

## CITY COUNCIL MEETING

April 28, 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, Hannan,  
Morley, Powers, Sholette and Vaugh

ABSENT: None

### PUBLIC HEARING

1. A public hearing regarding a local law designating Empire Zone Lands in Massena for Regionally Significant Project, Curran Renewable Energy, LLC was held. No one being present to speak, the hearing was declared closed.

Mayor Nelson introduced a group of Ogdensburg Free Academy seniors who were in the audience observing this Council Meeting. Mayor Nelson explained that the purpose of the public hearing was to expand the Ogdensburg Empire Zone.

### PRESENTATION

1. Chris Kalwara, an Account Executive with Johnson Controls, provided Council with an information packet regarding the City's Energy Performance Contract Project Scope. Mr. Kalwara said that the detailed energy audit is nearly complete and summarized their findings. (A copy of this information packet follows these minutes.)

### PERSONAL APPEARANCE

1. Douglas Loffler, 311 Paddock Street, addressed Council regarding the construction of the new Burn Center on outer Ford Street. Mr. Loffler stated that his property butts up to the back of the Burn Center and recently too much vegetation was removed between the two properties. Mr. Loffler stated that he is not against development but a berm or vegetation is needed between the two properties.

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Mayor Nelson asked City Manager Arthur Sciorra to meet with Director of Planning and Development Justin Woods to review the Planning Board minutes for this project.

### CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in Warrant #08-2008 in the amount of \$490,828.01, and Library Warrant #08-2008 in the amount of \$30,658.85 and Community Development Fund Warrant #08-2008 in the amount of \$14,249.80 and Capital Warrant #08-2008 in the amount of \$17,397.53, as audited, be and the same are ordered paid and Councilor Flynn seconded the motion.

The vote was:

CARRIED, AYES ALL

### APPOINTMENTS

1. Mayor Nelson moved to appoint Scott Thomas to the Zoning Board to fill Michael Cary's 2/28/09 unexpired term, and Councillor Vaughn seconded the motion.

The vote was:

CARRIED, AYES ALL

At this point in the meeting, City Clerk Kathleen Bouchard swore Mr. Thomas in to the Zoning Board.

### ITEMS FOR COUNCIL ACTION

1. Councillor Morley moved a local law designating Empire Zone Lands in Massena as a regionally significant project, and Councillor Powers seconded to wit:

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RESOLUTION IN SUPPORT OF LOCAL LAW DESIGNATING  
EMPIRE ZONE LANDS IN MASSENA FOR REGIONALLY  
SIGNIFICANT PROJECT: CURRAN RENEWALBE ENERGY, LLC

Whereas 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

Whereas, This start-up will add 50 new manufacturing and harvesting jobs that support Curran Renewable Energy, LLC's on-site wood pellet manufacturing, and

Whereas, the project is not within the City of Ogdensburg Empire Zone boundaries, and

Whereas, The New York State Department of Economic Development has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law, and

Whereas, 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, and

Whereas, the boundaries of the Regionally Significant Project area to be included in the Ogdensburg Empire Zone shall be set forth in the attached Legal Description.

Now, Therefore, be it hereby Resolved: that the City Council of the City of Ogdensburg approves the allocation of zone lands for the proposed expansion of the Curran Renewable Energy, LLC manufacturing project for a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development Law, said zone lands to constitute the property described in Appendix A hereto.

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The City Council of the City of Ogdensburg requests that the New York State Commissioner of Economic Development approve this addition to the City of Ogdensburg Empire Zone as described in Section 1.

This local law shall take effect immediately.

The vote was:

CARRIED, AYES ALL

2. Councillor Flynn moved a resolution to authorize the submission of a North Country Home Consortium Program (HOME) application for \$230,000. to the Development Authority of the North Country for owner-occupied rehabilitation, and Councillor Morley seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO SUBMIT  
A NORTH COUNTRY HOME CONSORTIUM PROGRAM (HOME)  
APPLICATION TO THE DEVELOPMENT AUTHORITY OF THE NORTH  
COUNTRY (DANC)

WHEREAS, the City of Ogdensburg is a member of the North Country HOME Consortium, and

WHEREAS, the City is committed to the improvements of housing stock, infrastructure and the economic base of the City, and

WHEREAS, the North Country Consortium HOME Program can result in benefits to the City in general and to the low/moderate income persons in particular,

NOW, THEREFORE, BE IT RESOLVED that the Ogdensburg City Council hereby authorizes the City Manager to submit an application for a grant not to exceed \$230,000 for the purpose of making grants for rehabilitation of owner-occupied homes, and

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BE IT FURTHER RESOLVED that the City Manager is authorized to execute contractual agreements for an owner-occupied rehabilitation grant for the 2008 North Country Consortium HOME Program to the Development Authority of the North Country (DANC).

