

CITY COUNCIL MEETING

January 12, 2009

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

PRESENT: Mayor Nelson, Councillors Hannan,
Morley, Powers, Sholette and Vaugh

ABSENT: Councillor Flynn

Mayor Nelson stated Councillor Flynn was excused from tonight's meeting as he had to take his father-in-law to a doctor outside the City.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #1-2009 in the amount of \$1,259,189.95, and Library Warrant #1-2009 in the amount of \$63,317.59, Community Development Fund Warrant #1-2009 in the amount of \$39,959.29, Community Renewal Fund Warrant #1-2009 in the amount of \$79,088.00, HOME Warrant #1-2009 in the amount of \$11,800.00 and Capital Fund Warrant #1-2009 in the amount of \$164,641.01, and AHC Funds Warrant #1-2009 in the amount of \$36,284.00 as audited, be and the same are ordered paid and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

PERSONAL APPEARANCE

1. Mr. Robert Flavin, 116 Ogden Street, addressed council and read a prepared statement regarding water meters, the smoking ban and the hydroelectric project proposed. A copy of the statement follows these minutes.

APPOINTMENTS

1. Mayor Nelson moved to appoint Andrew W. Smith to the St. Lawrence Psychiatric Center Advisory Board for a two-year term ending December 31, 2011, and Councillor Morley seconded the motion.

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The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Vaugh moved a resolution authorizing the City Manager to execute Addendum No. 5 to the Agreement for Engineering Services between the City of Ogdensburg and Barton & Loguidice in connection with the SI/RAR for the Former Diamond International Paper Mill Site Environmental Restoration Project, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING ADDENDUM NO. 5
TO THE AGREEMENT BETWEEN THE CITY OF OGDENSBURG
AND BARTON & LOGUIDICE FOR ENGINEERING SERVICES
IN CONNECTION WITH THE SITE INVESTIGATION/REMEDIAL
ALTERNATIVES REPORT FOR THE FORMER
DIAMOND INTERNATIONAL PAPER MILL SITE

WHEREAS, the City of Ogdensburg has entered into an amended State Assistance Contract (SAC) totaling \$2,305,000 with the New York State Department of Environmental Conservation (NYSDEC) for the preparation of a Site/Investigation/Remedial Alternatives Report (SI/RAR) of the former Diamond International Paper Mill Site, and;

WHEREAS, the City of Ogdensburg has executed an Agreement and Addendums totaling \$455,675 with the firm of Barton & Loguidice (B&L) for the preparation of a SI/RAR Work Plan, other specified Site Investigation Tasks, and supplemental scope items, and;

WHEREAS, additional services have been required for construction representation and project administration services during the performance of the Interim Remedial Measures, data validation services, preparation of the SI/RAR, and project administration, and the NYS DEC has requested the completion of a supplemental scope item -- Proposed Remedial Action Plan (PRAP) and Record of Decision (ROD) coordination and support -- for an estimated total project cost of \$511,693.,

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NOW, THEREFORE BE IT RESOLVED, the City Manager is hereby authorized to execute Addendum No. 5 to the Agreement for Engineering Services between the City of Ogdensburg and Barton & Loguidice in connection with the SI/RAR for the Former Diamond International Paper Mill Site Environmental Restoration Project, and;

BE IT FURTHER RESOLVED, the City will seek one hundred percent reimbursement for additional investigation of the Newell property and ninety percent reimbursement for the remaining items from the NYSDEC for such work in accordance with the State Assistance Contract between the NYSDEC and the City.

The vote was:

CARRIED, AYES ALL

2. Councillor Powers moved a resolution to increase Civil Service exam fees to \$20.00, and Councillor Vaugh seconded to wit:

RESOLUTION TO INCREASE CIVIL SERVICE EXAM FEES
FOR THE CITY OF OGDENSBURG

WHEREAS, the Ogdensburg Civil Service Commission has met and reviewed current Civil Service exam fees; and

WHEREAS, the Ogdensburg Civil Service Commission has determined there is a need to increase the exam application processing fee for all civil service examinations; and

RESOLVED, that the Civil Service examination fee for all examinations shall be twenty dollars (\$20.00), and

BE IT FURTHER RESOLVED, that the increase in the fee shall become effective for examinations held on or after January 12, 2009.

