

CITY COUNCIL MEETING

April 12, 2010

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

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

ABSENT: Councillors Cilley and Powers*

PROCLAMATION

1. Mayor Nelson proclaimed April 18, 2010 through April 24, 2010 as City of Ogdensburg Volunteer Boards and Commissions Week in conjunction with the National Volunteer Week.
2. Mayor Nelson proclaimed April 18, 2010 through April 24, 2010 as Federation of New York Insurance Professionals Week.

* Councillor Powers arrives at this point in the meeting.

PRESENTATION

1. Mayor Nelson stated that he asked the Director of Planning and Development, Justin Woods, to make a presentation on our present census count within the City and County. Mayor Nelson said we need to be 100% counted to get 100% Federal representation. Mayor Nelson advised the public that if they didn't receive a census form in the mail to fill out, they could obtain one at the three following places within the City:

- Ogdensburg Planning Office, Tuesdays and Thursdays
- Dobisky Community Center, Mondays, Wednesdays & Fridays, 9am – 12 noon
- Ogdensburg Public Library, Mondays, Wednesdays & Fridays, 1 pm – 4 pm

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Director of Planning and Development, Justin Woods presented Council with an overhead presentation of an interactive map of our present City/County census participation rate, which is 69%.

2. Director of Planning and Development, Justin Woods updated Council on the progress of the Diamond property cleanup. Mr. Woods stated that we received a recommendation of decision on the cleanup of the former Diamond International property. Mr. Woods said the next step is to complete the final survey. Mr. Woods informed Council that there is \$140,000. left from the \$2.5 million state grant that will be used to address the safety concerns raised by the City's insurance adjuster, and allow the public to fish from the waterfront next year. Mr. Woods added that he is preparing a BOA grant (Brownfield Opportunity Area) to fund the marketing strategy for this site.

Mayor Nelson requested Mr. Woods do a slide presentation with all the grant programs and linkages.

PERSONAL APPEARANCE

1. Donald Taylor, 1111 Jay Street, Apt. 102, addressed Council and stated that he is against charging a fee to use the City pool. Mr. Taylor said he would like to purchase a season pass to use the pool but was told there would be no season passes. Mayor Nelson stated this hasn't been decided, and the Recreation Director will release the fee information when the program is setup.

2. Wanda Middlemiss, representing the Parents for Child Safety Group, updated Council on the progress the group in making to raise funds for signage at the City schools. Ms. Middlemiss stated the group is working on a fundraiser called Redneck Games to be held over the Labor Day weekend. Ms. Middlemiss said she is looking for a sponsor and is in the process of setting up a committee.

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3. Steve Rose, 1702 Montgomery Street, addressed Council regarding the Beaverbrook storm sewers. Mr. Rose thanked the four Councillors who visited his property (Morley, Sholette, Skamperle and Vaugh). Mr. Rose also credited Kit Smith and Gregg Harland from the DPW for their efforts to help. Mr. Rose said the DPW needs a camera to run through the pipes in the area. Mr. Rose added that the Stearns and Wheler Report on the saturation of the earth was supposed to be done a month ago and is late. Mr. Rose said the City Manager wants to wait for the report, but the point of the problem is you need to know what's in the ground and move this project forward. Mayor Nelson said this is a priority of Council, but they need the report and don't want to band aide this.

CORRESPONDENCE

1. City Clerk Kathleen Bouchard read a letter from Al Recore, Commander of the American Legion, requesting permission to hold the Memorial Day Parade and Ceremony on May 31, 2010. Mayor Nelson turned this request over to staff for review and consideration.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #7-2010 in the amount of \$450,967.67 and Library Fund Warrant #7-2010 in the amount of \$22,117.67, Capital Fund Warrant #7-2010 in the amount of \$20,786.68 and Community Development Fund Warrant #7-2010 in the amount of \$62.50 and Community Renewal Fund Warrant #7-2010 in the amount of \$0.00 and HOME Fund Warrant #7-2010 in the amount of \$0.00 and AHC Funds Warrant #7-2010 in the amount of \$0.00 and RESTORE Program Warrant #7-2010 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Powers seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. This ordinance was introduced and formally amended at the 4/12/10 Council Meeting. There was no formal vote taken on the amended ordinance.

