

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

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

ABSENT: None

### PRESENTATION

1. Mayor Nelson signed and read a Proclamation declaring the week of September 17 – 23, 2011 as Constitution Week. Sally Hartman, of the Swe-Kat-Si Chapter of the National Society Daughters of the American Revolution, thanked Mayor Nelson for continuing this tradition and presented Council with informational pamphlets regarding the Declaration of Independence and Know Your Constitutional Rights. (A copy of the proclamation follows these minutes.)

2. Mayor Nelson presented the following NYCOM Public Service Certificates to City employees with 25 or more years of service. Mayor Nelson stated that our employees make this City a great place to live. (A copy of the certificates follow these minutes.)

David J. Hollis, 25 years, Public Works Department  
George W. Kennedy, 25 years, Wastewater Treatment Plant  
John D. Gooshaw, 25 years, Ogdensburg Fire Department  
John W. Robinson, Jr., 25 years, Ogdensburg Fire Department  
Robert J. Grady, 25 years, Ogdensburg Police Department  
Randy Thornhill, 25 years, Ogdensburg Public Library

### CORRESPONDENCE

1. Kathleen Bouchard, City Clerk Bouchard read a letter from Gerald L. Shannon, II requesting Council support, against the privatization of the St. Lawrence County Solid Waste Department. (A copy of this letter follows these minutes.)

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #15-2011 in the amount of \$1,790,394.73 and Library Fund Warrant #15-2011 in the amount of \$42,892.43 and Capital Fund Warrant #15-2011 in the amount of \$77,442.29 and Community Development Fund Warrant #15-2011 in the amount of \$20,056.35 and Community Renewal Fund Warrant #15-2011 in the amount of \$1,800.70 and HOME Fund Warrant #15-2011 in the amount of \$5,220.00 and AHC Funds Warrant #15-2011 in the amount of \$0.00, RESTORE Program Warrant #15-2011 in the amount of \$0.00 and NSP Funds Warrant #15-2011 in the amount of \$0.00 and NY Main St. Program Warrant #15-2011 in the amount of 11,777.48 as audited, be and the same are ordered paid and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Nelson moved to appoint Dallas Sutton to the Frederic Remington Art Museum Board of Trustees, for a three year term to expire December 31, 2014, and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved to appoint Alison Powers to the Frederic Remington Art Museum Board of Trustees, for a three year term to expire December 31, 2014, and Councillor Vaugh seconded the motion.

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The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. (This resolution authorizing the City Manager to sell a .05 acre portion of 113 Adams Avenue, Tax Parcel #59.002-1-38, to Paul & Mildred Recore for \$1500, subject to City Attorney's review and approval of sales documents, was tabled at the 08/08/11 meeting for additional information and to notify an adjacent property owner.)

Mayor Nelson introduced a motion to bring this resolution back onto the table, and Councillor Vaugh seconded the motion. The vote to bring this resolution back onto the table was:

CARRIED, AYES ALL

The resolution read:

RESOLUTION TO APPROVE THE SALE OF A PORTION OF  
TAX PARCEL #59.002-1-38 TO PAUL & MILDRED RECORE

WHEREAS, Paul & Mildred Recore have made a purchase offer to the City for a .05 acre portion of 113 Adams Avenue, Tax Parcel #59.002-1-38, as shown on the attached drawing, as obtained by the City under Real Property Tax Sale Law, Article 11, Foreclosure Proceedings; and

WHEREAS, New York State Real Property Tax Law § 1166 states that:

1. Whenever any tax district shall become vested with the title to real property by virtue of a foreclosure proceeding brought pursuant to the provisions of this article, such tax district is hereby authorized to sell and convey the real property so acquired, either with or without advertising for bids, notwithstanding the provisions of any general, special or local law.

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2. No such sale shall be effective unless and until such sale shall have been approved and confirmed by a majority vote of the governing body of the tax district, except that no such approval shall be required when the property is sold at public auction to the highest bidder; and

Whereas, the redevelopment of these properties is consistent with the Goals of the Strategic Management Plan, particularly the Goals for a Balanced, Sustainable Local Economy and Revitalizing Aging Neighborhoods and Commercial Areas; and

Whereas, the City Assessor has valued the property at \$1,500.; and

Whereas, the City Manager has negotiated a sale price of \$1,500.;

Now, therefore, be it Resolved, that the City Council, in accordance with New York State Real Property Tax Law § 1166, hereby authorizes the City Manager to sell a .05 acre portion of 113 Adams Avenue, Tax Parcel #59.002-1-38 to Paul & Mildred Recore for \$1,500., subject to City Attorney's review and approval of sales documents.

