

## CITY COUNCIL MEETING

April 26, 2010

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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,  
Powers, Skamperle and Sholette

ABSENT: Councillor Vaugh

Mayor Nelson read a statement from Councillor Vaugh that he is unable to attend tonight's meeting because he is traveling with his mother to Baltimore, Maryland for a medical appointment.

### PROCLAMATION

1. Mayor Nelson proclaimed April 30, 2010 as Arbor Day. Mayor Nelson invited Council and the public to attend the Arbor Day Ceremony that will be held this Friday at 10:00am at the Mansion and New York Avenue Park. Mayor Nelson added that the Tree Commission will be planting a Northern Catalpa tree in honor of Arbor Day, and thanked the following members of the Tree Commission:

John Farrand, Thomas Fife, Jane Basta, Donald O'Shea, Glory Martel and Don Brown

2. Mayor Nelson proclaimed May 1, 2010 as Silver Star Banner Day. Mayor Nelson stated that a nation-wide group consisting of cities, counties and government officials, have declared May 1st as a day to recognize our service men and women injured, ill or dying from service in a war zone.

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### Public Hearing

1. A public hearing on a proposed ordinance amending Chapter 181, "Solid Waste", Article II, §181-9., entitled "Unlawful Acts" of the Code of the City of Ogdensburg was held. The following spoke:

- Joe Howe, New York Avenue, stated that he purchased condemned property on NY Avenue and planned to demolish and bury it on site. Mr. Howe advised that if Council passes this restriction it will add \$7,500. to the cost to demolish and haul it away. Mr. Howe asked Council to take their time and review this restriction further.

- Justin Woods, City Planner, advised Council he has been working on this restriction for a year due to a house fire on Ford Street where the insurance money was not used to remove the burned material from the site, but was buried on site. Mr. Woods added that burying this material on the site makes it cost prohibitive for future housing development.

- Tanya Snyder, owner of Tonya's Hairstyling, 911 Main Street, stated the property is unsafe and infested by rats. Mrs. Snyder stated that she is in favor of this code amendment to restrict burying houses on site. City Manager Arthur Sciorra advised that the property owner has been issued an order to remedy to excavate and re-fill the site with hard fill.

- Kit Smith, 613 Jay Street, said this practice of burying buildings on-site is a large deterrent to the City and is cost prohibitive to the sell the property.

- City Manager Arthur Sciorra stated that he surveyed 12-14 other New York State communities who do not allow on-site burial and has no knowledge of any community that does. Mr. Sciorra added that lots with buildings buried on them are more difficult to redevelop and are a public safety hazard and breeding ground for rodents.

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

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2. A public hearing to amend the Official City Map by re-aligning and re-laying a portion of East River Street that bisects William Hosmer's property was held. The following spoke:

Director of Planning and Development, Justin Woods explained that Mr. Hosmer wants to re-open the marina and has requested this change to allow adequate parking. Mr. Woods advised that the Planning Board has approved this plan. No one else being present to speak, the hearing was declared closed.

3. A public hearing to transfer and sell an undeveloped portion of Barre Street to the OBPA to construct an alternate access road was held.

Director of Planning and Development, Justin Woods stated that September, 2008 City Council passed a resolution in support of this Alternate Access Road Project and the Planning Board has approved the plan.

Wade Davis, Executive Director of the Ogdensburg Bridge and Port Authority addressed Council and presented them with information on this project. Mr. Davis requested that paper Barre Street (north of Ford Street) be sold to the OBPA for \$1.00. No one else being present to speak, the hearing was declared closed.

4. A public hearing to re-zone 48.078-4-28 and 48.078-4-29 from Industrial/Institutional (I/I) to Mixed Residential/Business (R/B).

Director of Planning and Development, Justin Woods stated there will be no Council action on this resolution to re-zone, because we are waiting for a 239 Review from the County Planning Board. Mr. Woods explained that this change will allow the owner of the Boneshakers Bar to have legal apartments over the bar. Mr. Woods said the Planning Board is favorable to this zoning change, but have requested that Council add Parcel #30 which fronts on Lake Street and is City-owned, to this zoning change.

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Ron Letham, owner of property located at 7 Main Street, addressed Council and stated if someone wanted to develop or expand the Cheese Plant onto this area being re-zoned, they couldn't.

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

### CORRESPONDENCE

1. City Clerk Kathleen Bouchard read a letter from Sandra Porter, Executive Director of the Ogdensburg Chamber of Commerce, requesting permission to hold a parade on May 31, 2010. Mayor Nelson turned this request over to staff for their review and consideration.

### CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #8-2010 in the amount of \$517,125.34 and Library Fund Warrant #8-2010 in the amount of \$26,028.82, Capital Fund Warrant #8-2010 in the amount of \$0.00 and Community Development Fund Warrant #8-2010 in the amount of \$0.00 and Community Renewal Fund Warrant #8-2010 in the amount of \$0.00 and HOME Fund Warrant #8-2010 in the amount of \$0.00 and AHC Funds Warrant #8-2010 in the amount of \$0.00 and RESTORE Program Warrant #8-2010 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. Councillor Morley moved an ordinance to amend Chapter 181, "Solid Waste", the Ogdensburg Municipal Code, Article II, §181-9., "Unlawful Acts", for the City of Ogdensburg, and Councillor Powers seconded to wit:

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ORDINANCE # 5 OF 2010

ORDINANCE TO AMEND THE OGDENSBURG MUNICIPAL CODE  
ARTICLE II, "SOLID WASTE", §181-9., "UNLAWFUL ACTS"

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

ITEM ONE: That Article II, §181-9., "Unlawful Acts" is hereby amended to delete the following:

§ 181-9. Unlawful acts. No person shall drop, deposit or otherwise dispose of any solid waste or recyclables within the boundaries of any street, road, highway or public place of said City of Ogdensburg or upon any private property adjacent to any such street, road, highway or public place except as permitted by this article. No person shall allow, permit or cause to exist any unsanitary or filthy condition in or about any premises owned, used or occupied by said persons. No person shall ignite or burn or cause to be ignited or burned within the City of Ogdensburg any solid waste or recyclables unless permitted by this article and unless those wastes are placed in an incinerator constructed for such purpose and properly installed and equipped in conformity with all laws, rules and regulations pertaining thereto. This section may be enforced by either the City of Ogdensburg Police Department or the Code Enforcement Office.

ITEM TWO: That Article II, §181-9., "Unlawful Acts" is hereby amended to add the following:

**§ 181-9. Unlawful acts.**

No person shall drop, deposit or otherwise dispose of any solid waste or recyclables within the boundaries of any street, road, highway or public place of said City of Ogdensburg or upon any private property adjacent to any such street, road, highway or public place except as permitted by this article. No person shall allow, permit or cause to exist any unsanitary or filthy condition in or about any premises owned, used or occupied by said persons. No person shall ignite or burn or cause to be ignited or burned within the City of Ogdensburg any solid waste or recyclables unless permitted by this

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article and unless those wastes are placed in an incinerator constructed for such purpose and properly installed and equipped in conformity with all laws, rules and regulations pertaining thereto. **No person shall bury on private property any solid waste, garbage, whole or portions of buildings with the exception of foundation walls consisting of stone, brick or masonry.** This section may be enforced by either the City of Ogdensburg Police Department or the Code Enforcement Division of the Ogdensburg Fire Department.

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.

Councillor Morley stated that he went to the Main Street site, fell through the ground and saw rats.

Councillor Skamperle questioned if instead of burying on-site, could the Fire Department have a controlled burn at our old City landfill. City Manager Arthur Sciorra stated that controlled burns are not allowed in New York State.

Joe Howe, a New York Avenue resident, was allowed to address Council. Mr. Howe urged Council to implement a grant program to tear down houses and take them to the dump, or give homeowners a tax break. Councillor Morley stated that he would like to find a way to help property owners.

Director of Planning and Development, Justin Woods stated that he is working with Kit Smith on ways to implement a program to help landlords, like Mr. Howe, pay to remove demolished buildings.

Councillor Sholette moved to table action on this ordinance until homeowner assistance information is available, and Councillor Skamperle seconded the motion.

The vote to table was:

AYES: Councillors Sholette and Skamperle

NAYS: Mayor Nelson, Councillors Cilley,  
Morley and Powers

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DEFEATED, 4 TO 2

The vote on the ordinance was:

AYES: Mayor Nelson, Councillors Cilley,  
Morley and Powers

NAYS: Councillors Sholette and Skamperle

APPROVED, 4 TO 2

2. Councillor Powers 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, and Councillor Sholette seconded to wit:

RESOLUTION TO AMEND OFFICIAL CITY MAP  
BY RE-ALIGNING AND RE-LAYING OUT A  
PORTION OF EAST RIVER STREET

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, public notice and public hearing on the proposed changes to the Official Map have been filed and held per Section 29 of General City Law; and

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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; and

WHEREAS, the proposal was forwarded to the Planning Board for recommendation;

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby amends the Official City Map of the City of Ogdensburg with the following changes:

