

CITY COUNCIL MEETING

March 26, 2012

Page 88

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

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

ABSENT: None

PERSONAL APPEARANCE

1. Joe Franche and Anthony Sweeney, representatives of the Oddfellows Social Club, addressed Council regarding an on-going rusty water problem at the Oddfellows Club. Mr. Franche advised Council that the water at the Club has been tested and passed out a copy of the lab report to Council (a copy follows these minutes). Mr. Franche stated the lab recommended that they not drink the water. Mr. Franche requested that Council to fix this problem because they pay \$16,000 to the City yearly, but can't drink the water. Mr. France stated that National Grid also has this problem and were supposed to give them a letter for Council. Mr. Sweeney stated DPW Director Kit Smith suggested they install a one inch line into the existing four inch line to help their problem, but it may not eliminate it. Mr. Sweeney advised the Oddfellows Club puts money back into the community and they are asking for drinkable water.

2. Mark Jones of 610 Pickering Street, addressed Council regarding the Housing Rehabilitation Program. Mr. Jones stated he addressed Council at the February 13th Council Meeting with a series of questions and he has not yet received answers to those questions. Mayor Nelson asked Mr. Jones to prepare a written list of his questions for Council. Mr. Jones stated as of today's date the Council meeting minutes are not up-to-date on the City's website and questioned why the most recent minutes were not posted. Mr. Jones also asked if C.W. Augustine, Inc. is considered a contractor or employee of the City of Ogdensburg and asked Interim City Manager Philip Cosmo if the money from grants is negotiable. Mayor Nelson advised Mr. Jones he cannot address members of Council personally and asked Mr. Jones to write down his list of questions. Mr. Jones questioned if the file for NSP Program had been located and if he would need to FOIL for it. Mr. Jones also questioned if a community oversight committee will still be part of the program and advised that he would be interested in serving on such a committee. Councillor Morley questioned if there are individual files on the NSP properties and Mr. Cosmo said yes.

3. Fred Biggs of Canton addressed Council regarding information on 819 Knox Street and the Housing Rehabilitation Program as it relates to tax assessments. Mr. Biggs stated he is still looking for the 819 Knox Street file and asked if the file was located.

## CITY COUNCIL MEETING

March 26, 2012

Page 89

Mr. Biggs asked if the file will be made public or if he should FOIL for it. Mr. Biggs read aloud complaints received by the Assessment Board regarding the quality of workmanship and substandard construction that he obtained through a recent FOIL request. Mr. Biggs added that contractors were paid prior to inspections. Councillor Morley stated the housing program is something Council is going to review and he would like to discover these issues through research.

### CORRESPONDENCE

1. Deputy City Clerk Cathy A. Jock read a letter from Gilbert Jones requesting matching funds in the amount of \$74,000 for the marina project. (A copy of the letter follows these minutes.)

### CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #6-2012 in the amount of \$400,150.40 and Library Fund Warrant #6-2012 in the amount of \$20,197.89 and Capital Fund Warrant #6-2012 in the amount of \$0.00 and Community Development Fund Warrant #6-2012 in the amount of \$4,870.00 and Community Renewal Fund Warrant #6-2012 in the amount of \$0.00 and HOME Fund Warrant #6-2012 in the amount of \$0.00 and AHC Funds Warrant #6-2012 in the amount of \$0.00, RESTORE Program Warrant #6-2012 in the amount of \$0.00 and NSP Funds Warrant #6-2012 in the amount of \$0.00 and NY Main St. Program Warrant #6-2012 in the amount of \$4,565.30 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 appoint Ameer Longbottom to fill the unexpired five-year term of Doug McDonald on the Ogdensburg Library Board, term to expire December 31, 2014, and Councillor Stevenson seconded the motion.

The vote was:

CARRIED, AYES ALL

CITY COUNCIL MEETING

March 26, 2012

Page 90

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson moved a resolution to approve the refunding of 2002 Serial Bonds, to pay for the cost of certain capital improvements for various City projects, and Councillor Morley seconded to wit:

REFUNDING BOND RESOLUTION DATED MARCH 26, 2012.