Councillor Morley stated that he preferred the previously used policy which sold City-owned property by publicizing the auction for three consecutive weeks. Councillor Morley said all City residents should have the right to buy City-owned property.

The vote was:

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

NAYS: Councillor Morley

APPROVED, 6 TO 1

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2. Councillor Morley moved a resolution authorizing the City Comptroller to transfer \$13,755 in funds from the General Fund - Fund Balance to pay for the demolition work of 706 Cedar Street and 216 Pero Lane and authorizing the City Manager to enter into agreements with L&M Enterprises to perform said demolition work, and Councillor Powers seconded to wit:

A RESOLUTION TO TRANSFER FUNDS TO PAY FOR  
THE DEMOLITION OF 706 CEDAR STREET AND 216 PERO LANE

WHEREAS, the City has taken ownership of 706 Cedar Street and 216 Pero Lane, by way of a Tax Sale Deed; and

WHEREAS, the buildings have been damaged by fire or are deteriorated to the point of being a danger to the public; and

WHEREAS, the City has solicited quotes to remove the buildings; and

WHEREAS, the City has had asbestos surveys completed for both buildings; and

WHEREAS, the City advertised for quotes and the lowest quotes received were from L&M Enterprises, as follows:

706 Cedar Street	\$3,900.00
216 Pero Lane	\$5,400.00

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the transfer of \$13,755.00 to be used as follows; and

Demolition of the buildings	\$9,300.00
Tipping Fees (approximate)	\$1,200.00
Contingency	\$1,500.00
Asbestos survey (706 Cedar)	\$878.00
Asbestos survey (216 Pero)	\$877.00

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BE IT FURTHER RESOLVED, that the City Comptroller is hereby authorized to transfer \$13,755 in funds from the General Fund - Fund Balance (A2812) to the Code Enforcement Department – Contracted Services - account (A8025.518) to pay for this demolition work; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to enter into agreements with L&M Enterprises to perform said demolition work.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution to call for a public hearing and public notice to amend Chapter 97 the Ogdensburg Municipal Code entitled Fire Prevention and Building Codes Administration, and Councillor Morley seconded to wit:

RESOLUTION INTRODUCING A LOCAL LAW

BE IT RESOLVED that proposed Local Law No. \_\_ of the year 2011 entitled:  
AMENDMENT TO THE CODE OF THE CITY OF OGDENSBURG  
CHAPTER 97

be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council by the City Clerk, and

BE IT FURTHER RESOLVED that the City Council hold a public hearing on said proposed Local Law to be held in the Council Chambers, City Hall, 330 Ford Street, Ogdensburg, NY on Monday, September 26, 2011, at 7:00 pm in the City Council Chambers, City Hall, 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 Local Law in summary form.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution to call for a public hearing and public notice on a proposed ordinance amending Chapter 73, Animals, Article II, Dog Licensing and Control, §73-9. entitled "Impoundment Fees" of the Code of the City of Ogdensburg, and Councillor Powers seconded to wit:

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

BE IT RESOLVED, that Ordinance No. \_\_ of 2011, regarding an ordinance amending Chapter 73, "Animals", Article II, "Dog Licensing and Control", §73-9.(A) entitled "Impoundment fees" of the Code of the City of Ogdensburg 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 26th day September of 2011, 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 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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5. Mayor Nelson moved to call for a public hearing and public notice on a proposed ordinance amending Chapter 157, Peddling and Soliciting, §157-12. (A) entitled "License fees" of the Code of the City of Ogdensburg, and Councillor Vaughn seconded to wit:

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

BE IT RESOLVED, that Ordinance No. \_\_ of 2011, regarding an ordinance amending Chapter 157, Peddling and Soliciting, §157-12. (A) entitled "License fees" of the Code of the City of Ogdensburg 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 26th day September of 2011, 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 of a notice setting forth the time and place and describing the proposed ordinance in summary form.

