

CITY COUNCIL MEETING

January 9, 2012

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

PRESENT: Mayor Nelson, Councillors Ashley, Cilley,
Hosmer, Morley, Skamperle and Stevenson

ABSENT: none

Mayor Nelson welcomed Councillors Ashley, Hosmer and Stevenson to their first official Council Meeting. Mayor Nelson also welcomed the Deputy City Clerk, Cathy Jock who was also attending her first Council Meeting.

PERSONAL APPEARANCE

1. Cliff Denny, 509 Covington Street, stated that many years ago he and his neighbors were told they could park half way across their sidewalks on Covington Street. Mr. Denny said he shovels his sidewalk but his neighbors don't and they park across his sidewalk. Mr. Denny suggested a one car permit system be implemented on Covington Street because there are five houses with two cars on the north side of Covington Street. Mr. Denny stated that he is 50% responsible for the cost to replace the sidewalk in front of his home and he can't even park there. Mayor Nelson turned this over to the Acting City Manager Philip Cosmo to review with the Police Chief and Director of Public Works.

CORRESPONDENCE

1. City Clerk, Kathleen Bouchard read a letter from Cheryl Bouchey requesting to purchase City-owned property located at 808 Paterson Street.

2. City Clerk, Kathleen Bouchard read a letter from George M. Kirby, Sr. requesting to purchase two City-owned properties located at 214 and 216 Pero Lane.

3. City Clerk, Kathleen Bouchard read a letter from Patrick J. Murphy requesting to purchase two sections of two City-owned paper streets that border his 720 Linden Street property.

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CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #1-2012 in the amount of \$1,600,471.84 and Library Fund Warrant #1-2012 in the amount of \$41,697.81 and Capital Fund Warrant #1-2012 in the amount of \$525,182.14 and Community Development Fund Warrant #1-2012 in the amount of \$6,315.00 and Community Renewal Fund Warrant #1-2012 in the amount of \$523.54 and HOME Fund Warrant #1-2012 in the amount of \$0.00 and AHC Funds Warrant #1-2012 in the amount of \$0.00, RESTORE Program Warrant #1-2012 in the amount of \$0.00 and NSP Funds Warrant #1-2012 in the amount of \$0.00 and NY Main St. Program Warrant #1-2012 in the amount of \$11,902.00, as audited, be and the same are ordered paid and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Nelson moved to re-appoint Barbara Barlow to a five year term on the Board of Assessment and Review, term will expire 09/30/16, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson moved a resolution thanking the people and organizations who assisted with the 2012 Inaugural Ceremony, and Councillors' Ashley, and Hosmer seconded to wit:

RESOLUTION

WHEREAS, four members of the City Council of the City of Ogdensburg, New York were on January 1, 2012 officially sworn into office, and

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WHEREAS, the efforts of all those involved in making this day one that will stand out in our memories is recognized by said Council, and

THEREFORE, BE IT RESOLVED, that special and public thanks be expressed to Father James Shurtleff, Reverend Robert Longbottom, Basta's Flowers and Farrand's Flowers, Kathleen Bouchard and Cathy Jock for the gifts, time and talent they donated to the citizens of Ogdensburg so that all will remember this day for years to come.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved a resolution appointing a Deputy Mayor for the City of Ogdensburg for 2012 – 2013, and Councillor Ashley seconded to wit:

APPOINTMENT OF DEPUTY MAYOR

WHEREAS, the Ogdensburg City Charter provides that a Deputy Mayor is to be elected from the City Council members at the first regular Council meeting in January of even-numbered years,

NOW, THEREFORE, BE IT RESOLVED, that Councillor Morley is hereby elected Deputy Mayor of the Ogdensburg City Council for 2012 and 2013.

The vote was:

AYES: Mayor Nelson, Councillors Ashley, Cilley,
Hosmer, Skamperle and Stevenson

ABSTAIN: Councillor Morley

NAYS: None

CARRIED, 6 TO 0

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3. Councillor Skamperle moved a resolution to approve the sale of 805 Ford Street to Sandra Gooshaw for the price of \$350.00, and Councillor Morley seconded to wit:

RESOLUTION TO APPROVE THE SALE
OF CITY OWED REAL PROPERTY

WHEREAS, the Ogdensburg City Council, on December 5, 2011, authorized the public auction of City owed real property located at 805 Ford Street, Tax Map # 48.071-9-8, and

WHEREAS, the city held an auction on December 22, 2011 to sell said property, and

WHEREAS, the City received a bid that met the minimum bid set by City Council,

NOW THEREFORE BE IT RESOLVED, that the City Council approves the sale of 805 Ford Street to Sandra Gooshaw for the price of \$350.00, and

BE IT FURTHER RESOLVED, that said transfer will take place once all appropriate paper work is completed.