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE CITY OF OGDENSBURG, ST. LAWRENCE COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the City of Ogdensburg, St. Lawrence County, New York (hereinafter, the City") heretofore issued an aggregate \$3,565,000 Public Improvement (Serial) Bonds, 2002, pursuant to a certain bond resolution dated March 11, 2002, to pay the cost of the various City projects, such Public Improvement (Serial) Bonds, 2002, being dated June 15, 2002 and maturing or matured on June 15 annually until 2023 (the "Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the \$2,375,000 outstanding principal balance of the Refunded Bonds maturing in 2013 and thereafter, each by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, each of such refundings will individually result in present value savings in debt service if so required by Section 90.00 of the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ogdensburg, St. Lawrence County, New York, as follows:

Section 1. For the object or purpose of refunding the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond

CITY COUNCIL MEETING

March 26, 2012

Page 91

insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$2,600,000 refunding serial bonds of the City pursuant to the provisions of Section 90.00 of the Local Finance Law (the "City Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$2,315,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The City Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-12 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the City Comptroller pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, and (b) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the City Comptroller shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the City Comptroller.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the City shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the City clerk as Fiscal Agent as hereinafter provided).

CITY COUNCIL MEETING

March 26, 2012

Page 92

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the City maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the City Comptroller providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the City Comptroller as fiscal agent of the City for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The City Comptroller, as chief fiscal officer of the City, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said City, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the City, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the City Comptroller is also hereby authorized to name the City Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form. The City Comptroller is hereby further delegated all powers of this City Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Comptroller, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by Section 90.00 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and,

CITY COUNCIL MEETING

March 26, 2012

Page 93

accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for each of the objects or purposes for which such Refunded Bonds were issued is as shown upon Exhibit A attached hereto and hereby made a part hereof;

(b) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph a of Section 90.00 of the Local Finance Law;

(c) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$2,315,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit B attached hereto and made a part of this resolution. This City Council recognizes that the Refunding Bonds may be issued in one or more series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The City Comptroller is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the City Comptroller; provided, that the terms of the Refunding Bonds to be issued, including the rate or

CITY COUNCIL MEETING

March 26, 2012

Page 94

rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The City Comptroller shall file a copy of his certificates determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The City Comptroller is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said President shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said City of Ogdensburg, St. Lawrence County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the City shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the City hereby elects to call

CITY COUNCIL MEETING

March 26, 2012

Page 95

in and redeem each of the Refunded Bonds which the City Comptroller shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to Roosevelt & Cross, Inc. (the "Underwriter") for purchase prices to be determined by the City Comptroller, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. The City Comptroller, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the City providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the City Comptroller to the Underwriter in accordance with said purchase contract upon the receipt by the City of said purchase price, including accrued interest.

Section 11. The City Comptroller and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the City Comptroller and all powers in connection thereof are hereby delegated to the City Comptroller.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

CITY COUNCIL MEETING

March 26, 2012

Page 96

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Interim City Manager Philip Cosmo explained this process and stated that our financial advisors have recommend refinancing this bond. Mr. Cosmo explained that the savings will amount to \$195,000 between now and 2023. Mr. Cosmo added that this resolution allows the bond to be refinanced, but if the rates rise before the refinancing is completed, we won't do this.

The vote was:

CARRIED, AYES ALL

Mayor Nelson stated there was a need for Executive Session to discuss union contract negotiations.

Mayor Nelson moved to adjourn to Executive Session and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

Upon returning from Executive Session , all members of Council were still present.

2. Mayor Nelson moved a resolution to ratify the labor contract with the CSEA Hourly Unit for 2010-2012, and Councillor Morley seconded to wit:

RESOLUTION TO RATIFY LABOR CONTRACT  
WITH THE CSEA HOURLY UNIT FOR 2010-2012

WHEREAS, on March 20, 2012 the City Manager executed the attached Tentative Labor Agreement for 2010-2012 with the CSEA Hourly Unit, and

WHEREAS, said Tentative Agreement was ratified by membership vote of the CSEA Hourly Unit on March 21, 2012,

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby ratifies the terms of said Tentative Agreement and authorizes the City Manager to execute a new labor contract with the CSEA Hourly Unit for 2010-2012,

BE IT FURTHER RESOLVED, that the City Comptroller is authorized to transfer \$ 58,733. from the Contingency Account A1990 to fulfill the terms of the Labor Agreement for 2010-2012.