The vote was:

CARRIED, AYES ALL

6. Councillor Powers moved a resolution to authorize and appropriate \$990,000 from the RLF to be loaned to the City through the Ogdensburg Growth Fund Development Corporation (OGFDC) to finance remediation of the Shade Roller property, authorizes the execution of a promissory note for repayment of such funds in accordance with the EPA Cooperative agreement, and authorizes the City Manager and City Attorney to develop and execute the documents necessary for the intergovernmental loan to be administered by the OGFDC, and Councillor Vaughn seconded to wit:

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RESOLUTION AUTHORIZING AN APPROPRIATION OF \$990,000 FROM GRANT FUNDS PROVIDED BY THE ENVIRONMENTAL PROTECTION AGENCY TO CAPITALIZE THE BROWNFIELDS CLEANUP REVOLVING LOAN FUND PROGRAM FOR AN INTRAGOVERNMENTAL LOAN TO PROVIDE FOR THE CLEANUP OF THE FORMER STANDARD SHADE ROLLER PROPERTY LOCATED AT 541 COVINGTON STREET

WHEREAS, the City of Ogdensburg (the “City”) has received a \$1 Million Grant (“EPA RLF Grant”) from the United States Environmental Protection Agency (EPA) to capitalize a revolving loan fund for environmental remediation of Brownfields sites (RLF); and

WHEREAS, the City has entered into a Cooperative Agreement (Assistance ID No. BF-97219800-0) with the USEPA governing the terms and conditions of the EPA RLF Grant (the “EPA Cooperative Agreement”); and

WHEREAS, the USEPA Cooperative Agreement authorizes the City to make certain loans, subgrants, and intergovernmental loans from the funds, subject to approval of the USEPA for the environmental remediation of Brownfield sites; and

WHEREAS, the City’s EPA approved work plan designated the Ogdensburg Growth Fund Development Corporation to serve as its independent Fund Manager (the “Fund Manager”) pursuant to the EPA RLF Grant in order to underwrite and administer loans on behalf of the City; and

WHEREAS, the City of Ogdensburg owns the former Standard Shade Roller property at 541 Covington Street in the City of Ogdensburg, Tax Map No. 48.077-1-2, which the City acquired through tax sale foreclosure (the “Standard Shade Roller Property” or the “Site”); and

WHEREAS, the City has determined that remediation of the Standard Shade Roller Property will protect human health and welfare and the environment, will spur economic redevelopment of the City, will facilitate the sale of the property for private redevelopment and reuse, and increase the City’s real property tax base; and

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WHEREAS, the City is utilizing City funds from a previous EPA Brownfields Cleanup Grant to remediate the Standard Shade Roller Property but additional funds are required in order to complete the remediation of the Site; and

WHEREAS the former Standard Shade Roller site meets all program eligibility requirements under the EPA RLF Grant; and

WHEREAS, the City desires to utilize the funds to be provided to the City as part of the EPA RLF Grant to finance the environmental remediation of the former Standard Shade Roller Property; and

WHEREAS, funds from the RLF Grant will be accounted separately from other funds used in the remediation; and

WHEREAS, EPA has approved a remediation work plan and the City's remediation work will be overseen by New York State Department of Environmental Conservation.

NOW, THEREFORE, BE IT RESOLVED by the Ogdensburg City Council:

1. The City authorizes and appropriates funds in the amount of \$990,000 from the City's EPA RLF Grant to be loaned to the City through the Ogdensburg Growth Fund Development Corporation, as the independent Fund Manager, for the sole purposes of providing a loan to the City of Ogdensburg to finance the environmental remediation of the Standard Shade Roller Property.
2. As part of the use of such funds, the City hereby incorporates by reference each of the terms and conditions contained in the EPA Cooperative Agreement and stipulates that the loan to the City shall be governed by and subject to the terms and conditions of the EPA Cooperative Agreement and further stipulates that it will ensure that the Fund Manager, Environmental Manager and its remediation contractor will use the RLF funds in compliance with the EPA Cooperative Agreement.