ORDINANCE #4 OF 2010
AN ORDINANCE AMENDING CHAPTER 209 ENTITLED
"VEHICLES AND TRAFFIC"
OF THE CODE OF THE CITY OF OGDENSBURG

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OGDENSBURG, NEW YORK, AS FOLLOWS:

ITEM ONE: That Chapter 209, Section 209-48, Schedule XI: "Parking Prohibited at All Times" of the Code of the City of Ogdensburg, is hereby amended to add the following:

ADD:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Gates Street	North	From the west curbline of St. Lawrence Avenue to a point 460 feet thereof, in a westerly direction.

ITEM TWO: That Chapter 209, Section 209-51, Schedule XIV entitled "Parking Prohibited Certain Hours" of the Code of the City of Ogdensburg, is hereby amended to add the following:

ADD

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
St. Lawrence Avenue	West	All/Even - numbered days May 1 st through November 1 st	From the south curbline of Spring Street to the north curbline of Gates Street

St. Lawrence Avenue East	All/Odd - numbered days May 1 st through November 1 st	From the south curbline of Spring Street to the north curbline of Gates Street
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ITEM THREE: This ordinance shall take effect ten (10) days after publication of notice which shall give the title and describe same in summary form.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson introduced a resolution calling for a public hearing on an ordinance to amend the Ogdensburg Municipal Code, Chapter 181, "Solid Waste", Article II, § 181-9., entitled "Unlawful Acts" of the City of Ogdensburg, and Councillor Vaugh 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 2010, entitled:

Amendment to the Ogdensburg Municipal Code, Chapter 181, "Solid Waste", Article II, § 181-9., entitled "Unlawful Acts" of the City of Ogdensburg be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT FURTHER RESOLVED, that copies of the aforesaid Ordinance be laid upon the desk of each member of the City Council, and

BE IT FURTHER RESOLVED, that the City Council hold a Public Hearing on said proposed Ordinance at the City Council Chambers at 7:00 pm on Monday, April 26, 2010, and

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BE IT FURTHER RESOLVED, that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of Ogdensburg of said public hearing at least five days prior thereto.

The vote was:

CARRIED, AYES ALL

3. Councillor Powers moved a resolution to approve the 2010 City Tax Warrant, and Councillor Morley seconded to wit:

RESOLUTION

WHEREAS, the Tax Roll of the City of Ogdensburg, for the fiscal year January 1, 2010 through December 31, 2010, has been completed, and,

WHEREAS, Section C70 of the City Charter directs that when the tax rolls have thus been completed, a warrant signed by the City Manager and the City Clerk shall be attached hereto directing the Comptroller to collect from the persons named in the rolls the sum specified as levied against the parcels as owned by them, and

WHEREAS, the tax was computed on the taxable valuation of \$273,471,571 and the tax rate is \$15.759506 per thousand for the General City Tax and the taxable valuation of \$275,811,608 and the tax rate is \$9.426949 per thousand for the General County Tax for the fiscal year January 1, 2010 through December 31, 2010 and the tax roll will produce the following:

CITY AND COUNTY TAX	\$	6,909,838.74
DUE WATER ACCOUNT		133,371.88
DUE SEWER ACCOUNT		155,450.27
DUE MISCELLANEOUS ACCOUNT		29,480.14
OMITTED TAXES		<u>2,327.99</u>
TOTAL	\$	<u>7,230,469.02</u>

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NOW THEREFORE, pursuant to Section C70 of the City Charter, the Tax Roll of the fiscal year 2010 is confirmed and the warrant in the sum of \$7,230,469.02 annexed thereto and be signed for the collections of all taxes in two installments; the first installment commencing April 15, 2010 and the second installment commencing July 15, 2010, and that all taxes shall be liens on the real property against which the sum levied is superior to all other liens and encumbrances from the date of signing of said warrant.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution to amend the Official City Map to re-align and re-layout the portion of East River Street that bisects William Hosmer's property, known as Tax Map #48.078-4-13.1, and Councillor Vaugh seconded to wit:

A RESOLUTION OF THE CITY COUNCIL
CITY OF OGDENSBURG
TO PROVIDE FOR PUBLIC NOTICE AND PUBLIC HEARING

WHEREAS, William Hosmer of Hozmerica LLC is proposing to open a new marina on East River Street; and

WHEREAS, Hozmerica desires to amend the Official City Map of the City of Ogdensburg by re-aligning and re-laying out the portion of East River Street that bisects his property, known by Tax Map # 48.078-4-13.1; and

WHEREAS, this will provide for a consistent 40 ft. ROW across the site, provide for necessary utility and work easements, and allow room for off-street parking on the north side of the street; and

WHEREAS, for environmental review, mapping of existing roads is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (17) and as such no further action is necessary regarding the same;

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NOW, THEREFORE, BE IT RESOLVED that the City Council shall hold a public hearing in the matter of this amendment to the Official City Map to be held in the City Council Chambers at City Hall, Ogdensburg, New York, on the 26th day of April, 2010, 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 setting forth the time and place of the hearing; and

BE IT FURTHER RESOLVED that in accordance with Section 29 of General City Law, the proposed relocation be forwarded to the Planning Board for report thereon.