The vote was:

CARRIED, AYES ALL

3. Councillor Sholette moved a resolution to authorize the submission of a North Country Home Consortium Program (HOME) application for \$230,000 to the Development Authority of the North Country for owner-occupied new construction, and Councillor Powers seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO SUBMIT  
A NORTH COUNTRY HOME CONSORTIUM PROGRAM (HOME)  
APPLICATION TO THE DEVELOPMENT AUTHORITY OF THE NORTH  
COUNTRY (DANC)

WHEREAS, the City of Ogdensburg is a member of the North Country HOME Consortium, and

WHEREAS, the City is committed to the improvements of housing stock, infrastructure and the economic base of the City, and

WHEREAS, the North Country Consortium HOME Program can result in benefits to the City in general and to the low/moderate income persons in particular,

NOW, THEREFORE, BE IT RESOLVED that the Ogdensburg City Council hereby authorizes City Manager to submit an application for a grant not to exceed \$230,000 for the purpose of making grants for new construction of owner-occupied homes, and

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BE IT FURTHER RESOLVED that the City Manager is authorized to execute contractual agreements for an owner-occupied new construction grant for the 2008 North Country Consortium HOME Program to the Development Authority of the North Country (DANC).

The vote was:

CARRIED, AYES ALL

4. Councillor Vaugh moved a resolution authorizing the purchase of concession equipment for the Visitor's Center, and Councillor Hannan seconded to wit:

RESOLUTION AUTHORIZING PURCHASE OF  
CONCESSION EQUIPMENT FOR THE VISITOR CENTER

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

WHEREAS, the City intends to lease the concession area to a vendor; and

WHEREAS, the City desires to provide the equipment necessary for the concession area; and

WHEREAS, the staff have obtained three quotes for the concession area equipment; and

WHEREAS, staff recommends that the purchase of the concession equipment be made through Gerharz Equipment (Sysco) of East Syracuse, NY. for a sum not to exceed \$11,964.44,

NOW, THEREFORE BE IT RESOLVED, the City Manager is hereby authorized to enter into a purchase agreement with Gerharz Equipment (Sysco) for a sum not to exceed \$11,964.44; and,

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

Recreation Director Philip Clemens advised Council that fryers, grills, refrigerators and a sandwich prep table will be purchased to equip the concession.

Councillors Flynn and Morley voiced opposition to this resolution as it would be unfair to other food vendors in the City who have purchased their equipment. Councillor Morley reminded Council that a previous concession at the pool failed for lack of business. Councillor Flynn was concerned that once the concession is equipped we will end up staffing it if no RFP's are received.

Mayor Nelson stated that it was a vision of the Council to create a state of the art Community Center with a concession similar to Prescott and Brockville. Mayor Nelson added that renting out the concession at a fair and equitable price will help provide this service at our facility.

The vote was:

AYES: Mayor Nelson, Councillors Hannan, Powers, Sholette and Vaugh

NAYS: Councillors Flynn and Morley

APPROVED, 5 TO 2

5. Councillor Powers moved a resolution to support passage of the New York State Property Taxpayers Protection Act, and Councillor Hannan seconded to wit:

Resolution Urging The Immediate Passage And Chaptering Of The  
"New York State Property Taxpayers Protection Act"  
(Assembly Bill No. A8775)

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WHEREAS, the tremendously high property tax burden on New York families and businesses is the number one issue facing our state today, thereby slowing the economic engine of the state, and

WHEREAS, young people are finding it difficult to find good paying jobs and purchase homes, seniors are struggling to maintain their homes, and businesses are facing immense challenges to create and retain jobs, and

WHEREAS, New Yorkers face the highest property taxes in the nation, and when they are calculated as a percentage of home value, nine of the top 10 property tax rates in the entire United States belong to counties in New York. The State must act now to thwart the detrimental effects that high property taxes are having on Local governments, and

