

CITY COUNCIL MEETING

September 24, 2007

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

PRESENT: Mayor Nelson, Councillors Ericksen, Flynn, Hannan, LaMacchia, LaRose and Morley

ABSENT: None

PERSONAL APPEARANCE

1. Joe Klimaszewski, owner of Alliance Energy and Thomas Shepston, Consultant, addressed Council regarding the Ogdensburg Co-Generation Power Facility Redevelopment Plan and reviewed aspects of the project. They advised Council that they had a twenty year electric sales contract for steam at the St. Lawrence Psychiatric Center that ended in 1998, and they are now supplying steam at no cost. They asked Council to support their redevelopment plan and restructuring of the steam contract with state agencies, and allow the City Manager to work with them. Mr. Klimaszewski requested Council help them obtain state support to pay for the fuel to supply steam at the SLPC facility. Mr. Shepston also encouraged Council to call Joe and go on a tour of the facility. There was a consensus of Council to work with this company and to help keep the SLPC facility in Ogdensburg.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in Warrant #16-2007 in the amount of \$435,313.91, and Library Warrant #16-2007 in the amount of \$23,561.76 and Community Development Fund Warrant #16-2007 in the amount of \$23,043.54 and Capital Fund Warrant #16-2007 in the amount of \$68,733.22 as audited, be and the same are ordered paid and Councillor Flynn seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Nelson moved to appoint Paul W. Stevenson to serve a 3 year term on the Ogdensburg Planning Board, term to expire on December 31, 2010, and Councillor LaRose seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved to re-appoint James Morrison to serve a 5 year term on the Board of Assessment and Review, term to expire September 30, 2012, and Councillor Ericksen seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor LaMacchia moved a resolution to amend the Official City Map of the City of Ogdensburg to abandon a portion of the Meadow North Subdivision and deletes the paper streets laid out in that portion of the subdivision, and Councillor Morley seconded to wit:

RESOLUTION TO AMEND OFFICIAL CITY MAP

WHEREAS, the City has received a request from the owner of the remaining real property subject to the Meadow North Subdivision to abandon said subdivision; and

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WHEREAS, the City desires to amend the Official City Map of the City of Ogdensburg by abandoning a portion of said subdivision and deleting certain paper streets from that portion of the Meadow North 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; and

WHEREAS, notice and public hearing on the proposed change to the Official May have been filed and held per Section 29 of General City Law;

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby amends the Official City Map of the City of Ogdensburg and abandons the subdivision of the lands described in the aforementioned deed and deletes those paper streets laid out in said subdivision map.

Councillor Morley asked if we were abandoning this subdivision or just the paper streets. Public Works Director Kit Smith said both. Mr. Smith said that we cannot do one without the other and that the streets were never dedicated and we need to remove the lines on the City map.

Councillor LaRose said that both he and his wife own this property which will never be subdivided. Councillor LaRose added that Gregg Mallette and Greg Harland had been a great help.

The vote was:

AYES: Mayor Nelson, Councillors Ericksen, Flynn, Hannan, LaMacchia and Morley

ABSTAIN: Councillor LaRose

CARRIED, 6 – 0

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2. Councillor Flynn moved a resolution authorizing the City Manager to submit a Restore NY application requesting grant funding in the amount of \$2,493,166, and Councillor LaMacchia seconded to wit:

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE EMPIRE STATE DEVELOPMENT CORPORATION UNDER THE RESTORE NY PROGRAM

WHEREAS, the Ogdensburg City Council has established a goal of revitalizing and stabilizing aging neighborhoods and commercial areas within the City; and,

WHEREAS, the Empire State Development Corporation is currently soliciting requests under the Restore New York's Communities Initiative for the sole purpose of revitalizing urban areas, inducing commercial investment and improving the municipal housing stock to attract individuals, families and commercial enterprises; and,

WHEREAS, the City has identified the Marina District as this years target area for neighborhood revitalization and stabilization; and,

WHEREAS, City staff held an informational workshop describing the program and requirements on August 14, 2007, for interested property owners in that area; and,

WHEREAS, a public hearing was held on September 10, 2007, in the matter of the proposed Restore NY Program and pending application; and,

WHEREAS, the Restore NY Program requires no less than 10 percent of the award in matching contributions; and,

WHEREAS, the City has established a ratio of 60% grant, 30% low-interest loan and 10% owner equity as the percentage of funding sources for each project;

NOW, THEREFORE BE IT RESOLVED, the City Manager is hereby authorized to submit a Restore NY application requesting grant funding in the amount of \$2,493,166.; and,