The vote was:

CARRIED, AYES ALL

5. Mayor Nelson moved a resolution to provide for Public Notice and Public Hearing with regard to the transfer and sale of an undeveloped portion of Barre Street to the OBPA to facilitate construction of an alternate access road, and Councillor Vaughn seconded to wit:

A RESOLUTION OF THE CITY COUNCIL
CITY OF OGDENSBURG
TO PROVIDE FOR PUBLIC NOTICE AND PUBLIC HEARING

WHEREAS, the Ogdensburg Bridge and Port Authority is proposing to develop an alternative access road to the Port of Ogdensburg north of Barre Street; and

WHEREAS, the Ogdensburg City Council passed a resolution on September 8, 2008, indicating intent to transfer the undeveloped portion of Barre Street to the OBPA to facilitate construction of an alternate access road; and

WHEREAS, the property has been surveyed, a legal description provided, and utilities identified on the survey; and

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WHEREAS, the City needs to hold public hearings to Amend the Official City Map and to sell property; and

WHEREAS, for environmental review, mapping of existing roads and administrative actions are Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) and as such no further action is necessary regarding the same;

NOW, THEREFORE, BE IT RESOLVED that the City Council shall hold a public hearing in the matter of this amendment to the Official City Map to be held in the City Council Chambers at City Hall, Ogdensburg, New York, on the 26th day of April, 2010, at 7:00 p.m., and

BE IT RESOLVED that the City Council shall hold a public hearing in the matter transferring the property to the OBPA to be held in the City Council Chambers at City Hall, Ogdensburg, New York, on the 26th day of April, 2010, at 7:00 p.m., and

BE IT FURTHER RESOLVED that the City Clerk give notice of such public hearings by publication in the official newspaper at least seven (7) days before the hearing date setting forth the time and place of the hearing; and

BE IT FURTHER RESOLVED that in accordance with Section 29 of General City Law, the proposed relocation be forwarded to the Planning Board for report thereon.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved a resolution to request that the Empire State Development (ESD) issue the Restore NY Round II contract and requests as additional \$500,000 from ESD to cover pre-demolition asbestos and hazardous materials abatement, and Councillor Morley seconded to wit:

RESOLUTION REQUESTING RESTORE NY II CONTRACT AS AWARDED &
REQUEST FOR ADDITIONAL FUNDS

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WHEREAS, the former Standard Shade Roller complex is located in the City's LWRP and BOA areas, and is located adjacent to the former Diamond International site, which was remediated using nearly \$3 Million in NYS DEC ERP funds; and

WHEREAS, collectively, the sites comprise nearly 30 acres of prime, redevelopment waterfront property on the St. Lawrence River; and

WHEREAS, the Empire State Development Corporation has designated the City to receive a \$700,000 Grant funding the portion of the RESTORE NY II Grant Application as it related to demolishing abandoned buildings at the Shade Roller complex; and

WHEREAS, the City will benefit from a \$100,000 Targeted Site Assessment Grant the New York State Department of Environmental Conservation received from the United States Environmental Protection Agency; and

WHEREAS, the City has a \$250,000 Brownfield Cleanup Grant pending before the EPA; and

WHEREAS, the City has completed a Phase 1A cultural resources survey as required by New York State Office of Parks, Recreation and Historic Preservation's Historic Preservation Office (SHPO) required that the City conduct; and;

WHEREAS, the City completed pre-demolition/asbestos and hazardous materials surveys; and

WHEREAS said surveys estimated that the cost to remove potentially hazardous waste and other materials from the on-site structures is approximately \$75,000 dollars and the cost to conduct asbestos abatement and lead based paint removal activities is \$404,000 dollars; and

WHEREAS, the City has already spent approximately \$60,000 dollars for the performance of a Cultural Resource Study and the aforementioned Pre-Demolition Asbestos and Hazardous Materials Surveys (which will count towards the \$260,000 match provided in the Round II application);

