

CITY COUNCIL MEETING

October 24, 2011

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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,
Skamperle and Vaugh

ABSENT: Councillor Powers

Mayor Nelson stated that Councillor Powers had to work and asked to be excused from tonight's meeting. There was a consensus of Council to excuse Councillor Powers.

PUBLIC HEARING

1. Mayor Nelson explained that Council will be holding this public hearing, but will not be acting on the sale tonight because it requires the six affirmative votes and there are only five Councillors present tonight.

A public hearing to offer the sale by public auction, of City-owned property located at 524 Bigelow Street was held. The following spoke:

Greg Denny, 620 Champlain Street, addressed Council. Mr. Denny stated that his son attended the 1st Time Homebuyer class and applied for this property through the NSP Program, dealing with Jennifer Ashley and Justin Woods. Mr. Denny questioned what changed as there was supposed to be a lottery of qualified people and now you're auctioning the property to the public. City Manager Arthur Sciorra stated this property was not originally in the NSP Program and Code Enforcement staff advised him that this property was code compliant. Mr. Sciorra stated the lottery process was never initiated. Mr. Sciorra stated he will stop this process until he receives more information and he will have staff revisit the property. Mr. Denny stated that five months ago this property was not code compliant, the cellar was full of water and the pipes were busted. Mr. Denny stated that his son has been waiting for six months and asked that Code Enforcement re-check this property as he believes the house is inhabitable in it's present condition.

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Mr. Denny stated that he called Mr. Sciorra and left a message with his secretary, Cora, but he didn't return his call.

Greg Denny Jr. advised Council he is very discouraged about this change after waiting six months for the lottery.

Mayor Nelson stated that two months ago he requested a list of all City owned and NSP properties including if anyone is living there and their exemption status, but hasn't received it. Mayor Nelson said the door to 524 Bigelow Street was open when he walked through the neighborhood last weekend. Mayor Nelson said Council won't take any action on this property without answers. Mr. Sciorra stated that someone must have broken in. Mayor Nelson said it's critical that Council receive this list of information.

Steve Rose, 1702 Montgomery Street, stated the City needs to get out of the housing business. Mr. Rose said the market will take care of itself with private individuals, let them apply for grants and put the property up for auction. Mr. Rose said when you put these properties out to auction, follow the same auction procedure so everyone is aware of it.

City Manager Arthur Sciorra stated we are holding this public hearing to put this property out for public auction.

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

2. A public hearing regarding an ordinance to amend Chapter 221, Section 221-9 C. entitled "Lots divided by zoning districts" was held. No one being present to speak, the hearing was declared closed.

3. Mayor Nelson explained that Council will also be holding this public hearing, but will not be acting on the sale tonight because it requires the six affirmative votes and there are only five Councillors present tonight.

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A public hearing to offer the lease of City-owned property located at 819 Knox Street was held. No one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Lois Bruyere, 611 New York Avenue, read a letter questioning how the City Manager could spend so much rehab money on one property. Mrs. Bruyere said this was a cluster of mistakes and mismanagement of grants, and stated the City Manager has no credibility with the taxpayers. She questioned how Council allowed him to make these poor decisions effecting all of Ogdensburg. Mrs. Bruyere said things are out of control and no one is being accountable. Mrs. Bruyere stated when the City Manager position is replaced, it should be with a City resident.

2. Matthew Flynn, 1124 Washington Street, read a statement inviting all members of Council and community to the 11/11/11 Veterans Day Service at Groulx Park. Mr. Flynn explained the difference between Memorial Day and Veterans Day.

3. Sandra Gooshaw, stated that she owns an apartment building at 306-308 Hamilton Street and wants to buy an adjacent 10 foot piece of property owned by the City, behind the former Wimpy Building property. She stated this property was purchased by George Wells for \$100.00. many years ago. Mayor Nelson turned her request over to staff for their recommendation and review.

4. John Oakes, 718 Canton Street, stated he has an issue with the way grant money is given out and stated it should only be used for private property.

5. Steve Rose, 1702 Montgomery Street, stated that in his crusade to get the Beaver Brook sewers fixed, the process started with the City Manager lying to him and Council.