CITY COUNCIL MEETING

March 26, 2012

Page 97

Mayor Nelson noted this is a 3 year contract with an overall net increase of 1.41% per year.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Mayor Nelson asked DPW Director Kit Smith to update Council on the Oddfellows Club water issue.

Mr. Smith explained the best available options due to the dead end water line and noted he could not guarantee that installing a smaller line will cure the problem. Councillor Morley asked if an engineer had looked at this problem. Mr. Smith advised he had spoken with Aaron Jarvis, an Engineer with Tisdell & Associates. Councillor Skamperle questioned the cost to loop the system, and Mr. Smith advised it would be about \$80,000 - \$100,000. Mr. Smith advised there could also be an increase with water quality following a blow off. Councillor Ashley asked if they could tie into another main line on Linden Street. Councillor Skamperle questioned if grants are available for this type of work, and Mr. Smith advised there are loans available but no grants. Councillor Stevenson suggested we look for a plan to handle the problem if the Oddfellows Social Club invests the money to install the smaller line and it does not fix the problem. Mr. Smith advised a similar problem existed at the Police Department and the installation of the smaller line fixed that problem. Mr. Sweeney stated the only way to cure the problem is to loop the water line and the club cannot afford to invest money to only help the problem. Mr. Sweeney stated the club puts a lot of money back into the community, has been paying taxes forever and is asking for something to solve the problem. Councillor Ashley asked how long the water needed to run before it was clean. Mr. Sweeney advised he has let the water run for 30 minutes to use it for cleaning. Councillor Morley asked if the line had ever been blown out, and Mr. Smith advised it was one of the options discussed but he believes the sediment will build up again. Mayor Nelson asked if the club has ever had good water. Mr. Franche and Mr. Sweeney indicated they did early on but the water has been a problem for the past four to five years. Mayor Nelson noted he supports spending \$3,000 versus \$100,000, and Mr. Sweeney asked why the club should invest \$3,000 without a guarantee. Mayor Nelson stated a 40 year old line will have buildup in the line. Mr. Sweeney added if you wash the buildup out, it won't stay out. Councillor Stevenson questioned adding a flushing system to the main line, and Mr. Smith noted the hydrant is flushed every month. Mr. Franche noted the water clears up for a short time after flushing and then builds back up again. Mr. Sweeney noted National Grid has the same problem and they will provide the club with a letter. Councillor Morley asked if it is possible to loop the water from Linden & Champlain Streets without crossing the highway.

## CITY COUNCIL MEETING

March 26, 2012

Page 98

Mr. Smith indicated the City doesn't own any of that land, but Councillor Morley noted not crossing the highway would be a cost savings of about \$50,000. Mr. Sweeney questioned the availability of grant money, and Mayor Nelson advised there are no grant funds available for water. Councillor Skamperle noted that as a homeowner with a water line problem he was required to pay for his own line and the City covered their portion. Mr. Franche questioned the water line for Parkway Express, and Mr. Smith advised their water comes off a main line on Champlain Street, adding Parkway Express is moving a lot of water. Councillor Stevenson requested an engineer look at the problem and provide an estimate of the cost and different solutions. Councillor Morley agreed he would like an engineer to explain it. Councillor Skamperle stated he is concerned with the club being charged \$1,400 for water they cannot drink. Mayor Nelson noted switching to a smaller line would save the club money, adding that a 4" base rate is higher than a 1" base rate. Mr. Smith noted the issue of metered water has not been pushed due to the water quality issue. Councillor Morley questioned why a 4" line was initially installed, and Mr. Smith advised it was believed the building would need a sprinkler system at some point in the future. Mr. Sweeney stated they were advised a future purchaser of the building would need to install a sprinkler system so the 4" line will need to remain, adding a future purchaser would have the same problem they are experiencing now. Mr. Smith advised it would cost about \$3,200 to install the 1" line, noting copper is very expensive. Councillor Morley noted the club's water rates would decrease, and Mayor Nelson pointed out they would see a return on their investment in years to come in the form of lower water bills. Mayor Nelson added there is a high probability it will cure the problem, noting they are all trying to come up with solutions. Mr. Smith noted most water repairs are payable within thirty days but added some bills have been paid over the course of a year. Police Chief Richard Polniak confirmed the Police Department had the same problem and installing the 1" line fixed their problem. Councillor Stevenson stated it would be helpful to get costs and solutions from an engineer along with a cost/savings analysis. Mr. Smith advised he will have something prepared for the next meeting.