The vote was:

CARRIED, AYES ALL

4. Councillor Ashley moved a resolution to approve the sale of 619 Canton Street to McGrath Brothers, LLC for \$31,000, and Councillor Morley seconded to wit:

RESOLUTION TO APPROVE THE SALE
OF CITY OWED REAL PROPERTY

WHEREAS, the Ogdensburg City Council, on November 28, 2011, authorized the public auction of City-owned real property located at 619 Canton Street, Tax Map 59.024-3-9, and

WHEREAS, the City held an auction on December 22, 2011 to sell said property, and

WHEREAS, the City received a bid that met the minimum bid set by City Council,

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NOW THEREFORE BE IT RESOLVED, that the City Council approves the sale of 619 Canton Street to the McGrath Brothers, LLC for the price of \$ 31,000, and

BE IT FURTHER RESOLVED, that the sale shall subject to the terms of the November 28th resolution and the execution of a contract satisfactory in form and content to the city attorney, which may thereafter be signed by the City Manager.

The vote was:

CARRIED, AYES ALL

5. Councillor Skamperle moved a resolution authorizing the City Manager to sign an agreement to allow the OPBA temporary entry onto City Property for the purpose of constructing a new access road, and Councillor Ashley seconded to wit:

RESOLUTION AUTHORIZING THE
CITY MANAGER TO SIGN A CONSTRUCTION ACCESS LICENSE
AGREEMENT WITH THE OBPA

WHEREAS, the Ogdensburg Bridge and Port Authority (OBPA) requests temporary entry onto City Property (at the intersection of Ford Street and Barre Street, and at the northern terminus of Wall Street) for the purpose of constructing a new access road on OPBA property to the adjacent port; and

WHEREAS, it is necessary to give the OBPA the temporary right to use and occupy the aforementioned City Property for the limited purposes set forth in the agreement; and

WHEREAS, this agreement will allow the OBPA to construct the proposed access road and supporting features, perform sanitary sewer and drainage upgrades, reconstruct sidewalk & curb sections, and install traffic signal equipment, as shown on the final construction plans; and

WHEREAS, following construction the OBPA will remove all debris, surplus material, and construction equipment from all City Property, and restore it to its prior condition excepting any improvements acceptable to the City;

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NOW THEREFORE BE IT RESOLVED, that the City Manager is hereby authorized to sign the Ogdensburg Bridge and Port Authority Construction Access License Agreement to allow the OPBA temporary entry onto City Property for the purpose of constructing a new access road.

OGDENSBURG BRIDGE & PORT AUTHORITY
CONSTRUCTION ACCESS LICENSE AGREEMENT

December 6, 2011

City of Ogdensburg
330 Ford St
Ogdensburg, NY

The Ogdensburg Bridge & Port Authority (OBPA) will require temporary entry onto City property (at the intersection of Ford Street and Barre Street, and at the northern terminus of Wall Street) "City Property" for the purpose of constructing a new access road on OPBA property to the adjacent port ("Project"). The City hereby grants OBPA the temporary right to use and occupy the aforementioned City Property for the limited purposes set forth herein. Additionally, permission is hereby granted to OBPA to construct the proposed access road and supporting features, perform sanitary sewer and drainage upgrades, reconstruct sidewalk & curb sections, and install traffic signal equipment, as shown on the final construction plans.

Immediately following the construction referred to above, OBPA will cause to be removed from all City Property all debris, surplus material, and construction equipment and restore the City Property to its condition existing prior to the activities of the OBPA excepting any improvements acceptable to the City. The City Property shall be left in a neat and presentable condition.

The right, privilege and license granted herein will immediately cease and terminate following completion of the OBPA access road project and the performance by OBPA of the conditions and covenants set out in this agreement.

The OBPA shall indemnify and hold harmless the City from and against all liability, costs and claims of any kind and nature, including damages to persons or property, including death, arising from or related to the activities of OBPA for this Project,

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excepting any liabilities, costs and claims arising out of the negligent acts of the City or its employees. This provision shall indefinitely survive the termination or expiration of this agreement.

Based on prior coordination, it is understood that no city permits will be required. A boundary survey will be performed during construction to verify the adjacent property corners and city right-of-way widths.

By signing below, the City of Ogdensburg hereby grants a license to OBPA, their agents or contractors, to access the City right-of-way as described above. (I)(We) agree that the OBPA shall not be responsible for maintenance of city property once the project is completed.