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Mr. Rose said they were told their project was in the study, then the process was stalled for six months and was not in the study. Mr. Rose said Council has been getting the wrong information but he is here to help them and has the right information. Mr. Rose said the residents in Beaver Brook were originally told there was no problem with the City infrastructure, it was their pipes going into their houses and they should put in a backflow preventer. Mr. Rose added if that's true, why did the City spend \$300,000. to fix the problem. Mr. Rose said he was attacked by the City Manager through the Code Office. Mr. Rose said he doesn't blame the Code Office or Kit, and doesn't want to sue the City. Mr. Rose stated the City Manager is running Council, but we vote.

5. Gil Jones asked the Mayor if the in-house investigation will be completed before November 8, 2011.

CORRESPONDENCE

1. City Clerk, Kathleen Bouchard, read a letter from Drusilla Howland regarding the Council Meeting of October 11, 2011. (A copy follows these minutes.)

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #18-2011 in the amount of \$716,638.45 and Library Fund Warrant #18-2011 in the amount of \$342,187.04 and Capital Fund Warrant #18-2011 in the amount of \$224,430.44 and Community Development Fund Warrant #18-2011 in the amount of \$1,122.90 and Community Renewal Fund Warrant #18-2011 in the amount of \$1,037.03 and HOME Fund Warrant #18-2011 in the amount of \$0.00 and AHC Funds Warrant #18-2011 in the amount of \$0.00, RESTORE Program Warrant #18-2011 in the amount of \$0.00 and NSP Funds Warrant #18-2011 in the amount of \$0.00 and NY Main St. Program Warrant #18-2011 in the amount of \$19,000.00 as audited, be and the same are ordered paid and Councillor Morley seconded the motion.

Mayor Nelson advised that Council is only approving the September 26, 2011, meeting minutes.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle moved an ordinance amending Chapter 221, Section 221-9 C. entitled "Lots divided by zoning districts", and Councillor Vaugh seconded to wit:

ORDINANCE #4 of 2011
ORDINANCE AMENDING CHAPTER 221 ENTITLED "ZONING"
OF THE CITY OF OGDENSBURG MUNICIPAL CODE

BE IT ORDAINED AND ENACTED by the City Council of the City of Ogdensburg, New York, as follows:

SECTION ONE

Amendment of Chapter 221, Section 221-9, entitled "Interpretation of district boundaries"

That Section 221-9.C. entitled "Lots divided by zoning districts" is hereby deleted in its entirety and replaced with the following:

C. Lots divided by zoning districts.

- (1) Whenever a single lot two acres or less in size is located within two or more different zoning districts, the district regulation applicable to the district within which the larger portion of the lot lies shall apply to the entire lot, provided that the combined lot does not span a public right-of-way.

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If the combined lot spans a public right-of-way, the district regulation applicable to the district within the larger portion of the lot lies shall only apply if the total lot size is one acre or less.

- (2) Whenever a single lot greater than two acres in size is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located, if the combined lot does not span a public right-of-way. If the combined lot does span a public right-of-way, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located if the total lot size is one acre or less. Dimensions of each portion of the lot shall be determined by the use of scale shown on the official City of Ogdensburg Zoning Map.

SECTION TWO

This ordinance shall take effect ten (10) days after publication of a notice which shall give the title and describe same in summary form.

The vote was:

CARRIED, AYES ALL

2. Councillor Cilley moved a resolution nominating the City Comptroller to a seat on the NYCLASS Board of Directors, and Councillor Morley seconded to wit:

**RESOLUTION TO NOMINATE THE CITY COMPTROLLER TO
A SEAT ON THE CLASS COOPERATIVE INVESTMENT BOARD**

WHEREAS, Article 3-A of the General Municipal Law enacted, as part of Chapter 623 of the Laws of 1998 regarding cooperative investing requires the formation of a governing board; comprised of fiscal officers nominated by the Participants they represent;

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NOW, THEREFORE BE IT RESOLVED that the City of Ogdensburg, hereby nominates Philip A. Cosmo, City Comptroller for board membership of the NYCLASS cooperative investment program.

The vote was:

CARRIED, AYES ALL

3. Councillor Vaugh moved a resolution authorizing the City Manager to enter into a contract with Premier Roof Systems, Inc. for the roof replacement on the Water Plant Filter Room, and Councillor Skamperle seconded to wit:

RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR THE ROOF REPLACEMENT ON THE
WATER PLANT FILTER ROOM

WHEREAS, bids have been solicited and received for the Roof Replacement on the Water Plant Filter Room; and

WHEREAS, the City's consulting engineer and City staff 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 \$31,248.00, on behalf of the City; and

<u>SUPPLIER</u>	<u>BID AMOUNT</u>	<u>CONTINGENCY</u>
Premier Roof Systems, Inc. 255B Rose Road Harrisville, NY 13648	\$28,448.00	2,800.00

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BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from Water Fund – F8320.450.

