a letter in February, 2008 advising that the building was still not in compliance. Mr. Sciorra stated that because the Relling's haven't responded to the code issue, we can't enter into contract agreements when we're preparing to take them to court.

Mr. Sciorra added staff considered that the up front cost of kitchen equipment might have deterred RFP applicants. Mr. Sciorra said \$25,000. was added under the kitchen equipment line and staff will readvertise the concession RFP.

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Mayor Nelson stated he always recommended that we buy the kitchen equipment for the concession. Mayor Nelson suggested staff meet with the Relling's.

Councillor Morley stated that he is against buying the concession equipment and Councillor Flynn agreed. After much discussion there was a consensus of Council (Mayor Nelson, Councillors Vaugh, Powers and Sholette) to equip the concession. City Manager Arthur Sciorra explained there will be an official vote to expend funds for this equipment at a later date.

2. Councillor Powers stated it is time to tear down Park Plaza. City Manager Arthur Sciorra stated that an order to remedy by April 30, 2008 has been issued by Code Enforcement. City Attorney Katherine Wears explained that we are still working through new procedures and laws that were adopted last year.

Mayor Nelson requested that the City Manager keep Council updated on projects being addressed by Code Enforcement with bi-monthly reports so they can address residents questions. City Attorney Katherine Wears suggested a Code Enforcement Blotter in the newspaper, similar to the Police Blotter.

3. Councillor Vaugh stated that he has been on Council for four months and would like to make the following suggestions:

1. Develop a Ford Street Revitalization Master Plan
2. Develop a Comprehensive Communication and Marketing Plan

### ITEMS FOR DISCUSSION

1. NYS Property Taxpayers Protection Act – Councillor Powers stated that as of today 67 municipalities in New York State have approved this act. Councillor Powers stated that the City is restricted by the constitutional tax limit and asked Council to support the NYS Property Taxpayers Protection Act.

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After much discussion amongst Council, Councillor Powers stated that he will develop a resolution with staff for Council action at the next meeting.

2. Storage of Inoperable or Unlicensed Vehicles – Councillor Morley stated that it is not fair to allow storage of snowmobiles, trailers, four wheelers and boats, but not cars. Councillor Flynn agreed.

After much discussion amongst Council, there was a consensus to provide City Planning staff and the Planning Board with a copy of City Attorney Katherine Wears' memo regarding storage of inoperable or unlicensed vehicles to review.

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