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NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby requests that Empire State Development issue the RESTORE NY ROUND II contract; and

BE IT FURTHER RESOLVED, that given the fact that the City's Round II Restore NY Grant in the amount of \$700,000 dollars is insufficient to cover \$539,000 dollars of pre-demolition activities and still demolish all of the on-site structures, the City hereby requests the Empire State Development Board for an additional \$500,000 to cover Pre-Demolition Asbestos and Hazardous Materials abatement; and

BE IT FURTHER RESOLVED that this resolution be forwarded to Governor Patterson, United States Senators Schumer and Gillibrand, Congressman Owens, Sen. Aubertine, Assemblywoman Russell, ESDC Chairman Dennis M. Mullen, ECDC Regional Director Jim Fayle, and DEC Regional Director Peter Taylor.

Councillor Morley asked if this resolution was to get additional funding to remove the asbestos. Director of Planning and Development, Justin Woods stated that they awarded us \$700,000. to demolish the buildings; but once we did pre-demolition and asbestos surveys, we realized there wasn't enough money to do the whole project and they didn't give us a contract. Mr. Woods explained that we're asking for two things, the contract for the \$700,000. and more money. Mr. Woods added that the Empire State Development set a precedent when they gave a project in Ithaca additional funds to deal with asbestos. Councillor Morley asked if \$1.25 million will cover the complete demolition. Mr. Woods said that amount plus our \$250,000. match. Councillor Morley asked if that match is already set aside or we can't do this demolition. Mr. Woods said if we can obtain the \$700,000. and \$500,000., we can go out to bid with this project and see where the bids come in because projects are bidding low right now.

Mr. Woods also said our engineer suggested that we don't spend money to put a bid package together unless we know we're going to have the money and that's why we haven't put bid documents together yet. Councillor Morley asked if we know what the asbestos abatement cost will be. Mr. Woods said the asbestos abatement will cost \$400,000. and the hazardous materials will cost \$75,000. Mr. Woods added that we are asking for \$500,000. to cover those costs and estimate the EPA grant will cover some of this and we'll get the demolition done. Councillor Morley asked for a project timetable. Mr. Woods said the EPA awards come out in May, and if we get the grant and contract we will go out to bid.

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The vote was:

CARRIED, AYES ALL

7. Mayor Nelson moved a resolution providing for public notice and public hearing with regard to an amendment to Chapter 221, Zoning, with regard to the rezoning for 48.078-4-28 and 48.078-4-29 from Industrial/Institutional (I/I) to Mixed Residential/Business (R/B), and Councillor Vaugh seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING
AN AMENDMENT TO THE ZONING ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED that the ordinance entitled "Ordinance Amending Chapter 221 Entitled 'Zoning' of the City of Ogdensburg Municipal Code" 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 in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York, on Monday the 26th day of April, 2010, 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 days before the hearing date, of a notice setting forth the time and place and describing the proposed ordinance in summary form.

Councillor Morley asked why we are re-zoning this area. Director of Planning and Development, Justin Woods stated because currently the Boneshakers Bar has an illegal apartment on the second floor. Mr. Woods stated we are hoping to promote mixed use redevelopment in that district as the housing authority is adding upper story residential, and we'd like to work with the new owner to renovate the bar and the apartments. Councillor Morley said he heard those apartments have no windows and are illegal in more ways than one.

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Mr. Woods said if we get this project into the Main Street Program, we may be able to use some money to bring them up to code. With the exception of this block and the Cheese Plant, the rest of the area is all zoned RB.

The vote was:

CARRIED, AYES ALL

8. Councillor Skamperle moved a resolution determining that the proposed rezoning of Tax Map Nos. 48.078-4-28 and 48.078-4-29 from I/I to R/B is a Type I action and refers the proposed rezoning to the City and County Planning Board for review under 239-m., and Councillor Sholette seconded to wit:

SEQR NEGATIVE DECLARATION
FOR REZONING TAX MAP NOS. 48.078-4-28 AND 48.078-4-29
FROM I to R/B

WHEREAS, the City desires to amend the zoning map to rezone 48.078-4-28 AND 48.078-4-29 from I to R/B; and

WHEREAS, such change is consistent with the purposes and goals of Section 221-4 of the Zoning Ordinance; and

WHEREAS, such change is consistent with the principals and spirit of the Local Waterfront Revitalization Plan and Preliminary Nomination Study of the Brownfield Opportunity Area; and

WHEREAS, § 221-51 designates City Council as the lead agency for SEQR reviews of zoning text and map amendments;

NOW, THEREFORE, BE IT RESOLVED that pursuant to Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act of the Environmental Conservation Law, the City Council has determined the proposed zoning map amendment is a Type I action and will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form; and

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BE IT FURTHER RESOLVED that the proposal be referred to the Ogdensburg Planning & Development Board for recommendation and the County Planning Board for review under 239-m.