Dated: _____
_____ City Manager,
City of Ogdensburg

Dated: _____
_____ Executive Director,
Ogdensburg Bridge & Port Authority

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Skamperle questioned if since the lease with the tenants at 819 Knox Street had been signed and if any rental payments have been made. Acting City Manager Phil Cosmo advised that payments have been received through December 19, 2011. Councillor Skamperle questioned if the City is moving forward with the sale of this property. Mr. Cosmo deferred the question to City Attorney Andy Silver. Councillor Ashley questioned if back taxes on the property were paid as required. Mr. Cosmo advised that there are some questions with the NSP program regarding what is allowable and we are reviewing it.

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City Attorney Andy Silver advised that the next step in the process is for Council to approve the contract and authorize the sale of 819 Knox Street. Mr. Silver said that Council's schedule has been pretty full recently and that he expects staff to bring this before Council at the next meeting or thereafter. Mr. Silver further stated that he has also been in contact with the tenants and assured them that this matter will be brought before Council.

Councillor Skamperle advised that he had visited the tenants at 819 Knox Street and they asked him for an update on the status of the sale.

2. Councillor Skamperle requested an update on the fees paid to the Waldis Law Firm or any other firms to date, regarding 819 Knox Street. Acting City Manager Phil Cosmo advised that he would obtain that information and forward it to Council. Councillor Skamperle said that he asked Mr. Cosmo for an update on the attorney billing and he advised that the Mayor has the most recent bill. Mayor Nelson indicated that he just received the bill in Saturday's mail. Councillor Skamperle questioned why the bill was being mailed to the Mayor and not the City Comptroller. Mayor Nelson advised that the attorney is working for the City Council and indicated that they would review the same.

3. Councillor Skamperle asked if anyone knew of the Sugarman Law firm. Councillor Skamperle indicated that he had been contacted by Arthur Sciorra asking who this firm was and who they represented.

City Attorney Andy Silver advised that when a Notice of Claim is served on the City of Ogdensburg the matter is turned over to the City's insurance carrier. Mr. Silver explained that the insurance company will request a 50H examination which includes a deposition of the complainant to begin investigating the claim of Mr. Sciorra. City Attorney Andy Silver advised that the Sugarman Law Firm did reach out to his office by phone on Friday, and he plans to return that call tomorrow. Mr. Silver advised that our insurance carrier assigned that law firm to review the Notice of Claim.

Councillor Ashley stated that he is unsure if the Council has made a determination on how the property at 819 Knox Street will be sold. City Attorney Andy Silver confirmed that the contract for the sale has been signed but before it can close it needs Council's approval.

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4. Councillor Hosmer asked what will happen with the 212 Ford Street and 428 Lafayette Street properties since there were no bids at the public auction. Councillor Hosmer stated that he had been approached by someone who may be interested in one of these properties. Acting City Manager Phil Cosmo stated there has been one inquiry on the old St. Joseph's property but nothing on the Ford Street property. Mr. Cosmo said that he was unsure if the public auction was still open and needs to find out from our attorney if we can still accept offers.

City Attorney Andy Silver suggested that an interested person write a letter to City Council indicating their interest and we will check the City Municipal Code and go from there.

NEW BUSINESS

1. Mayor Nelson announced that he would like to start holding Town Hall meetings. Mayor Nelson stated that those meetings were successful in the past and suggested that we start holding quarterly meetings again in the Spring.

2. Councillor Skamperle questioned the status of the NSP property at 505 New York Avenue. Councillor Skamperle stated that a contractor approached him about buying it, fixing it up and renting it out. Councillor Skamperle questioned if this property can be removed from the NSP.

Acting City Manager Phil Cosmo explained that when the grant was submitted, specific properties were listed on the proposal while others were intended to be included in the program as a consideration, but were not specifically listed. Mr. Cosmo stated that he did not know if this property was specifically listed on the grant or not.

Councillor Morley stated that he had asked Mr. Sciorra in the past about removing properties from the NSP grant, and was advised that this property was being taken out of the NSP because it was not worth the cost to rehabilitate it. Councillor Cilley advised that he had the same impression that it was too costly to rehabilitate that property, but he does not know if that was ever officially done. Mr. Cosmo said that he would check on it.

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3. Councillor Skamperle advised that he has received calls from people who are interested in purchasing the Bigelow Street property. Mr. Cosmo said he recommends that this property be auctioned like those properties that were approved tonight. Councillor Skamperle indicated that the people he spoke with were hoping to do it through the lottery.

Mr. Cosmo stated that there was some question on the Bigelow Street property regarding whether or not it was in the NSP, and if someone was already in line to purchase the property. Mr. Cosmo stated that he will check with staff on both the New York Avenue property and the Bigelow Street property and get back to Council.

4. Mayor Nelson turned the three letters requesting to purchase City-owned property over to the City Manager and staff for review and recommendations.

Mayor Nelson said there was a need for an Executive Session regarding personnel, but there would be no Council action.

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