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3. The City is authorized to borrow \$990,000 pursuant to the RLF Grant and to execute a promissory note providing for the repayment of such funds on the terms and conditions provided in such promissory note, and to use such funds for eligible remediation expenses at the Standard Shade Roller Property in accordance with the EPA Cooperative Agreement.
4. The City agrees to repay the money at zero percent interest to the RLF upon the sooner of completion of the remediation and transfer of the property to private interests, or five years from the date of the loan's disbursement to the City.
5. The City Manager and City Attorney are hereby authorized to develop and execute the documents necessary for the intergovernmental loan to be administered by the Ogdensburg Growth Fund Development Corporation.
6. Upon completion of any necessary loan documents, the City Comptroller is authorized to transfer the appropriated funds to the appropriate accounts for loan through the Fund Manager to the City and to receive and post loan funds from the Fund Manager to the appropriate accounts.

The vote was:

CARRIED, AYES ALL

7. Councillor Vaugh moved a resolution authorizing the City Manager to enter into a formal research agreement with The Shipley Center for Innovation and the Reh Center for Entrepreneurship at Clarkson University, and Councillor Skamperle seconded to wit:

RESOLUTION  
AUTHORIZING CITY MANAGER TO ENTER  
INTO A FORMAL RESEARCH AGREEMENT

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WHEREAS, it is imperative that the City of Ogdensburg have an economic development strategy; and

WHEREAS, an economic development strategy would facilitate job development, business retention and business recruitment during very difficult economic times; and

WHEREAS, the economic development strategy would outline a plan of action to improve the economy of the City; and

WHEREAS, the City Manager has reviewed and recommended the attached proposal to develop an 18-month and 5-year business plan from The Shipley Center for Innovation and the Reh Center for Entrepreneurship at Clarkson University;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to enter into an agreement with The Shipley Center for Innovation and the Reh Center for Entrepreneurship at Clarkson University according to the terms of the proposal; and

BE IT FURTHER RESOLVED, that an appropriation of \$35,000. be appropriated from the Community Development-Miscellaneous Revenue Account.

The vote was:

AYES: Mayor Nelson, Councillors Morley,  
Powers, Skamperle and Vaugh

NAYS: Councillors Cilley and Sholette

APPROVED, 5 TO 2

8. Councillor Powers moved a resolution authorizing the City Manager to sell a lot located on Covington Street (upper parking lot of the former Standard Shade Roller), a portion of Tax Parcel #48.077-1-1-2, to KAMP Corporation, LLC for \$2,100., subject to City Attorney's review and approval of sales documents, and Councillor Vaugh seconded to wit:

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RESOLUTION TO APPROVE THE SALE OF A PORTION OF  
TAX PARCEL #48.077-1-1-2 TO KAMP Corporation, LLC

WHEREAS, KAMP Corporation, LLC have made a purchase offer to the City of Ogdensburg for a lot located on Covington Street (upper parking lot of the former Standard Shade Roller), a portion of Tax Parcel #48.077-1-1-2, as shown on the attached drawing, as obtained by the City under Real Property Tax Sale Law, Article 11, Foreclosure Proceedings; and

WHEREAS, New York State Real Property Tax Law § 1166 states that:

3. Whenever any tax district shall become vested with the title to real property by virtue of a foreclosure proceeding brought pursuant to the provisions of this article, such tax district is hereby authorized to sell and convey the real property so acquired, either with or without advertising for bids, notwithstanding the provisions of any general, special or local law.
4. No such sale shall be effective unless and until such sale shall have been approved and confirmed by a majority vote of the governing body of the tax district, except that no such approval shall be required when the property is sold at public auction to the highest bidder; and

Whereas, the redevelopment of these properties is consistent with the Goals of the Strategic Management Plan, particularly the Goals for a Balanced, Sustainable Local Economy and Revitalizing Aging Neighborhoods and Commercial Areas; and

Whereas, the City Manager has negotiated a sale price of \$2,100.;

Now, therefore, be it Resolved, that the City Council, in accordance with New York State Real Property Tax Law § 1166, hereby authorizes the City Manager to sell a lot located on Covington Street (upper parking lot of the former Standard Shade Roller), a portion of Tax Parcel #48.077-1-1-2, to KAMP Corporation, LLC for \$2,100., subject to City Attorney's review and approval of sales documents.