Councillor Skamperle asked if we are installing solar panels similar to what we did at the arena. Public Works Director Kit Smith stated that the arena project came in \$32,000. under budget so he contacted NYSERDA and they allowed us to put a smaller unit on the Filtration Plant roof. Mr. Smith stated the roof was scheduled to be replaced this year and the project should be completed by Fall. Mr. Smith said we budgeted \$20,000. more based on last year's estimate and the prices came in substantially less than we anticipated. Mr. Smith said we're adding a PV system to the Filter Plant and possibly may be able to reduce some electrical costs. Mr. Smith said the bid we have is a higher amount than the Contingency because of a couple skylights we want to take out in order to put on another solar panel. Councillor Skamperle asked if the solar panels will be put on when they replace the roof. Mr. Smith said no, after the roof is done.

Mayor Nelson questioned if anything is going to be done under the UP1 addendum. Mr. Smith explained that we're going to eliminate a couple of leaking skylights so that we can put in two additional panels. Mr. Smith added that when he did the specification for the bid we didn't know that we had the PV system, we were still waiting for NYSERDA's authorization. Mr. Smith said we just received it and added it to this.

Mayor Nelson stated the bids are so close and questioned with the additional work if the price will come in higher than the low bid. Mr. Smith responded that their issue is both gave an estimate without knowing what the damage is under the roof based on the on the leakage around the skylights. Mr. Smith stated that the bid includes taking out the windows but not the damage from leakage.

Councillor Vaughn questioned if we have the project savings on energy costs. Mr. Smith said he doesn't have that information at this time as he's still negotiating with NYSERDA and may be able to put a larger system in.

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Mr. Smith added that if the estimate comes in at what we bought the Arena PV system, we may be able to upgrade the system to a larger one and will have the energy savings information once that is finalized.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution supporting AmVets Post 19 request to place a monument on the grassy knoll between State Route 68 and the area the Vietnam Memorial Moving Wall was displayed in the City, and Councillor Morley seconded to wit:

VIETNAM MEMORIAL MOVING WALL MONUMENT RESOLUTION

WHEREAS, The Vietnam Veterans Memorial Moving Wall was publically displayed in the City of Ogdensburg from June 2 through June 6, 2011; and

WHEREAS, the people of the City of Ogdensburg honor the service and sacrifice of the men and women who served their country valiantly under difficult circumstances, and whose names appear on the Memorial Wall; and

WHEREAS, a monument has been donated by Michael Frary, etched with the 32 names of fallen heroes of Ogdensburg and St. Lawrence County along with the dates the Vietnam Memorial Moving Wall was displayed in the City;

WHEREAS, AmVets Post 19 Memorial Wall Committee is requesting to place the monument on the grassy knoll between State Route 68 and the area where the Vietnam Memorial Wall was displayed;

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NOW, THEREFORE, BE IT RESOLVED, that in commemoration of the 32 fallen heroes ultimate sacrifice and the displaying of the Vietnam Memorial Moving Wall in the City, the Ogdensburg City Council supports placement of this monument on the grassy knoll on State Route 68 near where the Vietnam Memorial Moving Wall was displayed.

Frank Perretta, 607 Franklin Street, a member of the Vietnam Moving Wall Committee, stated that the monument proposed is similar to the Persian War Gulf Memorial in Groulx Park. Mr. Perretta said they wanted the monument to be big enough to allow someone who couldn't get out of their vehicle to park at the curb and read the names and see the wall structure design that it was in the City this summer.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Cilley requested an update on the Desperados roof. City Manager Arthur Sciorra stated they are still looking at the roof and working on the estimates. Mr. Sciorra said he will forward the information as soon as he receives it.

2. Councillor Morley stated that he wanted to correct a statement he made about the County Sales Tax Committee last week being in favor of raising the sales tax.. Councillor Morley stated one member, Tom Hannan, advised him that he was not in favor of it and is not in favor of it.

3. Councillor Morley asked about the concession lease. Councillor Morley stated that we gave them a good lease price and we were supposed to look at their books at the end of the season. Councillor Morley asked Mr. Sciorra and Mr. Cosmo if we have reviewed their books.