The vote was:

CARRIED, AYES ALL

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3. Mayor Nelson moved a resolution establishing a City Alcohol Policy and Councillor Powers seconded to wit:

RESOLUTION OF CITY COUNCIL CALLING FOR A PUBLIC HEARING
TO AMEND THE ADMINISTRATIVE REGULATIONS OF
THE CITY OF OGDENSBURG ESTABLISHING
AN ALCOHOL POLICY AGREEMENT FOR THE CITY OF OGDENSBURG

BE IT RESOLVED, that Ordinance No. 1-2009, entitled “An Ordinance to Amend the Administrative Regulations of the City of Ogdensburg to Establish an Alcohol Policy Agreement for the City of Ogdensburg”, be and it is hereby 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 local law to be held at the Council Chambers in the City of Ogdensburg, New York, on the 26th day of January, 2009 at 7:00 p.m., and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the newspaper so designated by the City Council of the City of Ogdensburg for legal and public notices at least seven (7) days before the hearing date of a notice setting forth the time and place and describing the proposed local law in summary form.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution calling for a public hearing to amend Chapter 149, §149-5 of the Ogdensburg Municipal Code to establish a tobacco free policy in City parks, and Councillor Vaugh seconded to wit:

RESOLUTION OF CITY COUNCIL CALLING FOR A PUBLIC HEARING
TO AMEND CHAPTER 149, §149-5 OF THE MUNICIPAL CODE OF THE
CITY OF OGDENSBURG IN RELATION TO ESTABLISHING
A TOBACCO-FREE POLICY IN CITY PARKS

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BE IT RESOLVED, that tobacco use in the proximity of children and adults engaging in or watching outdoor recreational activities at City-owned or operated facilities is detrimental to their health and can be offensive to those using such facilities; and

BE IT FURTHER RESOLVED, that the Ogdensburg City Council believes the City has an opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free policy, rule enforcement, and adult-peer role modeling on City-owned outdoor recreational facilities; and

BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid local law to be held at the Council Chambers in the City of Ogdensburg, New York, on January 26, 2009 at 7:00 p.m.; and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the newspaper so designated by the City Council of the City of Ogdensburg for legal and public notices at least seven (7) days before the hearing date of a notice setting forth the time and place and describing the proposed local law in summary form.

The vote was:

CARRIED, AYES ALL

5. Councillor Sholette moved a resolution opposing the EPA to classify agricultural methane as a pollutant Councillor Morley seconded to wit:

RESOLUTION OPPOSING ENVIRONMENTAL PROTECTION AGENCY
ACTION TO CLASSIFY AGRICULTURAL METHANE AS A POLLUTANT
AND TAXING CATTLE AND CROPS

WHEREAS, the Environmental Protection Agency (EPA) is considering classifying methane as a pollutant and this designation would create new regulations on all producers of methane, as provided for in Title V of the Clean Air Act, and

WHEREAS, many forms of agriculture produce significant amounts of methane, including Dairy Farming, Beef Farming, and the production of various crops, and

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WHEREAS, such a designation of methane (CH₄) and carbon dioxide (CO₂) as pollutants would force producers of 100 tons of either chemical to purchase permits including factories, offices, apartment buildings, hospitals, schools, some churches, and a few larger homes, and

WHEREAS, the proposed EPA rules mandate that anyone found to be producing over 100 tons of any identified pollutant must purchase permits that cost \$45 per ton, and

WHEREAS, all agricultural producers who emit over 100 tons of methane would be forced to purchase Clean Air Act Permits equating to an average of \$175 per head of Dairy Cattle, and \$87.50 per head of Beef Cattle as well as purchasing additional clean air permits to produce the crops needed to feed those animals, and the permits required for any pollutant from all machinery, and

WHEREAS, the average mature dairy cow emits four (4) tons of methane annually thus impacting ninety-nine percent (99%) of all dairy farms (those over 25 head), ninety percent (90%) of all beef operations (over 50 head), and any cropping operation producing more than 100 tons of methane or CO₂ (including crop farms producing over 500 acres of corn, 250 acres of soybeans, 350 acres of potatoes, and 35 acres of rice) would be forced to purchase Clean Air Act Permits, and

WHEREAS, agriculture is the number one business in St. Lawrence County and requiring such a permit would devastate the County's entire agricultural industry, and recognizing that St. Lawrence County is the third lowest per capita income in New York State and the agriculturally based counties in Northern New York contain the lowest per capita incomes in the State,

NOW, THEREFORE, BE IT RESOLVED that the Ogdensburg City Council does hereby oppose the requirement of agricultural operations to obtain a Title V Permit and the associated costs, and

BE IT FURTHER RESOLVED that this resolution be forwarded on to NYSAC, our neighboring counties, Governor Paterson, to US Congressman John McHugh, US Senators Charles Schumer and Hillary Rodham Clinton, New York State Senators Darrel Aubertine and Joseph Griffo, New York State Assemblywomen Dierdre Scozzafava and Addie Jennie Russell, the appropriate officials of the United States Environmental Protection Agency and NYCOM.

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The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Vaugh asked City Manger Arthur Sciorra for an update on the visitor center's exhibit design. Mr. Sciorra stated the committee has been working with Adirondack Associates and will have an update within thirty days.