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BE IT FURTHER RESOLVED, the City Council hereby appropriates \$259,605 from Community Development funds for low interest loans to eligible property owners identified in the Restore NY grant application.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution providing for public notice and public hearing with regard to an amendment to Section 221-8, entitled "Zoning Map", and Councillor Morley seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING
AN AMENDMENT TO THE ZONING ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED that the ordinance entitled "Ordinance Amending Chapter 221 Entitled 'Zoning' of the City of Ogdensburg Municipal Code" be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

BE IT FURTHER RESOLVED that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid ordinance to be held in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York, on Tuesday the 9th day of October, 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 days before the hearing date, of a notice setting forth the time and place and describing the proposed ordinance in summary form.

The vote was:

CARRIED, AYES ALL

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4. Councillor LaRose moved a resolution authorizing the City Manager to promote Gregg Mallette, from the Building Inspector II position to a Code Enforcement Officer, and Councillor Morley seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO PROMOTE GREGG MALLETTE, BUILDING INSPECTOR II TO THE
POSITION OF CODE ENFORCEMENT OFFICER

WHEREAS, New York State implemented new fire prevention and building code mandates effective, January 1, 2007;

WHEREAS, the Ogdensburg City Council passed Local Law #1 of 2007 on January 22, 2007 to provide for the transfer of Code Enforcement duties from the Planning Department to the Fire Department to implement this mandate;

WHEREAS, Local Law #1 of 2007 states that the Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and all other laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures and the installation and use of materials and equipment therein and the location, use, occupancy and maintenance thereof;

WHEREAS, the Ogdensburg Civil Service Commission adopted the new title of Code Enforcement Officer on October 19, 2006, and NYS Civil Service approved the non-competitive promotion from Building Inspector II to Code Enforcement Officer;

NOW, THEREFORE, BE IT RESOLVED, that the 2007 salary of Gregg Mallette, is hereby adjusted, effective immediately, to \$48,313. as Code Enforcement Officer;

BE IT FURTHER RESOLVED, that the City Comptroller is hereby authorized to transfer funds from the Contingency Account to accomplish this budget amendment.

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City Manager Art Sciorra explained this is to fulfill the new law that was passed by the City in January, which requires that a person be designated as a Code Enforcement Officer. Mr. Sciorra said that his duties will remain essentially the same, but will add some supervisory responsibilities. Councillor Flynn asked why this promotion did not go through the Executive Compensation Committee. City Manager Art Sciorra stated this was a union position, not an executive position.

City Clerk Kathy Bouchard explained Section 52.7 of the Civil Service Laws pertaining to Non-Competitive Promotions.

Councillor LaRose asked why, if Council passed this on January 22, 2007, it took nine months to get this in front of Council. City Manager Art Sciorra said we were trying to work out how we were going to reorganize the Code Enforcement Department. Councillor LaRose questioned if this promotion was retroactive back to January 22, 2007. Mr. Sciorra said it was not.

Councillor LaRose moved to amend the resolution to read 'effective 1/22/07' to more accurately reflect the duties of the individual, and Councillor Morley seconded the motion.

Councillor Hannan asked where the figure of \$1,665 came from. City Clerk Kathleen Bouchard explained that this was the difference between the union contract's Step 14 and Step 15 annual salary. Councillor Hannan asked if this would be prorated or if legally we could go retroactive. City Clerk Kathy Bouchard stated yes Council can make it effective any date they want as the State Civil Service approved this non-competitive promotion on October 13, 2006.

The vote to amend the resolution was:

AYES: Mayor Nelson, Councillor Ericksen, Flynn, LaMacchia, Larose and Morley

NAYS: Councillor Hannan

CARRIED, 6 – 1

The resolution as amended now read:

**RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO PROMOTE GREGG MALLETTE, BUILDING INSPECTOR II TO THE
POSITION OF CODE ENFORCEMENT OFFICER**

WHEREAS, New York State implemented new fire prevention and building code mandates effective, January 1, 2007;

WHEREAS, the Ogdensburg City Council passed Local Law #1 of 2007 on January 22, 2007 to provide for the transfer of Code Enforcement duties from the Planning Department to the Fire Department to implement this mandate;

WHEREAS, Local Law #1 of 2007 states that the Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and all other laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures and the installation and use of materials and equipment therein and the location, use, occupancy and maintenance thereof;

WHEREAS, the Ogdensburg Civil Service Commission adopted the new title of Code Enforcement Officer on October 19, 2006, and NYS Civil Service approved the non-competitive promotion from Building Inspector II to Code Enforcement Officer;

NOW, THEREFORE, BE IT RESOLVED, that the 2007 salary of Gregg Mallette, is hereby adjusted, effective January 22, 2007, to \$48,313. as Code Enforcement Officer;

BE IT FURTHER RESOLVED, that the City Comptroller is hereby authorized to transfer funds from the Contingency Account to accomplish this budget amendment.