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Mr. Sciorra stated that they have just finished their season and we haven't asked for their books yet. Councillor Morley asked if we have plans to do this. Mr. Sciorra responded when they have completely shut down for the season. Councillor Morley asked if they have a shut down date. Mr. Sciorra stated they paid for September, but he is not sure if they have completely shut down.

4. Councillor Morley stated he has received emails questioning the residency of members of Council and wants to correct public misconceptions.

Councillor Morley asked Councillor Vaugh where he lives and how he can be contacted by residents. Councillor Vaugh stated he lives at 629 Patterson Street and can be reached by email and cell phone.

Councillor Morley asked Mayor Nelson where he lives. Mayor Nelson said he lives at 712 Lafayette Street and has lived in Ogdensburg for 31 ½ years.

5. Councillor Vaugh read a statement to set the record straight regarding 819 Knox Street, Main Street Program and the City Attorney's Investigation report. (A copy follows these minutes.)

Councillor Morley stated that he wants Councillor Vaugh to correct that statement because he doesn't know that Justin Woods is a liar and requested an apology. Councillor Morley stated he heard that the Mayor had some influence on Art Sciorra not firing Justin Woods, and he went to Mr. Sciorra and asked him. Councillor Morley stated that Mr. Sciorra told him no, the Mayor had no influence on firing Mr. Woods, but someone is lying. Mr. Sciorra advised Councillor Morley that he didn't tell him the truth.

Mayor Nelson clarified one thing that he did say to Mr. Sciorra on July 11, 2011. Mayor Nelson said when Mr. Sciorra told him he had received an email from Mr. Woods that he was leaving the City, he asked Mr. Sciorra if you have this email, why fire him. Mayor Nelson said the City Attorney said it was better to let Justin leave on his own and not fire him.

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Mayor Nelson said he also doesn't know if Justin Woods is a liar, but we will get to the bottom of these issues and truths, not on hearsay.

Mayor Nelson stated that the City Manager is responsible for the City Comptroller. Councillor Vaugh stated that the CFO reports to Council and the public.

Councillor Skamperle stated that the Council implemented the C-14 procedure and urged Council to wait for the City Attorney's report and quit pointing fingers publically at each other.

Mayor Nelson asked the City Clerk if she had the 7/11/11 Council Meeting minutes with her to see who was present at that meeting, and if an executive session was held. City Clerk Kathleen Bouchard said she previously looked to see if there was an executive session and there was not. Mayor Nelson asked the City Clerk to check that meeting's attendance as he didn't believe that Councillor Vaugh was present.

The meeting was adjourned while the City Clerk retrieved a copy of the 7/11/11 City Council Meeting minutes.

Mayor Nelson re-convened the meeting, all members of Council were still present.

Mayor Nelson said that Councillors Powers and Vaugh were both absent from that meeting and there was no executive session. Councillor Vaugh stated that he confused the date but asked the City Manager at the meeting in regular session for an update on the Main Street program and Council went into executive session for that reason. Councillor Vaugh stated Council also discussed the Main Street program and 819 Knox Street in executive session at the end of the 8/8/11 meeting. Councillor Vaugh said he had previously given the wrong date.

Councillor Skamperle said that on July 20, 2011 he sent out an email asking nine questions about 819 Knox Street after Jim McCoy told him about this.

Councillor Cilley stated that he wanted to clarify one thing at that meeting, the City Manager did not recommend firing Justin Woods, that came from certain Councillors based on Art Sciorra's ascertainment that Justin Woods was insubordinate. Councillor Cilley said that Art Sciorra resisted at that time.

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Councillor Cilley added that Council is basing their ascertainment that Justin Woods is lying solely on the City Manager, and he believes they are putting too much faith in the integrity of the City Manager.

Councillor Vaugh said they are also based on the statements that Justin Woods made to this body. Councillor Vaugh stated that Mr. Woods gave four reasons why he wanted that family to live there and his overall philosophy. Councillor Vaugh said Justin Woods blames other people, but he's the blame for this.

Councillor Cilley advised Councillor Vaugh that you can't make statements that Justin Woods is lying because you have no personal knowledge.

Councillor Cilley stated that it's not the City Comptroller's job to evict people and determine leases; his job is to advise Council and the City Manager as to the financial statement and circumstances. Councillor Vaugh stated that former City Attorney Kathy Wears' 2008 memo stated that Phil Cosmo was in charge of the bankruptcy proceedings.