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

NAYS: Councillor Morley

APPROVED, 6 TO 1

OLD BUSINESS

1. Mayor Nelson requested an update from City Attorney, Andy Silver on 819 Knox Street. Mr. Silver advised Council that he has heard their concerns over the different aspects of the 819 Knox Street project, and thinks it would be appropriate for Council to pass a resolution that defines exactly what it desires the City Attorney to do. Mr. Silver passed out a draft resolution he prepared to Council, and asked them to review and consider it. Mr. Silver advised that the review at this point has been confined to the media's different requests for various paperwork; and he is working through that, with the City Clerk's assistance. Mr. Silver said before the formal review of the circumstances around 819 Knox Street start, City Council as a body needs to pass a resolution which defines the Council's concerns. Mr. Silver added that if Council is in agreement, they can pass this resolution. Mr. Silver said he is aware of the Council's desire for the review of this matter being completed, but he can't provide a specific timetable. Mr. Silver said the review will begin immediately, will be thorough, and will consist of speaking to City employees and looking at various documentation.

Mayor Nelson moved a resolution directing the City Attorney to commence a review of the sale of 819 Knox Street and 2 Grove Street, and Councillor Powers seconded to wit:

**RESOLUTION TO DIRECT THE CITY ATTORNEY TO COMMENCE A  
REVIEW OF THE SALE OF 819 KNOX STREET AND 2 GROVE STREET**

WHEREAS, the City Council is concerned that City procedures may not have been followed in the pending sales of 819 Knox Street and 2 Grove Street; and

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WHEREAS, the City Charter at Section C-14 authorizes the City Council to make investigations of the affairs of the City and the conduct of any City Department;

NOW THEREFORE, BE IT RESOLVED, that the City Council hereby directs the City Attorney to review the circumstances of the proposed sales of 819 Knox Street and 2 Grove Street to determine whether or not City Policy has been followed for the sale of NSP properties. The review shall examine how prospective buyers were identified and selected, under what authority and from what source were the real property taxes paid, whether or not the occupants, if any, paid rent or signed a lease and if not why not, whether contracts of sale have been executed and approved in accordance with City NSP policy, and if the City NSP sale procedures were not followed attempt to identify where the break down occurred.

Councillor Morley stated he would like to offer an amendment to the resolution, and Councillor Cilley seconded the motion. Councillor Cilley stated at the end he would like to see the words added that if the City's NSP sale procedures were not followed what are our legal options at this point. Councillor Morley stated he would like to see if there are anymore properties involved or revealed in the investigation of the NSP program.

City Attorney stated he would like to clarify, any other properties in the NSP program that are pending sale or have contracts that may have been signed.

Councillor Skamperle asked if this is going to include all parties, anybody in the City that had a hand on this as well as the administrator of the program. Mr. Silver said it will include all departments. Mr. Silver also stated that part of the report will have to identify what exactly the NSP procedures are; and with regard to the proposed sale of at least 819 Knox Street and 2 Grove Street, what timetable took place with regard to those properties, and did that conflict with City policy.

The vote to amend the resolution was:

CARRIED, AYES ALL

The resolution as amended, now read:

RESOLUTION TO DIRECT THE CITY ATTORNEY TO COMMENCE A  
REVIEW OF THE SALE OF 819 KNOX STREET AND 2 GROVE STREET

WHEREAS, the City Council is concerned that City procedures may not have been followed in the pending sales of 819 Knox Street and 2 Grove Street; and

WHEREAS, the City Charter at Section C-14 authorizes the City Council to make investigations of the affairs of the City and the conduct of any City Department;

NOW THEREFORE, BE IT RESOLVED, that the City Council hereby directs the City Attorney to review the circumstances of the proposed sales of 819 Knox Street and 2 Grove Street to determine whether or not City Policy has been followed for the sale of NSP properties. The review shall examine how prospective buyers were identified and selected, under what authority and from what source were the real property taxes paid, whether or not the occupants, if any, paid rent or signed a lease and if not why not, whether contracts of sale have been executed and approved in accordance with City NSP policy, and if the City NSP sale procedures were not followed attempt to identify where the break down occurred. If City NSP sale procedures were not followed, determine City's legal options. Determine if any more properties revealed in investigation under NSP Program are pending sale or contract.

The vote on the resolution as amended was:

CARRIED, AYES ALL

Councillor Morley asked City Attorney, Andy Silver if he had any information for Council or any idea when we will start getting some. Mr. Silver said he had no information yet, but will start this week. Mr. Silver added that he doesn't have a specific timetable, but knows there is concern for a prompt review, and he intends to do that.