2. Councillor Hosmer asked for an update on the memorial plaque at the Dobisky Center. Interim City Manager Philip Cosmo advised a proof would be available for review by Wednesday and something should be available for the next meeting.

3. Councillor Hosmer asked for an update on the burned out house on Lafayette Street, adding he has received many calls about it. Interim City Manager Philip Cosmo advised the property owner has been mailed a letter to remedy within five days, adding the health officer advised it should come down immediately. Councillor Cilley added it is a safety concern. Mr. Cosmo noted if the owner does not remove the debris within five days, the City will need to complete the work and add the costs to the owner's tax bill. Mr. Cosmo added if the City has to remove the debris it will take longer since the City will be required to comply with requirements such as asbestos testing, etc.

4. Councillor Hosmer asked for an update on the concession stand at the Dobisky Center. Interim City Manager Philip Cosmo advised he is meeting with one potential candidate this week, adding it sounded encouraging.

## CITY COUNCIL MEETING

March 26, 2012

Page 99

5. Councillor Morley questioned how much has been paid to C.W. Augustine, Inc. over the past two and a half years and how many successful grants have been obtained during that time period. Mayor Nelson added Council is looking for a broken down summary. Interim City Manager Phil Cosmo advised he would obtain the information requested.

6. Councillor Skamperle asked for an update on the energy plant, noting Watertown's sister plant just got approved. Interim City Manager Philip Cosmo advised he has a call into them, noting the person he needs to speak with was just getting back from overseas. Mr. Cosmo noted he will call again tomorrow, adding they just manage the plant. Councillor Skamperle stated he is concerned because the contract with the prison only has six years left, adding we should push to get the plant operational.

### NEW BUSINESS

1. Interim City Manager Philip Cosmo stated there had been some damage done to skateboard park last Thursday night. Mr. Cosmo stated there was extensive damage done to the park and it appears it was done by more than one person. Mr. Cosmo advised the park has been shut down until it is determined what is required to make it operational again, adding the skateboarders are not damaging it themselves. Mr. Cosmo explained we need help from the people who know what happened, adding this was not the only park hit recently. Mr. Cosmo stated people need to be more vigilant. Councillor Cilley suggested not closing the park for an extensive period of time, adding cameras should be purchased for the parks. Mr. Cosmo noted he has discussed cameras with Recreation Director Matthew Curatolo. Mr. Cosmo explained access to the skateboard park is being gained after hours when the park is locked by a hole in the fencing. Mr. Cosmo advised some of the skateboarders say they know who did the damage but won't tell and he has not heard anything from the School Resource Officer. Mayor Nelson advised he had been approached at the Expo by a group of business owners who indicated they would be happy to maintain the park and enforce rules. Jake Berbrich addressed Council about the damage at skateboard park. Mr. Berbrich indicated he is frequently involved with skateboard park with a group of friends, adding they would be willing to volunteer to supervise the park. Mr. Berbrich noted he and his friends have no desire to destroy the park, adding they could not be around all the time but would be willing to volunteer at no cost to the City. Mr. Berbrich stated the doors were unlocked between 9:00 – 10:00 p.m. on the night of the offense. Mr. Berbrich added the damage done that night was not extensive, noting the majority of the issues have existed for the past 2-3 years. Councillor Morley noted sufficient repairs have not been done over the years. Councillor Cilley suggested Mr. Berbrich stop at the Dobisky Center and speak with Recreation Director Matthew Curatolo. Police Chief Richard Polniak stated this type of crime is a crime of opportunity, adding cameras won't catch everything. Chief Polniak commended Mr. Berbrich for coming to speak to Council and cautioned against giving him authority over the park since that could create a peers versus peers situation. Chief Polniak added his bicycle patrols will be back very soon, adding the crime prevention officer is trying to get people involved.

