

## CITY COUNCIL MEETING

October 25, 2010

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

PRESENT: Mayor Nelson, Councillors Cilley, Morley,  
Powers, Skamperle and Vaugh

ABSENT: \*Councillor Sholette

### PUBLIC HEARING

1. A public hearing on a proposed ordinance to authorize a lease of municipal property at the Plover Hill Water Tower to Clearwire US LLC was held.

Director of Planning and Development, Justin Woods, stated he was the lead negotiator of the this lease, along with the Comptroller and Public Works Director.

\* At this point in the meeting Councillor Sholette arrives.

Mr. Woods introduced Michael Oser, a Site Acquisition Specialist, who reviewed Clearwire's plans for the Plover Hill Water Tower area and fielded questions from Council. Mr. Woods stated he compiled an informational sheet that addresses some of the public health concerns and passed out a copy to Council. (A copy of the presentation follows these minutes.)

No one being present to speak, the hearing was declared closed.

### CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #18-2010 in the amount of \$327,016.20 and Library Fund Warrant #18-2010 in the amount of \$21,911.16 and Capital Fund Warrant #18-2010 in the amount of \$0.00 and Community Development Fund Warrant #18-2010 in the amount of \$0.00 and Community Renewal Fund Warrant #18-2010 in the amount of \$19,522.36 and HOME Fund Warrant #18-2010 in the amount of \$1,700.00

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and AHC Funds Warrant #18-2010 in the amount of \$0.00, RESTORE Program Warrant #18-2010 in the amount of \$0.00 and NSP Funds Warrant #18-2010 in the amount of 0.00 as audited, be and the same are ordered paid and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Morley moved a resolution to authorize the City Manager to enter into a Settlement Agreement with New York State regarding the removal and cleanup of a petroleum storage tank, and Councillor Vaugh seconded to wit:

**A RESOLUTION TO ALLOW THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT WITH NEW YORK STATE REGARDING THE REMOVAL OF AN UNDERGROUND PETROLEUM STORAGE TANK**

WHEREAS, in 2002 an underground petroleum storage tank was discovered near Greene Street and Rt.68, and

WHEREAS, New York State removed the tank and remediated the associated contamination, and

WHEREAS, the State incurred a cost of \$21,604.37 in cleanup expenses, and

WHEREAS, the State asserted that the tank was City owned and therefore its responsibility, and

WHEREAS, a compromise has been reached that the City will pay for one half of the cleanup cost, and

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NOW, THEREFORE, BE IT RESOLVED that the City Manager is authorized to enter into an agreement with New York State as a final settlement of this claim,

AND BE IT FURTHER RESOLVED, that the funds to pay for this settlement, \$10,802.18, shall come from the Fund Balance of the city's General Fund.

The vote was:

CARRIES, AYES ALL

2. Councillor Sholette moved a resolution to authorize the City Manager to execute an Area Wide Pilot Grant Agreement with the U.S. Environmental Protection Agency, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER  
TO EXECUTE AN EPA AREA WIDE PILOT GRANT AGREEMENT

WHEREAS, the City of Ogdensburg received a grant from the New York State Department of State Brownfield Opportunity Areas Program to prepare a revitalization plan and implementation strategy for areas affected by Brownfield sites; and

WHEREAS, the City of Ogdensburg with support from the New York State Department of State Division of Coastal Resources, applied for and received additional funding to support the BOA Program and development of the City's Brownfield Opportunity Area Plan; and

WHEREAS, the EPA has awarded the City of Ogdensburg 1 of only 23 Area Wide Pilot Awards throughout the country; and

WHEREAS, Area Wide Pilot Grant does not require any local match; and

NOW, THEREFORE, BE IT RESOLVED that Arthur J. Sciorra, City Manager is hereby authorized to sign an EPA Grant Assistance Agreement and to administer the Area Wide Pilot Grant.

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The vote was:

AYES: Mayor Nelson, Councillors Cilley, Powers,  
Sholette, Skamperle and Vaugh

NAYS: Councillor Morley

APPROVED, 6 TO 1

Mayor Nelson stated that he would like to amend the agenda to add one action item. There was a consensus of Council to add a resolution under Items for Council Action.

3. Mayor Nelson introduced a resolution to dedicate the Ogdensburg City Courtroom in the name of the Honorable George E. Silver, and Councillor Morley seconded to wit:

RESOLUTION OF THE OGDENSBURG CITY COUNCIL TO DEDICATE THE  
OGDENSBURG CITY COURTROOM IN THE NAME OF THE HONORABLE  
GEORGE E. SILVER

WHEREAS, the Honorable George E. Silver, City Court Judge of the 4<sup>th</sup> Judicial District within the New York State Unified Court System, will be retiring effective December 31, 2010 after serving the citizens of the City of Ogdensburg for over 34 years as distinguished Judge; and

WHEREAS, the Ogdensburg City Council has reflected upon his years of faithful and dedicated public service to the citizens of the City of Ogdensburg; and

WHEREAS, Judge Silver first practiced in St. Lawrence County in 1970 as a private attorney, trying civil cases in the Ogdensburg City Courtroom, and

WHEREAS, Judge Silver was elected to City Court Judge from June 1983 to December 2010; and

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WHEREAS, Judge Silver was elected as the first fulltime Ogdensburg City Court Judge in August of 2006; and

WHEREAS, Judge Silver was appointed as Acting County Court Judge on April 1, 2007, and

WHEREAS, Judge Silver has conducted numerous Town and Village Justice Court Seminars over the past 10 years; and

WHEREAS, Judge Silver was instrumental in the acquisition and relocation of the federal bench furnishings from form US Federal Court at the Ogdensburg Post Office for use in the City Courtroom, and

WHEREAS, Judge Silver supervised the renovation of the City Courtroom; and

WHEREAS, Judge Silver was instrumental in the creation and establishment of the Ogdensburg City Drug Treatment Court; and

WHEREAS, Judge Silver is a Past President of the New York State Association of City Court Judges; and

WHEREAS, Judge Silver will have served 35 years at the Ogdensburg City Court, and is the longest sitting City Court Judge; and

BE IT RESOLVED, that the Ogdensburg City Courtroom, Room #16, be dedicated and named in honor of the Honorable George E. Silver on the occasion of his retirement by the Ogdensburg City Council, and a plaque will be displayed at the entrance to same.