Councillor Morley questioned why Council is passing this when the public hearing for the re-zoning hasn't been held yet. Mr. Woods explained that under state SEQR law a public hearing is only required if the action will have a negative effect on the environment, and this is just a map amendment. Mr. Woods said that is how the state law is written.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Morley read in the paper that other communities are applying for CDBG grants and questioned if we have applied for these funds. Director of Planning and Development, Justin Woods stated the City applied every other year and we still have \$900,000. CDBG funds in the bank that we need to spend before we can apply next year. City Manager Arthur Sciorra said our correction plan had to be adopted by the state to allow us to apply for CDBG grants. Mr. Woods said our plan has been submitted, but we haven't received anything from them. Councillor Morley asked if we have anyone handling housing applications. Mr. Woods said yes we are developing a waiting list and have gone out to bid on the administration of the program, and will be accepting applications in the next six weeks. Councillor Morley questioned if we have a list of contractors. Mr. Woods stated that we have developed a list of commercial contractors and are in the process of advertising for residential contractors.

2. Councillor Morley questioned what the DPW is doing on Kenrick Street. Public Works Director Kit Smith said with the transfer of property at that location adjacent to the Kendrick Street area, we acquired a right-of-way along the backside of the property and had to give access to the OBPA so they could access their property. Councillor Morley questioned if we are sharing this cost with the OBPA.

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Mr. Smith said this is in litigation between the current and previous owners of this property. Councillor Skamperle said he has read the resolution Council passed October 19, 2009 and believes he read in it that the new owners were responsible when the OPBA wants a right-of-way. Mr. Sciorra said the portion Mr. Smith is describing is disputable as to whether or not it's covered by that resolution which said, the owner provides an access drive through the realigned street that is equivalent to the access that existed through the current alignment of Old Ford Street. Mr. Sciorra said the DPW has more into it than the previous dirt road, but that's what he felt was necessary to stabilize it to get his equipment in there. Mr. Sciorra said the question about how much the owners are responsible for will be determined by the attorneys.

3. Councillor Powers asked Director of Planning and Development, Justin Woods to provide Council with more details about the issues encountered with the Canton Housing Council regarding the turnover of management decisions. Councillor Powers also asked Mr. Woods if we have a contract with the St. Lawrence County Housing Council. Mr. Woods stated the only contract we have with them is for the Main Street Program. Mr. Woods explained that when we first looked at their program and looked at contracting services, they were and had been providing services one way for the past fifteen years. Mr. Woods added that between the time we evaluated their program and adopted our housing plan, they changed how they were doing their services and had contracted out their services in terms of scope and construction management over fifteen years with this firm and brought someone in-house to do those services. Mr. Woods said there is nothing wrong with that, it just wasn't what they had reviewed; and the staff brought in had a lot less experience than the way they had been doing it for a number of years. Mr. Woods said we felt better served by maintaining our own identity and by administering the program through a contracted service locally as opposed to handing it over to them. Councillor Powers said he has concerns because Council thought that by having the St. Lawrence County Housing Council do some of our work after the findings of the Housing audit, we were headed in the right direction. Councillor Powers asked Mr. Woods if what is transpiring at the Housing Council won't meet our needs. Mr. Woods stated that this wasn't going to be a compatible relationship, and we're putting together an amendment to the action plan to outline how we are proposing to move forward maintaining our own identity and administering our own program.

