

SPECIAL CITY COUNCIL MEETING

August 27, 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,
LaMacchia, LaRose and Morley

ABSENT: Councillor Hannan

PRESENTATIONS

1. John LaGorga, Joe Dodd and David Kirk, of Stearns & Wheler gave a presentation to Council regarding the water overflow study they are conducting. Mr. LaGorga explained that after three months of monitoring they have concluded that the collection system is not maximized as per best management practice, and the Federal government wants 85% of combined sewage treated. Mr. Kirk presented simple models on methods to capture more of the combined sewage. Mr. LaGorga added that sewer separation at this point was not necessary, but they will first need to characterize the system and then implement other best management practices to see what needs to be done.

2. Aaron Jarvis, of Tisdell Associates, gave a summary presentation of the feasibility study done on the Lake Street Bridge project. Mr. Jarvis presented four options and explained each of them (a copy of the feasibility study is attached).

There was a consensus of Council to maintain some form of a bridge in that area. It was also the consensus of Council to have underwater dive work done to see if the center pier and abutment are salvageable, and to obtain paint samples and an analysis of the bridge clearance before deciding the course of action.

ITEMS FOR COUNCIL ACTION

1. Councillor Morley moved a resolution to authorize the award of contract for the removal of asbestos at the City-owned former Community Center, and Councillor Flynn seconded to wit:

**RESOLUTION TO AUTHORIZE THE AWARD OF CONTRACT FOR
ASBESTOS REMOVAL AT THE FORMER COMMUNITY CENTER**

WHEREAS, bids have been solicited and received for the asbestos abatement of a city-owned property, the former Community Center, and

WHEREAS, the City staff has evaluated the bids and recommended the following contracts be awarded to the responsible low bidder, and

NOW, THEREFORE, BE IT RESOLVED that Arthur J. Sciorra, City Manager is authorized to enter into the following contracts on behalf of the City;

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>	<u>ADDRESS</u>
Independent Commercial Contractors 27004 Loomis Rd Loraine, NY 13654	\$9,000	100 Riverside Ave

BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from the Capitol Account H718201.

The vote was:

CARRIED, AYES ALL

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2. Mayor Nelson moved a resolution providing for public notice and public hearing, and Councillor Morley seconded to wit:

A RESOLUTION OF THE CITY COUNCIL
CITY OF OGDENSBURG
TO PROVIDE FOR PUBLIC NOTICE AND PUBLIC HEARING

WHEREAS, the City desires to amend the Official Map of the City of Ogdensburg by deleting a subdivision and deleting certain paper streets from that portion of the Meadow North Subdivision described in a deed recorded in the Office of the Clerk of the County of St., Lawrence on May 24, 2006 as instrument number 2006-00008655;

NOW, THEREFORE, BE IT RESOLVED that the City Council shall hold a public hearing in the matter of this amendment to the Official City Map to be held in the City Council Chambers at City Hall, Ogdensburg, New York, on September 10, 2007 at 7:00 p.m., and

BE IT FURTHER RESOLVED that the City Clerk give notice of such public hearing by publication in the official newspaper at least seven (7) days before the hearing date setting forth the time and place of the hearing.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution urging Exxon Mobil to support the efforts to cleanup and revitalize the Fort La Presentation/Fort Oswegatchie historic site and promote Economic Development and Historical Preservation by implementing the Fort La Presentation reconstruction study, and Councillor LaMacchia seconded to wit:

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RESOLUTION URGING EXXONMOBIL TO SUPPORT THE EFFORTS
TO CLEANUP AND REVITALIZE THE
FORT LA PRESENTATION/FORT OSWEGATCHIE HISTORIC SITE
AND TO PROMOTE ECONOMIC DEVELOPMENT AND HISTORICAL
PRESERVATION BY IMPLEMENTING THE
FORT LA PRESENTATION RECONSTRUCTION STUDY