Mayor Nelson asked City Comptroller, Philip Cosmo, to provide clarification regarding how the taxes were paid on 819 Knox Street, and where those funds were paid from.

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Mr. Cosmo explained that a year or two ago we set up a program for a million dollar housing program as a result of the HUD audit, and with part of that million dollars there was a fund containing \$350,000 from repaid federal monies and \$250,000 from NSP grant money. Mr. Cosmo said from this program the taxes were paid not only on this 819Knox Street, but also on the other NSP qualified properties. Mr. Cosmo stated that after looking at the HUD regulations and the NSP regulations; everything indicates that paying the taxes were allowable expenditures. Mr. Cosmo explained that the funds used were recycled federal program monies that we had committed to this program, to the million dollar overall project. Mr. Cosmo stated that this April or May we were given approval, a OMB (Office of Management and Budget) circular A-87, which indicates that you can use those program monies to pay the taxes while program houses are being worked on. Mr. Cosmo said there were 7 or 8 properties in this NSP program that the \$350,000 was used to pay the 2011 city/county taxes. Mr. Cosmo said with all the information given to him from those two organizations, whether it be the Office of Management and Budget which is the HUD funds or NSP money, their representatives have indicated they are both allowable, so he would have to go with that until somebody tells him differently. Mayor Nelson asked Mr. Cosmo if he had the documentation explaining this information. Mr. Cosmo stated he has both publications. Mayor Nelson said he thought it was important for this to be clarified so that the public understands and knows that the taxes were allowed to be paid through the NSP program. Councillor Skamperle said the newspaper made some pretty strong accusations toward the City, and ran a short story about misappropriations of NSP funds. Councillor Skamperle asked Mr. Cosmo if the newspaper called him before they wrote that story. Mr. Cosmo said he received calls, but wasn't involved with the day-to-day activity, so they didn't talk about that subject.

City Attorney, Andrew Silver stated Council has authorized him to proceed with this review, and he will make a report to them as a result of what he finds. Mr. Silver added that Council will have the ability to share that document with the public. Mr. Silver also explained that this body has to have the opportunity and ability to confer with counsel, and that's the purpose of the Executive Session.

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Mr. Silver said that Council passed a public resolution directing its attorney to commence a review consistent with the powers it has under the Charter, and that's now going to happen. Mr. Silver added that at some point in the not too distant future the results of this investigation will be made available to Council and they can decide what to do with this information.

Councillor Morley said he doesn't want to see all of the investigation information come at once. Mr. Silver said he doesn't know how many pages it will be, but he wants a thorough and accurate report given to Council.

Councillor Sholette questioned if the confidentiality agreement between the City Manager and the City Planner will be involved in that paperwork Council receives, because we haven't seen a copy and would like to. Mr. Silver said there is no document called a confidentiality agreement, but there is an agreement that the City has signed with the City Planner that deals with his resignation. Mr. Silver said that document will likely be part of it as the newspaper has submitted a Freedom of Information Law request that covers all contracts within a ten-day or two-week period of time, and that document will be produced as part of that response as well.

Councillor Vaugh questioned if this agreement and Mr. Woods' resignation will limit the effectiveness of your review because Mr. Woods will be leaving October 16th. Councillor Vaugh asked if there are certain things that probably can't be said. Mr. Silver said he has confidence that all parties, including our current City Planner who still works for the City until October 16<sup>th</sup>, has always indicated a willingness to answer whatever questions he had on this property or any other issue. Mr. Silver said this investigation and review is designed to look at the overall system that was put in place to deal with the sale of these properties.

2. Councillor Cilley stated he was told the CRC cancelled their lease and have moved out or are in the process of moving out. Councillor Cilley asked if we have a plan in place to market that space. City Manager, Arthur Sciorra stated we do.