WHEREAS, members of the Assembly have introduced the "New York State Property Taxpayers Protection Act" (Assembly Bill 8775-A), which puts forth new and innovative ideas for property tax reform that limit the amount school districts can raise annually through local tax levies to four percent or the rate of inflation, whichever is less; in addition the Act would relieve municipalities and school districts of unfunded mandates, reduce county Medicaid costs, strengthen financial accountability over school tax dollars, promote local government efficiency, and encourage local option insurance pooling, and

WHEREAS, the "New York State Property Taxpayers Protection Act" will help fix New York's broken property tax system, providing homeowners, businesses and municipalities significant and lasting relief from the crushing burden of skyrocketing property taxes.

RESOLVED, that this Legislative Body pause in its deliberations to acknowledge New York State's property tax crisis and urge the immediate passage and chaptering of the "New York State Property Taxpayers Protection Act," which will help local governments reinvigorate New York's economy-by-providing incentives for people-and businesses to move and stay here, and

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FURTHER RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to the Governor of the State of New York, the Temporary President of the New York State Senate, the Speaker of the New York State Assembly, and to each member of the local delegation to the New York State Legislature, and moves its adoption.

Councillor Flynn stated that he will vote no on this resolution because he doesn't believe this Council should be voting for citizens on the school budget. Mayor Nelson said that taxpayers actually only get to vote on a limited amount of the school budget. Councillor Powers stated this resolution is a way to tell legislators that taxpayers are not happy with rising school budgets.

The vote was:

AYES: Mayor Nelson, Councillors Hannan, Morley,  
Powers, Sholette and Vaugh

NAYS: Councillor Flynn

APPROVED, 6 TO 1

## OLD BUSINESS

1. Councillor Morley asked Public Works Director Kit Smith if the Judge Shea Way signs have been installed. Mr. Smith said not yet. Councillor Morley suggested also presenting Judge Shea a sign as he currently resides at St. Joseph's Nursing Home.

2. Councillor Morley asked Mr. Smith if the truck routes in the City are well marked with signs. Mr. Smith stated that the designated truck routes are signed but that those being used illegally as truck routes, need Police Department enforcement.

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3. Councillor Powers questioned the status of the installation of the bar screen at the Wastewater Treatment Plant. Mr. Smith said the manufacturer had a problem hauling it here.

4. Councillor Flynn asked Mr. Smith what is the procedure used to determine which sidewalks need to be replaced. Mr. Smith explained that he receives complaints, his department inspects the sidewalk and determines if it needs to be replaced and a ten day notice is sent to the homeowner. Mr. Smith handed out a copy of the notice he sends to homeowner to repair their sidewalk (a copy follows these minutes).

5. Councillor Vaugh requested an update on the Patterson Street discussions with NYS Department of Transportation. Public Works Director Kit Smith said NYSDOT can't commit until federal funds are available. Councillor Vaugh questioned if Council should contact our Federal representatives. Mayor Nelson said he would send letters to Senator Schumer, Senator Clinton and Congressman McHugh.

6. Councillor Flynn requested an update on the St. Lawrence County bus refueling at the DPW garage. Mr. Smith advised that he has spoken with Keith Zimmerman, St. Lawrence County, because the computer authorizing system that was installed at our gas pumps and is no longer in business to modify our system for outside users . Mr. Smith added that he is looking for the company that took over.

7. Councillor Flynn requested an update on the demolition of the Dobisky Center. Mr. Smith said Op-Tech completed the asbestos removal of the Culligan Building and the old Community Center and they will be torn down by the DPW Friday.

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8. Councillor Morley asked for an update on the Maple City Trail expansion. City Manager Arthur Sciorra said that an underwater inspection of the bridge is planned in July. Councillor Flynn Stated that he was informed that the City is required to offer restrooms on the trail. Mr. Sciorra said he was not aware of that. Mr. Sciorra added that he talked to the Church and they are willing to give us a right of way, but he feels we need to look at the other bridge before we commit.

9. Councillor Hannan asked if there will be a special planning board meeting. Mr. Sciorra said the Planning Board is willing to meet, but they haven't.