Re-align and re-layout the portion of East River Street as defined in Schedule "A" and shown on the attached survey.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution that approves, passes and adopts the City of Ogdensburg Federal and State Housing Funds Procurement Policy, and Councillor Skamperle seconded to wit:

CITY OF OGDENSBURG FEDERAL AND STATE  
HOUSING FUNDS PROCUREMENT POLICY

WHEREAS, no employee, officer or agent of the grantee shall participate in the selection or in the award or administration of a contract supported by Federal or State managed housing program funds if a conflict of interest, real or apparent, would be involved. Such a conflict could arise if the employee, officer or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the above has a financial or other interest in the firm selected for award; and

WHEREAS, no officer, employee or grantee shall solicit or accept gratuities, favors or anything of monetary value from the contractors, potential contractors or parties to sub-agreements, except where the financial interest is not substantial or the

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gift is an unsolicited item of nominal intrinsic value. All employees and public officers are subject to the code of ethics as defined in Chapter 27 the Code of the City of Ogdensburg as amended; and

WHEREAS, violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer. When violations of infractions appear to be substantial in nature, the matter may be referred to appropriate officials for criminal investigation and possible prosecution; and

WHEREAS, the grantee designated purchasing officer responsible for procurement of services, supplies, equipment or construction obtained Federal or State housing funds shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or dividing the purchase to obtain a more economical purchase. When determined appropriate by the grantee, an analysis to determine which approach would be the most economical shall be undertaken. Procurement requirements, however, may not be divided so as to constitute a small purchase; and

WHEREAS, the purchasing officer shall take affirmative steps to assure that small and minority firms and women's business enterprises are solicited whenever they are potential qualified sources. The purchasing officer shall also consider the feasibility of dividing total requirements into smaller tasks or quantities so as to permit maximum participation by small and minority firms and women's business enterprises. Where permitted by regulations, delivery schedules will be developed which will include participation by such businesses. Where possible, evaluation criteria will include a factor with an appropriate weight for these firms; and

WHEREAS, it is the City's policy to resolve all contractual issues informally at the City level, without litigation, whenever possible. When appropriate, the City may consider the use of informal discussions between the parties by individuals who did not participate substantially in the matter in dispute, to help resolve the differences. Disputes shall not be referred to Federal or State agencies until all administrative remedies have been exhausted at the City level; and

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WHEREAS, any actual or prospective contractor may protest the solicitation or award of a contract for serious violations of the principles of this policy. Any protest against a solicitation must be received before the due date for receipt of bids or proposals, and any protest against the award of a contract must be received within ten calendar days after bid opening, or the protest will not be considered. All bid protests shall be in writing, submitted to the City Manager or designee, who shall issue a written decision on the matter. The City Manager may, at his discretion, suspend the procurement pending resolution of the protest, if warranted by the facts presented; and

WHEREAS, all claims by a contractor relating to performance of a contract shall be submitted in writing to the City Manager or designee for a written decision. The contractor may request a conference on the claim. The City Manager's decision shall inform the contractor of its subsequent appeal rights to the Mayor and/or City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ogdensburg, New York, APPROVED, PASSED AND ADOPTED the City of Ogdensburg Federal and State Housing Funds Procurement Policy.

Director of Planning and Development, Justin Woods explained that this resolution establishes conflict of interest protest and compliance procedures that must be updated every two years.

The vote was:

CARRIED, AYES ALL

4. Councillor Sholette moved a resolution establishing fees for the use of the Elsa M. Luksich Municipal Pool, and Councillor Powers seconded to wit:

RESOLUTION ESTABLISHING FEES FOR THE USE OF  
THE ELSA M. LUKSICH MUNICIPAL POOL

WHEREAS, the City of Ogdensburg owns and operates the Elsa M. Luksich Municipal Pool for public recreation purposes; and

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WHEREAS, the Ogdensburg City Council establishes the fees for the Elsa M. Luksich Municipal Pool; and

WHEREAS, the Ogdensburg Recreation Commission has resolved to recommend establishing a fee to use the Elsa M. Luksich Municipal Pool; and

NOW, THEREFORE, BE IT RESOLVED, that the 2010 fees for the use of the Elsa M. Luksich Municipal Pool are as follows:

\$1.00	children	(daily swim)
\$2.00	adults	(daily swim)
\$50.00	Family Pass	(unlimited family members)
\$30.00	Adult Pass	(16 and older)
\$20.00	Children	(15 yrs. under )

Councillor Skamperle stated he was concerned about these ages and said 16 is a student. Councillor Skamperle suggested changing adults to 18 and older; and children to 17 and under.

Councillor Morley stated the fees are too high and will scare people away. Councillor Morley suggested cutting the fees in half.