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Mr. Woods added that we can still do it more cost effectively through private contractors than we could ever have publically and still be able to accomplish our goal to deliver our program for the administration and program delivery monies available which we couldn't do publically; so we're going to accomplish all the things we were looking to accomplish, just through a slightly different mechanism. Councillor Powers asked if we'll be in charge of and monitoring all these grant programs and procedures in-house again. City Manager Arthur Sciorra said that we would have done that regardless and added that we're still in charge of our own grants. Mr. Sciorra stated that we're cutting out the middleman and contracting with their sub-contractor, so that on a project-by-project basis it will cost us less than it would have cost through that organization. Mr. Sciorra said that we'll get the same level of services with this contractor as we were going to get before, and we're not doing more ourselves. Councillor Morley questioned if we have a contractor already. Mr. Woods stated that we are presently advertising for proposals that are due on Friday. Mr. Woods added that all proposals will be evaluated when they come in but anticipate the contractor who was working with the Housing Council to respond to the proposal. Mr. Woods said this contractor provides the Housing services for the Village of Potsdam and a number of other communities throughout the region between here and Oneida. Mr. Woods said what this contractor did for the Housing Council was they went into the project, wrote up the scopes for work, put together the bid packages that went out to the contractors and did the construction management end of it. Mr. Woods explained that the Housing Council provided us with the paper and grant administration end of it. Mr. Woods said that the proposals coming in will handle some of the other administrative side that the Housing Council would have done and incorporate that into that proposal, our role will remain the same, responsible for administering our grant regardless of who we contract with to provide the services. Councillor Skamperle questioned if this change is subject to Council approval. Mr. Sciorra said it could if Council wishes, but he is not sure it needs to be.

4. Councillor Powers asked City Manager Arthur Sciorra if we have received any response from the letter he sent out to the surrounding communities regarding the water district. Mr. Sciorra said he hasn't received anything back yet.

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5. Councillor Sholette said he is mad that the two memorandums Council received from our attorney regarding the resolution financially supporting the marketing campaign for the construction of the four-lane highway are confidential. Councillor Sholette stated that the executive session at the last meeting was in violation of the Open Meeting rules and read a portion of the law aloud which states that when speaking about the appropriation of public money, it needs to be done in an open meeting. Councillor Sholette said he believes this is a violation of the Open Meeting Rules and our attorney's last memo prevents him from contacting the Comptroller's Office to get the opinion for himself. Councillor Sholette said our attorney is putting his own spin on the Comptroller's opinion, and said he will keep pushing this until he gets the answer he wants because he doesn't think this is proper. Mayor Nelson said Council is allowed to have confidential meetings with their attorney seeking legal opinions. Mayor Nelson said when Council receives the opinion, it will be made public. City Manager Arthur Sciorra stated that the discussion with the City Attorney was not about money but was about a legal opinion. Mr. Sciorra added Council is allowed to have a discussion with their attorney in executive session regarding a legal opinion. Mr. Sciorra added that Mr. Silver is on vacation, but will be at the April 26th meeting to address this resolution with Council.

NEW BUSINESS

1. Councillor Sholette asked if the Jeff Park Softball Park on Jefferson Avenue still had an account with a small amount of money in it. Councillor Sholette said the league would like to refit the lighting at the park to allow them to play three games nightly to reduce their insurance costs. Councillor Sholette said he will give Mr. Sciorra the name of the contact person.

2. Councillor Skamperle said he has received complaints that there is graffiti written on the plastic slides in the City Parks.

3. Councillor Skamperle said he received a complaint that there is a tattered flag hanging by the water at Morrissette Park.

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4. Councillor Skamperle stated that at a future meeting he will propose a resolution to support an additional fishing restriction along the Oswegatchie River, from the dam to the north side of the Twin Bridges. Councillor Skamperle said the restriction is from March 15th until the first Saturday in May, and suggested adding additional restrictions three weeks after walleye season to protect the bass. Mayor Nelson said he would have a problem stopping and starting the dates for restrictions.

5. Councillor Skamperle stated that he received a complaint from a small business owner who was forced to install and pay for a water meter. Councillor Skamperle said when the time came for the business owner to pay the bill, it was substantially higher than when they were paying the flat residential rate. Councillor Skamperle said this businessman was forced to pay a bill substantially higher than when he was paying the flat residential rate. Councillor Skamperle added that under the meter rate guidelines, this person is allowed to use 27,000 gallons per quarter and is only using 400 to 500 gallons. Councillor Skamperle asked where is the incentive to save water and stated that these businesses feel they're being punished for being a business and the City is anti-business. Councillor Skamperle said they would like to see this changed to either charge them for what they use; or if they're using 10% of the water allotted, allow them to go back to the residential rate. City Manager Arthur Sciorra stated that there is a cost to operate the water system (labor and electricity), and we do charge businesses a basic fee. Mayor Nelson said soon we'll be mandated to have water meters in every community in New York State due to information he received on a water shortage on the St. Lawrence River. Mayor Nelson also stated that the water rates in the City are cheaper than those charged in Heuvelton.

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