10. Councillor Hannan said in the 4/18/08 Council update there was an email from Ridgeview Tel that they were pulling their service out of St. Lawrence County. City Manager Arthur Sciorra stated that we billed them \$1,000. for having their equipment on the water tower, but they never signed an agreement. Mr. Sciorra said he will discuss the possible collection with City Comptroller Philip Cosmo.

11. Councillor Hannan stated that there were copies of letters in the update that had been sent to property owners with dilapidated structures requiring them to tear them down by a certain date. Councillor Hannan said those dates have come and gone, and the buildings are still standing. Mr. Sciorra said we are looking into bundling all of those privately owned properties into one Restore NY project. Councillor Hannan asked City Manager Arthur Sciorra if we have received any updates on the Upstate Revitalization Funds. Mr. Sciorra stated that he believes our application has been approved, but is not clear about how the funding will be released.

12. Councillor Hannan asked if we have a copy of the International Joint Commission (IJC) public hearings schedule. Mr. Sciorra said he hadn't, but will get Council a copy.

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13. Councillor Powers stated that the old Ghizes Restaurant at Madison and Main Streets is falling apart and questioned if Code Enforcement has looked at the property. Mr. Sciorra said he will check.

14. Councillor Flynn stated that at the last meeting Council was told they would receive monthly Code Enforcement updates so that Council would be informed when residents asked questions. Mayor Nelson reminded the audience of the Mayor's Hotline, 393-1130 for complaints.

### NEW BUSINESS

1. Councillor Flynn passed out information regarding conducting a dog enumeration in the City. (A copy follows these minutes.)

2. Councillor Hannan asked if homeowners can call the DPW to schedule spring brush cleanup. Public Works Director Kit Smith advised that the spring cleanup has started ward by ward, and that residents can also call his department. Mr. Smith said he will put it in the paper when the spring cleanup is completed.

3. Councillor Hannan asked for a DPW project update and questioned if Council should also review vehicle use policies due to the increase in the price of gas.

4. Councillor Vaughn stated that he is concerned with the reckless driving activity in the Greenbelt area and asked if the Police Department Bike Patrols have started this year. Police Chief Richard Polniak stated that his department has ordered more patrols in that area, but is uncertain about bike patrols due to short staffing. Police Chief Richard Polniak explained why his department is short.

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5. Mayor Nelson stated Council received information to make our City Parks tobacco free. Mayor Nelson stated this information should first go through the Recreation Commission for review and recommendation. Mayor Nelson asked if Council would like to consider this.

Director of Planning and Development, Justin Woods, explained that St. Lawrence Public Health is working on this with him and if passed, they will fund the signs. Mr. Woods added this will be a volunteer compliance policy.

There was a consensus of Council to put legislation together for the next meeting.

6. Mayor Nelson asked Mr. Woods to work with Code Enforcement and Mr. Maginn, of the Burn Center regarding Mr. Loffler's complaint tonight.

7. Mayor Nelson reminded all of the Chamber's Business After Hours to meet Justin Woods and Philip Clemens at the Place this Thursday.

### ITEMS FOR DISCUSSION

#### 1. Discuss Draft of Civic Center Renovations

City Manager Arthur Sciorra stated that we need showers in conjunction with locker rooms, which could require an addition to the building at a cost of \$186,000.

Councillor Vaugh suggested forming a committee comprised of the Minor Hockey Association, Recreation Commission and a member of Council. Councillor Hannan suggested Councillor Vaugh as the Council Representative.

There was a consensus of Council to explore the Civic Center renovations further.

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### 2. Spring Street Bridge Rehabilitation

Public Works Director Kit Smith explained that two years ago Councillor LaMacchia was concerned over the Spring Street Bridge ascetics. Mr. Smith said he looked at the cost to paint the bridge and found concerns from freeze thaw damages. Mr. Smith said he contacted Tisdell, an engineering firm to look at pointing up and fixing cracks on the bridge and they presented him with a Phase 1 and Phase 2. Mr. Smith explained that if we do Phase 1 we may not have to do Phase 2 for awhile as the bridge has a structural rating of 7 out of a possible 10. Mr. Smith added that we can save \$40,000. if we allow them to close the bridge to vehicular traffic only for six weeks while they complete the bridge work. Mr. Smith stated that we have 30 days to decide. City Manager Arthur Sciorra will bring funding source information to the next meeting.

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