Councillor Morley stated that §11-2 (B)(1) of the Ogdensburg Municipal Code states that the City Manager negotiates the lease, not Phil Cosmo. Mayor Nelson stated that these responsibilities lie with the CEO of the City. Mayor Nelson added that Justin Woods said he recommended those people live there, but it was up to the City Manager. Councillor Vaugh stated look at the players, department heads have responsibilities and must follow policies. Councillor Skamperle questioned who evicts people. Mayor Nelson said the City Attorney wrote evictions on 2 Grove Street. City Manager Arthur Sciorra stated there were no evictions to the tenants at 2 Grove Street or the three Morris Street properties, the tenants all left. Councillor Skamperle said in Mr. Wears' 2008 memo, part of the investigation is who's responsible for evictions.

6. Councillor Cilley questioned if we have started the process to fill Councillor Sholette's vacancy. Mayor Nelson said the Charter is clear on the process. Councillor Cilley said let's get up to speed and get it done.

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7. Mayor Nelson asked the City Clerk to contact City Attorney Andrew Silver and ask when the Council will get the C-14 investigation report. Mayor Nelson asked that the report be turned over to the Council, not the City Manager. Mayor Nelson stated that he will call a special meeting within two days of Council receiving this report.

8. Mayor Nelson clarified that he never dictated to City staff. Mayor Nelson said that at the last meeting Councillor Vaugh read an email from the City Clerk to the Deputy Clerk, that all members of Council never received. Mr. Sciorra said he will research this, but believes Councillor Vaugh asked for it. Councillor Morley stated all members of Council would like a copy.

NEW BUSINESS

1. Mayor Nelson reminded the City Council and audience of three upcoming events:

- Fort LaPresentation Dinner is Friday night;
- Ogdensburg Volunteer Rescue Squad 50th Anniversary Dinner is Saturday night;
- Chamber Dinner is Friday, November 4 and is honoring three people and families.

2. Mayor Nelson turned Mrs. Gooshaw's request to purchase property over to City staff for review and recommendations

3. Mayor Nelson requested a report on the 524 Bigelow Street property. Mayor Nelson also requested a list of all City owned and NSP properties, if anyone is living there and what's their exemption status.

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ITEMS FOR DISCUSSION

1. Councillor Vaugh stated that a provision in the Columbia Free Trade Act that will implement a \$ 5.50 surcharge to Canadians traveling to the US by air and by boat. Councillor Vaugh stated that Congressman Owens is trying to get this provision repealed. Councillor Morley stated we should send a letter against this provision.

2. Mayor Nelson stated that Justin Woods, on behalf of the Ogdensburg Growth Fund and as it's Administrative Director, sent a letter to the New York State Department of Homes and Community Renewal which oversees the NSP and Main Street programs. Mayor Nelson stated that they have responded and Patricia Welch, Community Developer, is going to meet with the Ogdensburg Growth Fund Development Corporation to look at the NSP and Main Street programs and make sure everything was followed.

3. Councillor Morley stated that he wants an independent observation by the State Attorney General's Office on 819 Know Street. Councillor Morley stated that he's not sure when Council will get Andy's report and thinks that it's time to get an outside review. Councillor Morley stated that it's been two months and Council's not any closer than we were before.

Mayor Nelson said he can make a call to a couple State programs that will come in and investigate 819 Know Street. Councillor Skamperle questioned if they would be doing the same report as Andy Silver. Mayor Nelson said they would look at the whole program, Andy's looking at specific issues regarding two properties that Council required like the timetable, who knew what and who was involved. Councillor Vaugh suggested waiting for the City Attorney's report first as he said we would get it this week. Mayor Nelson said he will make calls to State Attorney General, State Comptroller and the Office of Professional Ethics and Integrity. Councillor Cilley questioned if the calls would explore our options at the State level. Mayor Nelson said in addition to our investigation of two properties, it will be a different, more thorough investigation of the whole program.

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Councillor Cilley questioned if the program itself has an investigation component. City Manager Arthur Sciorra said each program receives monitoring by the granting agencies.

Mayor Nelson moved to call the State Comptroller and State Attorney General to explore them conducting an investigation on our NSP and HOME Programs, and Councillor Morley seconded to wit:

The vote was:

CARRIED, AYES ALL

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