2. Councillor Powers requested an update on the Toped Development legal proceeding. Mr. Sciorra said he will get an update from Attorney Michael Gebo.

3. Councillor Powers requested an update regarding American Communities and the development of the Diamond International site. City Manager Arthur Sciorra stated he sent a letter to Paul Nethers and he is reviewing the letter and will send a response.

4. Councillor Hannan requested an update regarding the City Attorney position. Mr. Sciorra stated that he will have a recommendation prepared within a day or two.

5. Councillor Hannan requested an update on the Growth Fund being reimbursed for the time staff is spending on Growth Fund projects. Mr. Sciorra reported that Attorney Andy Silver is reviewing this.

6. Councillor Sholette requested an update on the marketing plan for the Lockwood Arena. Mr. Sciorra reported that Recreation Director Phil Clemens and the Recreation Commission met 01/05/09, and are developing strategies for marketing.

7. Councillor Sholette requested an update on the Ogdensburg River Shiver. Mr. Sciorra stated he will provide a copy of the schedule of events to Council.

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8. Councillor Morley stated that he would like to thank the Ogdensburg Bridge and Port Authority for opening up the Wall Street entrance into Wheathouse Bay for ice fishing this week.

NEW BUSINESS

1. Councillor Morley stated he received a telephone call from a citizen living in the 600 block of Main Street reporting an accident that had occurred a week prior. Councillor Morley stated there have been numerous accidents in the 600 block of Main Street. City Manager Arthur Sciorra and Police Chief Richard Polniak stated strategies are being discussed to calm that stretch of Main Street.

2. Councillor Vaugh asked if new and different ways to utilize the Maple City Trail system for winter sports are being pursued. Recreation Director Phil Clemens stated winter activities are a part of a grant he is trying to obtain.

3. Councillor Vaugh asked Recreation Director Phil Clemens if he was looking at utilizing our city trails to snowshoe and cross country ski. Councillor Vaugh suggested using surveys to increase recreation opportunities. Mr. Clemens stated the City Planner Justin Woods is working on a grant to increase nature trails.

4. Councillor Vaugh suggested scheduling mobile City Council Meetings around the city as a way for Council to become more connected with citizens of Ogdensburg. There was a consensus of Council to continue holding their meetings in Council chambers. However, Council will hold forums around city.

5. Councillor Powers stated Council should send a letter to Governor Paterson opposing changes to Empire Zone. City Manager Arthur Sciorra reported that Governor Paterson will look at these modifications. Mayor Nelson stated he sent a letter to the Governor in December as the Empire Zone is very important to the City.

6. Councillor Powers read an e-mail he received regarding school taxes.

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7. Mayor Nelson appointed Councillors Morley, Hannan and Sholette to serve on a committee with Arthur Sciorra and Philip Cosmo representing Ogdensburg in the county sales tax distribution meetings.

8. Mayor Nelson advised the public that recent newspaper articles regarding a cash flow situation are due to properties like the Co-gen and Cheese Plant that haven't paid their taxes. Mayor Nelson explained our taxpayers pay twice because we have to pay those taxes to the County and School District even though we didn't collect them. Mayor Nelson asked City Manager Arthur Sciorra to look at our options and benefits if the county took over property tax collection to unburden our community. Councillor Hannan questioned if the city was under a state mandate. City Manager Arthur Sciorra said he will check with John Galligan at NYCOM.

9. Councillor Hannan stated that contrary to reports in the Ogdensburg Journal, the City Council is not advocating water meters. City Manager Arthur Sciorra reported that as part of a county stimulus package, a wish list was requested.

10. Councillor Morley asked Director of Public Works Kit Smith how much the snow removal budget was last year. Mr. Smith reported Comptroller Phillip Cosmo is working on this, and he expects it to be over substantially.

11. Councillor Hannan asked Director of Public Works Kit Smith if he is citing people for not shoveling. Mr. Smith stated this is being done on a complaint basis or for unsafe areas.

12. Councillor Hannan asked if we are sending representatives to the Rooftop Highway meeting next week. City Planner Justin Woods and Councillor Sholette said they will be attending.

13. Councillor Hannan stated that the City Clerk did a good job conducting the dog enumeration.

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14. Mayor Nelson stated that the Department of Public Works did a good job remodeling the Clerk's office.

ITEMS FOR DISCUSSION

1. Councillor Sholette questioned if we have received RFP's for the Community Center concession stand. City Manager Arthur Sciorra stated that we re-advertised for RFP's last week.

2. Councillor Sholette congratulated the City staff on receiving a \$125,000.00 grant for the elderly. Councillor Sholette stated he has the following concerns: 1) How the money will be distributed. 2) Who monitors work. 3) How a sub-contractor is chosen. 4) How contractors get on the list. 5) How many jobs aren't being completed. Councillor Sholette requested answers to these questions in the next update.

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