WHEREAS, the State of New York and the City of Ogdensburg have the opportunity to preserve the unique Fort La Présentation/Fort Oswegatchie historic site and promote economic development by implementing the Fort La Présentation Reconstruction Study; and

WHEREAS, the Fort La Présentation/Fort Oswegatchie historic site has the potential to yield important historic information concerning early French settlements in New York State; interrelationship between the French settlers and Native American communities; the Seven Year (French and Indian) War, and early American History; and

WHEREAS, the Fort La Présentation Association (Fort) and the City jointly recognize the value to area residents and visitors of the Fort Project for its contribution to historical education, the encouragement of tourism in the area, the revitalization of the City's waterfront and other related benefits; and

WHEREAS, the New York State Legislature designated the Fort La Présentation/Fort Oswegatchie historic site as the location for the final signature event of the last major battle of the War in the New York State French and Indian War 250th Anniversary Commemoration in 2010; and

WHEREAS, Exxon Mobil and its predecessor companies operated a petroleum bulk storage and distribution facility at the Site from 1898 to 1984, causing significant petroleum contamination of the Site; and

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WHEREAS, on December 20, 2006, the New York State Comptroller's Office announced that the Fort, the New York State Office of the Attorney General, the New York State Comptroller's Environmental and Spill Compensation Fund ('Fund'), the New York State Department of Environmental Conservation (DEC), and Exxon Mobil Corporation ("Exxon Mobil") reached an Agreement to facilitate construction of Fort La Présentation and Visitor Center at the Site; and

WHEREAS, Exxon Mobil agreed to pay \$6 Million to the Fund to fund cleanup of the Site; and

WHEREAS, the Fund agreed to reimburse the Fort \$2.25 Million in fulfillment of the damage claims submitted by the Fort for losses resulting from the petroleum contamination; and

WHEREAS, the Fund agreed to reimburse Thomas Duffy, an adjoining landowner, \$250,000.00 in fulfillment of the damage claims submitted by Mr. Duffy for losses resulting from the petroleum contamination; and

WHEREAS, Exxon Mobil agreed to transfer title of their adjoining property to the Fort; and

WHEREAS, Mr. Duffy agreed to transfer title of his adjoining property to the Fort; and

WHEREAS, without the funding provided for in the Exxon Mobil settlement, the revitalization and preservation of the Site is jeopardized, including the Commemoration in 2010; and

WHEREAS, it is vital for the success of the reconstruction project and for the economic development of the region, that the parties honor the terms of this Agreement;

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NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Ogdensburg strongly urges Exxon Mobil to support the efforts to cleanup and revitalize this historic site which played an important role in the history of North America 250 years ago; and be it

FURTHER RESOLVED, that the City Council of the City of Ogdensburg calls upon the Office of the Attorney General, the Office of the State Comptroller, the Department of Environmental Conservation and Exxon Mobil to honor and enforce the terms of the Agreement announced by the Office of the State Comptroller on December 20, 2006.

The vote was:

CARRIED, AYES ALL

4. Councillor Flynn moved a resolution to authorize the City Manager to execute a contract with Saratoga Associates for landscape design, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE
CONTRACT WITH SARATOGA ASSOCIATES
FOR 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 new Dobisky Visitor Center to accommodate new parking areas, drop-off lanes, walking paths, lighting and planting plans, including a maintenance plan for plantings; and,

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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 a sum not to exceed \$14,850 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.

The vote was:

CARRIED, AYES ALL

Councillor LaMacchia asked City Planner Martin Murphy if the design would include plans both with and without the old Community Center. Mr. Murphy said they asked the architect to prepare two sets of designs.

Mayor Nelson said he had brought up the possibility of marina expansion and asked if they would be looking at that as well. Mr. Murphy said they hadn't been asked to do that, but it was not too late to do so. There was a consensus of Council to direct staff to ask the architect to look into the possibility of marina expansion.