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The vote on the resolution as amended was:

AYES: Mayor Nelson, Councillor Ericksen, Flynn, LaMacchia, Larose
and Morley

NAYS: Councillor Hannan

CARRIED 6 – 1

5. Mayor Nelson moved a resolution declaring the last Sunday of September as Gold Star Mother's Day, and Councillor LaMacchia seconded to wit:

RESOLUTION DECLARING THE LAST SUNDAY OF SEPTEMBER AS GOLD
STAR MOTHER'S DAY

WHEREAS, the services rendered to the United States by the mothers of America have strengthened and inspired our Nation throughout our history;

WHEREAS, we honor ourselves and the mothers of America when we revere and give emphasis to the home as the fountainhead of the State; and

WHEREAS, the service rendered the United States by the American mother is the greatest source of the Country's strength and inspiration; and

WHEREAS, by doing so much for the home, the American mother is a source of moral and spiritual guidance for the people of the United States and thus acts as a positive force to promote good government and peace among all mankind; and

WHEREAS, the American Gold Star Mothers have suffered the supreme sacrifice of motherhood by losing sons and daughters who served in the Armed Forces, and thus perpetuate the memory of all whose lives were sacrificed in our wars; and

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WHEREAS, On June 23, 1936 the Congress, by Senate Joint Resolution 115 (49 Stat.1895), further recognized the sacrifice of these Gold Star Mothers when it set aside the last Sunday in September of each year as Gold Star Mothers Day, and

WHEREAS, On July 1, 2006, New York Governor George E. Pataki signed legislation into law that designates the last Sunday in September as “Gold Star Mother’s Day” honoring New York mothers who have lost a son or daughter during wars and armed conflicts or while in service to our country,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Ogdensburg declares the last Sunday of September as Gold Star Mothers Day,

BE IT FURTHER RESOLVED, Under State law, a day of commemoration does not constitute a holiday or half-holiday, but instead is a day set aside in recognition and special honor of a person, persons, group ideal or goal.

Mayor Nelson said this is a fitting tribute to all mothers who have lost loved ones throughout the decades in service to our country. Councillor Flynn said the VFW is holding a ceremony on September 30th at noon.

The vote was:

CARRIED, AYES ALL

6. Councillor Hannan moved a resolution authorizing the City Manager to sign an amendment to the Site Agreement between Nextel WIP Lease Corp. and the City of Ogdensburg, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN
AMENDMENT TO THE SITE AGREEMENT BETWEEN
NEXTEL WIP LEASE CORP. AND THE CITY OF OGDENSBURG

WHEREAS, the City Manager was authorized to sign a lease of municipal property at the Plover Hill water tower to NEXTELL WIP LEASE CORP., d/b/a Nextell Partners, Inc. at the March 27, 2006 City Council meeting, and

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WHEREAS, the tenant desires to modify its installation on the Site by changing antennas and adding other equipment to the Facilities, and

WHEREAS, the tenant has provided the attached Amendment No. 1 to the Site Agreement and the Agreement has been reviewed by an engineer and is acceptable,

NOW THEREFORE BE IT RESOLVED, that the City Manager is authorized to sign the attached Amendment No. 1 to Site Agreement.

The vote was:

CARRIED, AYES ALL

7. Councillor Morley moved a resolution authorizing the City Manager to enter into a contract with Continental Construction, LLL for a 25 mm Wastewater Screen for the Wastewater Treatment Plant, and Councillor Flynn seconded to wit:

**AUTHORIZING AWARD OF CONTRACT FOR A 25 MM WASTEWATER
SCREEN FOR THE WASTEWATER TREATMENT PLANT**

WHEREAS, bids have been solicited and received for a 25 MM Wastewater Screen for the Wastewater Treatment Plant; and

WHEREAS, City staff and Tisdell Associates, the City's consultant for this project, have evaluated the bids and recommended the contract be awarded to the responsible low bidder;

NOW, THEREFORE, BE IT RESOLVED that Arthur J. Sciorra, City Manager, is authorized to enter into the following contract, for a sum not to exceed \$182,600., on behalf of the City:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>	<u>CONTINGENCY</u>
Continental Construction, LLC P. O. Box 358 Gouverneur, NY 13642	\$166,000	\$16,600

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BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from the following sources: \$130,000 from the Sewer Fund G8130.310 as previously appropriated by the City Council on November 13, 2006, and \$52,600 from Sewer Fund Encumbrance.