## CITY COUNCIL MEETING

March 26, 2012

Page 100

Chief Polniak agreed it is not the skateboarders causing the damage, noting his surprise that no one at the towers or rescue squad noticed anything. Chief Polniak explained most crime prevention programs originate in the larger cities with programs designed for violent crimes. Councillor Hosmer agreed the City's biggest problem is vandalism and asked for an update on the vandalism done to City owned property in Beaver Brook last week. Chief Polniak advised it was also private property. Interim City Manager Phil Cosmo noted he advised if the family repaired the City owned property there would be no charges. Councillor Ashley confirmed the private property owner has pressed charges.

2. Mayor Nelson asked for an update on Gilbert Jones' letter. Interim City Manager Philip Cosmo advised the Growth Fund met after the deadline and Mr. Jones' application was submitted. Mr. Cosmo indicated Mr. Jones' application did not meet the criteria for Main Street programs. Councillor Morley noted the program was specific to buildings, and Mr. Cosmo confirmed it did not include docks. Mr. Cosmo explained the availability of \$100,000 would require an initial upfront investment of \$400,000, adding Mr. Jones did not own the property at the time of the initial grant application, which means he is not the anchor of the project. Mr. Cosmo advised what is fundable is much less than what Mr. Jones applied for. Mr. Cosmo explained Mr. Jones had been contacted after last week's meeting, adding funds must be spent by early June. Councillor Morley questioned if other funding sources are available, and Councillor Cilley noted that other than this grant, the City does not have money for it. Councillor Stevenson questioned if an extension is available, and Mayor Nelson advised the extension is in effect now, adding the State will not rewrite the criteria. Councillor Stevenson questioned if anyone from the City has reached out to Mr. Jones, suggesting maybe the timeline be changed.

Councillor Ashley questioned the relationship between the Growth Fund and the City. Interim City Manager Philip Cosmo explained the Growth Fund is a separate entity and a separate corporation. Mayor Nelson added there are certain grants for which municipalities cannot qualify. Mayor Nelson explained the funds are lent to the City of Ogdensburg and repaid to the Growth Fund and all funds are supervised by the City Comptroller. Mr. Cosmo explained Council ultimately has influence over the Growth Fund by appointing members for set terms, adding the Growth Fund provides a way for the City to legally lend out money to businesses.

3. Mayor Nelson asked for an update on the microphones for Council Chambers. Interim City Manager Philip Cosmo advised the cost will be less than \$1,000. There was a consensus among Council to order and install the new microphones. Councillor Stevenson asked for an update on the website streaming of Council meetings, and Mr. Cosmo advised he has not yet received the information from the company.

4. Interim City Manager Philip Cosmo explained he received an email from the Ogdensburg Bridge & Port Authority requesting a resolution for recommendations to obtain more money for the road access project. Mr. Cosmo advised he has requested more information to bring this item to Council.

## CITY COUNCIL MEETING

March 26, 2012

Page 101

5. Mayor Nelson asked for an update on the Lake Street walking bridge, adding he had spoken with Interim Planning Director Andrea Smith last week about revitalizing the memorial wall. DPW Director Kit Smith advised the contractor will be back to work on April 15th, adding the new bridge is scheduled to arrive between April 15th and May 1st. Mr. Smith explained Verizon is on site now moving lines, adding he does not foresee any delays and expects an August completion date. Councillor Morley questioned if the August completion date includes the removal of the old bridge, and Mr. Smith advised he expects the removal later in the Fall prior to Winter. Mr. Smith advised that he will provide Council with an updated schedule upon receipt. Councillor Stevenson noted there are several dead trees along the area. Mr. Smith advised the cutting of the areas on the hill has been discussed, adding he hopes to receive estimates from firms to do this work. Mr. Smith noted City staff had done the work in the past but cautioned against it, adding everything is now machine specialized. Mr. Smith added he should have a price for an upcoming meeting.

6. Mayor Nelson stated there will be a Committee of the Whole Meeting next Monday regarding the search for a replacement City Manager. Councillor Hosmer questioned if Interim City Manager Philip Cosmo had talked to anyone else regarding presentations. Mr. Cosmo advised he was waiting for a call back from a company to do the search work. Mr. Cosmo confirmed no companies are being paid to give proposals. Councillor Stevenson suggested another company that Councillor Skamperle had found. There was a consensus among Council to request a proposal from the Voorhees Company.

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