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3. Councillor Morley stated at the last meeting John Mart addressed Council regarding City retirees health insurance costs. Councillor Morley asked if Mr. Sciorra has met with Mr. Mart. Mr. Sciorra stated Mr. Mart's attorney wrote a letter to the City, the City Attorney has responded to Mr. Mart's letter and his attorney has responded back. City Attorney, Andy Silver stated the PBA has an attorney, James Tuttle is representing the PBA's interest, not only active employees but also the retirees, of which Mr. Mart is one. Mr. Silver added that he and Mr. Tuttle have exchanged a number of different correspondences on the collective bargaining agreement issues. Mr. Silver added that Mr. Tuttle is on trial this week and is not available, but he will get back to him shortly. Mr. Silver said that Mr. Mart has attempted to speak with him and has left telephone messages, which he hasn't returned because it's unethical for him to get into a conversation with somebody whose interests are represented by another attorney. Mr. Silver said he knows that frustrates Mr. Mart; but he is actively engaged in communications with the PBA's counsel. Councillor Morley stated that's all he wanted to know if there has been communication since the August meeting, as far as Mr. Mart or a representative. Mr. Silver stated he doesn't think Mr. Mart has personal counsel, but his issues are represented by Mr. Tuttle, who is the PBA's attorney.

4. Councillor Skamperle stated a gentleman came to his house about a week ago stating he would like to open a bakery on Canton Street. Councillor Skamperle also stated that the owner of the property on Canton Street is requesting the property be rezoned to allow for this new business. Councillor Skamperle stated the City Planner told this gentleman it was okay to open his bakery at this location, but the Code Enforcement Department gave reasons why this cannot take place, and Andrea Smith, Planning Program Director has given Council a way for this to occur.

City Manager, Arthur Sciorra stated he met with this gentleman this evening and told him what the City is doing to expedite the plans to assist him. Mr. Sciorra stated he instructed Ms. Smith to call a Special Meeting of the Planning Board. Mr. Sciorra explained that if the Planning Board approved the plan, it would change a piece of the zoning law to expand existing rules to encompass this property because of its size. Mr. Sciorra stated at that point the issue would come before Council, a public hearing could be called and then if Council agreed, it would allow for the owner to combine the property and take on the characteristics of the larger portion of the property being the business side. Mr. Sciorra stated he spoke with Mr. Ritchie about this process this evening.

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5. Councillor Skamperle stated he has received complaints regarding people parking across sidewalks. Councillor Skamperle stated in the spring Council asked the Police Department to begin enforcing parking across the sidewalks. Councillor Cilley also stated he recognizes the issue as a problem. Councillor Skamperle requested a report on how many tickets have been issued since the Council asked for the enforcement to begin. Councillor Skamperle also stated he received complaints of people parking on City property, between the sidewalk and the curb. Councillor Skamperle stated he would like to be informed if it is legal for residents to do so. Mr. Sciorra stated he will research this and clearly define it for Council.

### NEW BUSINESS

1. Mayor Nelson stated the City did receive a letter back in August from the AmVets regarding the Vietnam Memorial Moving Wall. Mayor Nelson stated the letter asked Council to consider a marker or a type of recognition to be placed in the area where the Memorial Wall was when it came to Ogdensburg this summer. Mayor Nelson asked Mr. Sciorra to address the letter. Councillor Morley stated Michael Frary has donated a monument that will have a list of 32 veterans' names who passed during this war from St. Lawrence County. Mr. Sciorra stated he would address this.

2. Mayor Nelson stated yesterday was the ten-year anniversary of the September 11<sup>th</sup> attacks on the United States, and he participated in three ceremonies recognizing this event.

Mayor Nelson stated the first event was arranged by Becky Duprey at 8:30 in the morning which was a wonderful event. Mayor Nelson also stated at 4:00 the event arranged by the City was held at the Markert Garden which was a well attended event. Mayor Nelson stated at 7:00 last night there was a candle lit vigil at the VFW which was also a nice event. Mayor Nelson stated he was very glad to take part in those events and thanked the public that were in attendance.

3. Councillor Morley reminded everyone tomorrow is the Republican Primary Day and asked everyone to get out and vote.

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4. Councillor Morley stated Council received a letter from Gerry Shannon regarding the St. Lawrence County Transfer Station and asked that the City send a letter to the County outlining the Council's concerns. There was a consensus of Council to receive more information on this and make a decision based on that.