Councillor Cilley said it will cost us more to collect the fees and stated he can't support charging fees for a kids activity. Councillor Cilley added that Watertown doesn't charge their residents to use the pool.

Recreation Director Philip Clemens advised Council that they approved hiring one fee collector at budget time. Mr. Clemens stated the collector's salary would be around \$3,200. to \$3,300.

Councillor Powers stated that he agrees with Councillor Cilley and added that there are a lot of kids who can't afford to pay for using the pool.

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Councillor Morley moved to amend the pool fees and the age groups of the swimmers as follows, and Councillor Skamperle seconded the motion.

\$.50	children	(daily swim)
\$1.00	adults	(daily swim)
\$35.00	family pass	(unlimited family members)
\$20.00	adult pass	(18 and older)
\$10.00	children	(17 and under)

The vote to amend was:

CARRIED, AYES ALL

The resolution as amended now read:

RESOLUTION ESTABLISHING FEES FOR THE USE OF  
THE ELSA M. LUKSICH MUNICIPAL POOL

WHEREAS, the City of Ogdensburg owns and operates the Elsa M. Luksich Municipal Pool for public recreation purposes; and

WHEREAS, the Ogdensburg City Council establishes the fees for the Elsa M. Luksich Municipal Pool; and

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\$10.00	Children	(17 and under )

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The vote on the resolution as amended was:

AYES: Mayor Nelson, Councillors Sholette,  
Skamperle and Morley

NAYS: Councillors Cilley, and Powers

APPROVED, 4 TO 2

### OLD BUSINESS

1. Councillor Powers requested an update on the Morris and Knox Street building demolition.

Director of Planning and Development, Justin Woods gave an update on the project and explained that we are in the process of implementing the Housing Rehab Program and are now advertising for the Neighborhood Stabilization Program. Mr. Woods said we are setting up the environmental reviews for each of the properties and have to do asbestos and lead testing before the properties can be demolished. Mr. Woods added that because of federal funding, there are also other environmental reviews that we have to document and complete. Mayor Nelson asked if we have the contracts in place. Mr. Woods said we have the Housing Rehab contract and have a state contract for the Neighborhood Stabilization Program, but are advertising for the program management and setting up environmental reviews. Councillor Powers asked what was the initial amount of this grant. Mr. Sciorra said \$400,000. Mr. Woods said it is a combination of grants; \$250,000. Federal grant, \$400,000. State grant, and we have put \$350,000. of our program income into it. Mr. Woods added that we have a committed \$1 million, and there was also a \$200,000. commitment from the Housing Council. Mr. Sciorra stated this demolition project is moving ahead with the \$400,000. award. Mr. Woods said the proposals for that are due 05/11, and after 05/12 the proposals will be reviewed and ranked to get the project moving.

2. Councillor Morley thanked Public Works Director Kit Smith and the DPW for putting up the signage at Montroy Park so quickly.

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3. Councillor Morley said he received a phone call about the Cheese Plant and questioned if we are shutting the water off tomorrow. City Manager Arthur Sciorra said he would like to discuss this in Executive Session.

4. Councillor Morley stated Council discussed whether the Housing Rehab administration change was subject to Council approval at the last meeting, and questioned why it wasn't. City Manager Arthur Sciorra said he answered at that meeting, it could be and Council didn't respond further. Mr. Sciorra said that he later sent Council a copy of the resolution they previously passed authorizing him to go ahead with any agreements necessary to implement the housing program and that is what he's doing. Councillor Morley questioned if the City Manager can authorize a \$60,000. expenditure without Council approval. Mr. Sciorra explained that when Council authorized him to implement the Housing Program, it involves hundreds of thousands of dollars and we do that everyday. Councillor Morley said he read in the paper that we're advertising for a construction person to go along with Housing Rehab. Mr. Sciorra said there is no expenditure of local taxpayer dollars, it is all from federal grant dollars and we are paying for someone to implement each project. Mr. Sciorra stated this process was discussed at a presentation and through the budget process when we eliminated the positions. Mr. Sciorra added Council passed a resolution in January authorizing the implementation of the entire project as outlined by Molly Wolahan. Councillor Morley stated at that time the St. Lawrence Housing Council was supposed to be the administrator. Mr. Sciorra said Ms. Wolahan's report said nothing about any particular organization, but stated there are several in northern and central New York who can deliver the program, one of which was the St. Lawrence Housing Council. Mr. Sciorra stated the resolution passed by Council authorized the implementation of agreements to implement the Housing Rehab program. Councillor Morley questioned if we are paying this company \$60,000., or 15% of the \$400,000. grant to implement the Housing Program. Mr. Woods said we are paying Mr. O'Neill and his staff. Councillor Morley questioned if we will be paying \$120,000., or 15% of the million dollar grant for construction management. Mr. Woods said he doesn't know because this program has a different fee structure, and we are still advertising for proposals until May 11th. Councillor Morley said the way we're presently administering the Housing Rehab program has increased the Planner's budget by \$75,000, eliminated the Housing Rehab staff, and hired non-local people for \$240,000. instead of paying \$120,000. to the previous Housing Rehab staff.