5. Mayor Nelson moved a resolution to authorize the City Manager to provide for public notice and public hearing on the Empire State Development Corporation 2007 RESTORE NY Program, and Councillor LaMacchia seconded to wit:

RESOLUTION OF THE CITY COUNCIL
TO PROVIDE FOR PUBLIC NOTICE AND PUBLIC HEARING

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WHEREAS, the City of Ogdensburg is contemplating the submission of a grant application to the NYS Empire State Development Corporation for the re-development of the following properties:

420 Ford Street, 7-9 Main Street, 119 W. River Street,
50-52 E. River Street, 17-27 Main Street, 12 E. River Street,
101-113 Lake Street, 61 E. River Street, 30 Main Street,
54 E. River Street, 17 Commerce Street, 110 Lake Street,
23 Commerce Street, 202-206 Ford Street, 2 Jackson Street,
TMN 48.063-1-1.111, TMN 48.077-1-2, TMN 48.078-3-33

WHEREAS, the above mentioned property owners have expressed interest to participate in the RESTORE NY Program,

WHEREAS, the City Council and staff of the Office of Planning and Development are desirous of obtaining public input into the matter of the application for RESTORE NY funds for said funding,

NOW, THEREFORE, BE IT RESOLVED that the City Council shall hold a public hearing in the matter of the proposed RESTORE NY Program to be held in the City Council Chambers at City Hall, Ogdensburg, New York on the 10th day of September, 2007 at 7:00 p.m., and

BE IT FURTHER RESOLVED that the City Clerk give notice of such public hearings by publication in the official newspaper at least three (3) consecutive days before the hearing date setting forth the time and place of the hearing.

Councillor Morley asked if we could add the Shade Roller property to this list. Mayor Nelson stated that the Shade Roller property was one of the properties on this list.

The vote was:

CARRIED, AYES ALL

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Mayor Nelson explained to the public, that the City has taken possession of the Standard Shade Roller property and added that acquiring this waterfront property lends itself to a tremendous development opportunity.

6. Councillor LaRose moved a resolution to authorize the award of change order for the removal of asbestos and building demolition at 20 Lake Street, and Councillor Morley seconded to wit:

RESOLUTION TO AUTHORIZE THE AWARD OF A CHANGE ORDER
FOR ASBESTOS REMOVAL AND BUILDING DEMOLITION
AT 20 LAKE STREET

WHEREAS, a request for change order has been solicited and received for the asbestos abatement and building demolition of a city-owned property at 20 Lake Street, and

WHEREAS, the City staff has evaluated the change order and recommended the following contract be awarded, and

NOW, THEREFORE, BE IT RESOLVED that Arthur J. Sciorra, City Manager is authorized to enter into the following contract on behalf of the City;

<u>CONTRACTOR</u>	<u>CHANGE ORDER</u>	<u>ADDRESS</u>
LVI Environmental Services 36 Park Avenue Massena, NY 13662	\$8,950	20 Lake Streets

BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from funding from the Lake Street demolition project.

The vote was:

CARRIED, AYES ALL

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7. Councillor LaMacchia moved a resolution authorizing the award of a contract for asbestos air monitoring services at the former Community Center, and Councillor Morley seconded to wit:

RESOLUTION TO AUTHORIZE THE AWARD OF CONTRACT
FOR ASBESTOS AIR MONITORING SERVICES AT THE
FORMER COMMUNITY CENTER

WHEREAS, bids have been solicited and received for the asbestos air monitoring of a city-owned property, the former Community Center, and

WHEREAS, the City staff has evaluated the bids and recommended the following contract be awarded to the responsible low bidder, and

NOW, THEREFORE, BE IT RESOLVED that Arthur J. Sciorra, City Manager is authorized to enter into the following contract on behalf of the City;

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>	<u>ADDRESS</u>
Envirologic of New York, Inc Central Office 6950 East Genesee Street Fayetteville, NY 13066	\$3,150	100 Riverside Ave

BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from the surplus funding from the Visitor Center project.

The vote was:

CARRIED, AYES ALL

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