Public Works Director Kit Smith explained the project and costs. Councillor LaMacchia asked if this price included engineering costs. City Manager Art Sciorra said other than Tisdel's time for reviewing the specifications, there were no other engineering costs. Mr. Smith said everything in the bid is provided by the manufacturer; the start up, the engineering, the actual training of the employees, and the maintenance training.

Councillor LaRose asked if the \$52,600 will come from the sewer fund encumbrance or from the sewer fund balance. Comptroller Philip Cosmo said this is from a separate account that was set up for encumbrances for other projects, but this project took precedence. Mr. Cosmo added that this will zero that account out.

The vote was:

CARRIED, AYES ALL

8. Councillor LaMacchia moved a resolution authorizing the City Comptroller to proceed with having the appropriate resolution prepared, by Bond Council, to allow the City to borrow sufficient funds to cover the Monroe Avenue Sewer Improvement Project, and Councillor Morley seconded to wit:

RESOLUTION TO APPROVE AN APPROPRIATION FOR THE
MONROE AVENUE SEWER IMPROVEMENTS

WHEREAS, the City of Ogdensburg has had a catastrophic collapse in the Monroe Avenue sewer main which leads to the Harrison Avenue sewer main; and

WHEREAS, the City recognizes the importance of optimizing the sanitary mains within that area; and

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WHEREAS, there is no appropriation set forth for the replacement this sewer main,

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the City Comptroller to proceed with having the appropriate resolution prepared, by Bond Council, to allow the City to borrow sufficient funds to cover said project; and

BE IT FURTHER RESOLVED, that the expenditures for the replacement of said sewer main shall not exceed \$150,000.

Public Works Director Kit Smith gave Council a brief overview of this situation and what needs to be done.

The vote was:

CARRIED, AYES ALL

9. Mayor Nelson moved a resolution introducing an ordinance to authorize a lease of municipal property and calls for a public hearing and public notice, and Councillor LaRose seconded to wit:

RESOLUTION OF CITY COUNCIL INTRODUCING AN ORDINANCE AND
PROVIDING FOR PUBLIC NOTICE
AND PUBLIC HEARING

BE IT RESOLVED, that Ordinance No. 9 of 2007, entitled, an Ordinance to Authorize a Lease of Municipal Property, be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid Ordinance to be held at the Council Chambers in the City of Ogdensburg, New York, on the 9th day of October, 2007 at 7:00 p.m., and

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BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the official newspaper at least once each week for three consecutive weeks before the hearing date of a notice setting forth the time and place and describing the proposed ordinance in summary form.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor LaMacchia congratulated Public Works Director Kit Smith and his staff on the great job realigning and paving the Ford Street extension area. Mayor Nelson said that he had sent a letter on behalf of the Council thanking them for this and a number of other jobs they completed this year.

2. Councillor Hannan asked for a status report on the request for the exhibit/display proposals for the Dobisky Center. City Planner Marty Murphy said he received two proposals for the exhibit/display and they are available in his office or he can make copies for Council. Mr. Murphy said he felt it would be prudent to wait until we evaluate the landscape project to determine how much money is going to be left in the Capital account.

3. Councillor Morley asked who is responsible to maintain the City street lights as he has noticed quite a few of them blinking. Public Works Director Kit Smith said this is usually a ballast problem or the electronic eye. Mr. Smith added that residents can call the DPW with an address or pole number and he will send someone to check it out and contact National Grid.

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NEW BUSINESS

1. Councillor LaRose said he read in the NYCOM Publications about shared municipal services and how neighboring municipalities had gotten together to buy equipment, build buildings to house equipment, etc. and asked if there were any thoughts on this type of program or if we were doing something like this. City Manager Art Sciorra said we are presently working on these programs with the DPW, Assessment Department and Code Enforcement, but have not finalized them yet.

2. Councillor Flynn said the VFW was holding a ceremony for the Gold Star mothers at noon on Sunday and invited the Mayor to read a proclamation. It was noted that regrettably, both the Mayor and the Deputy Mayor have prior engagements and cannot attend. Councillor Flynn will be there and will read the proclamation.

3. Councillor Flynn said the Harvest Walk is this Sunday at 12:30 and invited anyone interested to come and walk.

4. Mayor Nelson said Barbara O'Keefe, President of the Fort La Presentation Association would like to move forward with the transfer of the land. Mayor Nelson asked the City Manager to set up a meeting with our attorney.

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