5. Councillor Morley stated a letter was received from the Board of Assessment and Review talking about the housing rehab work, increased assessments and residents complaining about the work completed. Councillor Morley stated he has since talked to members of the Board who have also met with Mr. Sciorra. Councillor Morley added the Board asked him to pass that information on to Council. Councillor Morley stated they felt all the kinks were worked out, and they came to a good solution. Councillor Skamperle asked if the homeowners are signing off on the completed work. Mr. Sciorra stated he met with Jim O'Neil, Gregg Mallette, Steve Badlam and Kathryn Bateman regarding this issue. Mr. Sciorra also stated that each homeowner signed off on the work before approaching the Board of Assessment and Review, and stated the value of their property was not as high as the Assessor considered it. Mr. Sciorra added that in the future the City needs to have the Assessor take a role in which part of a building permit gets applied to the assessment of a resident's home. Mr. Sciorra stated the plan now is for the housing people do an assessment of the work and the Assessor will give an opinion on the property's future assessment based on the work planned to be completed. Mr. Sciorra stated the homeowner will know if the work is done, what portion of the work will result in an increased assessment, and then the individual will have the opportunity to know what they are signing on for and if there will be a possible increase in assessment.

Mayor Nelson asked if Mr. Sciorra was going to do a public news release on this, because the public needs to know how the program is going to change with the new Assessor and the new housing program.

6. Councillor Morley stated there is a new Chinese investor currently buying property within the City, and requested more information on the investor. Mr. Sciorra stated it is the same person he discussed in his update to Council. Mr. Sciorra also added no City-owned properties are involved, and the investor is not using any City grant funds.

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7. Councillor Skamperle asked if the Ogdensburg School District is presently using the ice at the Lockwood Arena. Director of Recreation, Matthew Curatolo stated the OFA Hockey Team will be using the ice at the arena starting October 16<sup>th</sup> until the beginning of December. Mr. Curatolo stated he and Mr. Sciorra met with Mr. Vernsey regarding the use of the Arena, and the School District will allow the City use the pool for free this winter in exchange. Councillor Morley asked if there will be a reduced price for the winter programs at the pool. Mr. Curatolo stated some of the programs have no fees, and the ones that do will have the same fees. Councillor Vaughn asked what the short-term and long-term plans for the Arena are and asked if the property could be included in the BOA. Mr. Sciorra stated the property is in the Brownfields Opportunity Area. Andrea Smith, Planning Program Director stated the Arena is in the BOA, and the properties are just starting to be discussed as far as a strategic plan through the public workshops currently being held by the Planning Department. Councillor Vaughn stated with the LWRP and the BOA, the Arena should be included to determine if there are any funds available to assist in promoting the Arena. Mr. Curatolo stated in his Master Plan he is including the promotion of the Arena. Mr. Curatolo added that taking the hockey boards down in the off-season also helps market other uses of the Arena. Mr. Curatolo added on October 2<sup>nd</sup> Big Time Wrestling will be in the Arena. Councillor Vaughn stated those events are exactly what the Council would like to see in the Arena, but he would also like to see Ms. Smith work with Mr. Curatolo to develop a long-term plan for the Arena using the BOA and LWRP. Councillor Skamperle asked Mr. Curatolo if the School District is using primetime ice at the Arena. Mr. Curatolo stated that neither the School nor Minor Hockey are cutting into prime ice time, and added that this is a good reason why the City requires two ice arenas.

Director of Public Works, Kit Smith stated that the City has put a PV system in the arena and improved the infrastructure substantially over the last two years with the electric motor. Mr. Smith stated those improvements should contribute to our sustainability. Mr. Smith added that with those improvements over the next year the City should see a substantial cost savings at the Arena.

8. Councillor Skamperle asked Mr. Sciorra if a search has been started for a new City Planner. Mr. Sciorra stated a search has not yet begun.

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9. Councillor Skamperle stated there has been a controversy over the topic of Executive Session in terms of whether or not it is legal. Councillor Skamperle stated he sent an email to Council about research he had done and feels the issue becomes if our agenda needs to have this specific verbiage, Executive Session if necessary or not. Councillor Skamperle requested a legal opinion on the findings stated in his email. Mayor Nelson stated he has been in attendance of many conferences which Mr. Bob Freeman, Committee on Open Government spoke, and the City is in compliance with the rules of Executive Session.

10. Mayor Nelson reminded the public that the groundbreaking of the Lake Street Bridge Project is this Thursday at 11:00 a.m. on the west side of the bridge.

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