The vote was:

CARRIED, AYES ALL

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### OLD BUSINESS

1. Councillor Morley requested a detailed list of the grants totaling twenty million dollars that the City has received over the last two and a half years.

2. Councillor Skamperle asked if the analysis of the Beaverbrook water pipes has been completed and when it will be released. City Manager, Arthur Sciorra stated he met with the Director of Public Works, Kit Smith, the City Engineer and the engineers from Stearns and Wheler last Friday and their finalized report will be ready in one to two weeks. Councillor Skamperle asked if the report would be available for the next meeting. Mr. Sciorra stated the City will have the report, but he is not sure a resolution will be done for the following Monday as he hasn't seen the report.

3. Councillor Skamperle stated he understands the City needs a workplace violence prevention policy, but aren't required to have a weapons ban. Councillor Skamperle stated he agrees that there is no reason to have weapons at work, but doesn't believe we need a weapons ban. Councillor Skamperle stated he would like to vote on the policy without banning weapons. Councillor Skamperle also stated he would like to take any type of weapon bans on public streets off the table.

Mayor Nelson clarified Council never had a discussion about a weapons ban on City streets or City property. Mayor Nelson also stated a workplace violence policy is needed to create a safe workplace. Mayor Nelson stated Council will have a dialogue on this issue and agree on a policy. Mayor Nelson recommend biweekly work sessions to review outstanding issues such as the workplace violence policy. **Councillor Powers stated it would also be a good idea to have effected department heads attend local reps from each department sit down to discuss these issues as well.** Mayor Nelson stated Council will have a work session to craft a law that will ensure the protection of our employees.

4. Councillor Sholette questioned what happened to the Dadras Brothers and their report on the Main Street/Downtown Revitalization Strategy. Director of Planning and Development, Justin Woods stated this issue was discussed at a meeting about two weeks ago and explained that he is trying to obtain a product acceptable to the City Manager. Councillor Sholette asked Mr. Woods to send him an e-mail response to his question.

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5. Councillor Sholette asked if Sprint/Nextel and AT&T towers are located on this water tower and questioned who uses them. Mr. Sciorra stated the City uses them. Mr. Woods stated the City uses Sprint/Nextel and AT&T, and added they pay us \$20,000. yearly.

6. Councillor Sholette asked if the Planning Board has clarified the parking space issue for the new Center for Sight building at 420 Ford Street. Mr. Woods stated the Planning Board has had discussion regarding the County's recommendation, and the issue has been resolved. Mr. Sciorra stated he will provide Council the e-mail regarding the County's parking space calculation. Councillor Sholette questioned the turnaround time for a site plan review. Mr. Woods stated that if an applicant provides a complete application and site plan, it can be returned within thirty days, and added that the Planning Board has had multiple meetings in a month to facilitate that. Mr. Woods explained that if it takes multiple meetings for the Planning Board to receive all the necessary information for the site plan, the process can get drawn out. Mr. Woods stated that the Planning Board is very flexible in trying to schedule meetings and will scheduled a special meeting to be as business-friendly as possible. Councillor Sholette stated that hearing the City is being business-friendly is very important to small businesses who struggle and whatever the City can do to help is very appreciated.

### NEW BUSINESS

1. Mayor Nelson read a Certificate of Distinction that was presented to the City of Ogdensburg for exceeding the standards established by ICMA, (International City/County Management Association). Mayor Nelson stated this Certificate was presented to City Manager, Arthur Sciorra at the 2010 ICMA Conference last week in California. Mayor Nelson stated the City should be proud as last year we were recommended and this year we received the Certificate of Distinction. Mayor Nelson added that this speaks highly of what the City Manager has done with the Strategic Management Plan. Mayor Nelson also stated that it is important to give Mr. Sciorra and his team recognition for the great job they have done. City Manager, Arthur Sciorra stated City staff should be recognized for the work they do and the City for being a City that values measurable performance.

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Mayor Nelson suggested scheduling a Council work session with department heads to review the present City strategic management goals and obtain input for 2011. Mr. Sciorra agreed and said that we need to revisit the vision, mission and goals that were set in 2007.

2. Councillor Cilley stated he has information from the Department of Motor Vehicles regarding the License Event Notification Service, and said this is a program the City should get involved in. Councillor Cilley stated the only cost to the City is the time to input drivers initially and then a few minutes each time an employee comes on or leaves. Councillor Cilley stated the program will notify the City when an employee operating City-owned vehicles has their license revoked, suspended or has major motor vehicles infractions. Councillor Cilley asked the City Manager to review this information.

### ITEMS FOR DISCUSSION

1. Councillor Sholette stated that he was asked why he and Councillor Powers abruptly left before the end of the last Council meeting. Councillor Sholette stated he would like to clarify that both he and Councillor Powers had to work early the next morning.

Mayor Nelson stated there was a need for Executive Session, and Council did not expect any action.

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