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Councillor Morley added that we would have saved money by training them and doing this program in-house. Mr. Sciorra stated we didn't eliminate their jobs, they are still working for the City. Mr. Sciorra suggested that Councillor Morley review the reasons we were audited by the State. Councillor Morley said he read it and understands they needed training to do the job, instead of doing the job as they were told to do it. Mayor Nelson said Council agreed to go in another direction with the housing program for budgetary and financial reasons, and added that if we don't get a grant next year there won't be any cost to us. Mr. Woods stated that last August he made a presentation to Council and analyzed the housing program's budget expenditures and costs to operate the program back to 2000. Mr. Woods stated that presentation showed how the program hadn't sustained itself since 2000. Mr. Woods added that the budget increase this year isn't tied to any expenditures of the housing program, it's tied to cost of the website as well as the economic development costs. Mr. Woods stated that we're delivering the program now at a cost per project activity, and it will be delivered within two years. Mr. Woods stated that previously it was taking the City three years to administer a typical grant program and it was costing the City more than what was allocated under the program. Councillor Morley stated this program should have stayed in-house with local people who are familiar with City clients. Mr. Woods stated that Mr. O'Neil is hiring local people on his staff, one is a local woman with ten years experience.

### NEW BUSINESS

1. Councillor Skamperle thanked the Recreation Department for cleaning the graffiti off the park slides and replacing the torn flags at the marina quickly.

2. Councillor Skamperle stated there are two boat cleats at the Paterson Street Boat Launch that need immediate repair as this weekend is the start of walleye fishing and the boat ramps will be used for a tournament.

3. Councillor Skamperle stated that tax assessment letters were recently mailed and stated taxpayers would like a link on our website to look up assessments, instead of coming into the Assessment Office. City Manager Arthur Sciorra stated that we are currently updating our website. Mayor Nelson said our Comptroller's system can't link into the Town Software, and we need to change software but that will cost money.

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Councillor Sholette asked if there was any way to put City assessments on our website, and Mr. Sciorra responded the County's website isn't compatible with ours, but Mrs. Bateman is looking into ways to do it. Mr. Sciorra said he will get the information from her and update Council.

4. Councillor Skamperle asked if Council will talk about the Barre Street transfer in executive session. Mayor Nelson stated it was previously decided that the property would be sold for one dollar. City Manager Arthur Sciorra stated he was not sure the property had to be sold for one dollar as the Ogdensburg Bridge and Port Authority is a governmental agency, and the City Attorney is currently reviewing this. Mr. Sciorra explained that because this transfer will promote commerce, that may be the compensation as opposed to the sale for one dollar.

5. Councillor Powers requested that Police Officer Price, Neighborhood Watch Coordinator, attend a Council meeting and make a presentation on her Neighborhood Watch training resources and programs to assist community awareness. Mayor Nelson suggested the Police Chief conduct a PR campaign announcement urging citizens to lock the doors on their homes, garages and vehicles. Mr. Sciorra said he is not aware of her schedule, but will meet with the Police Chief to schedule a presentation.

6. Councillor Cilley stated that he would like the Police Department to enforce open container laws this year at Seaway Festival activities. Councillor Cilley also stated there are not enough bathroom facilities in the greenbelt during the fireworks, and we need to discuss this with the Seaway Festival Committee.

7. Councillor Morley stated that Council needs to change the policy requiring City department heads to be at Council meetings. City Manager Arthur Sciorra stated they are required to be here if they have something on the agenda.

8. Mayor Nelson stated that an Arbor Day tree planting ceremony will be held this Friday at 10:00 am in the New York Avenue Park and invited all to attend.

9. Mayor Nelson thanked Director of Public Works Kit Smith for taking care of the graffiti under the Spring Street bridge by the Maple City Trail.

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10. Mayor Nelson stated that Father Terry LaValley will be installed as the Bishop of the Diocese of Ogdensburg this Friday at St. Mary's Church. Mayor Nelson stated he would like to give congratulations to Bishop-elect LaValley as this is a great honor, he is a great man and a great member of our community. Mayor Nelson also stated that this is a very special occasion for Ogdensburg and the North Country, as one of our own is becoming the next Bishop.

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