

CITY COUNCIL MEETING

September 10, 2012

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

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

ABSENT: None

PUBLIC HEARING

1. A public hearing to amend the City Charter, Article IV entitled City Manager, Section C-18 entitled Appointment; term; compensation; qualifications was held. The following people spoke:

a) Doug Loffler, 311 Paddock Street, said the term of the City Manager's contract should not end in the same year as the term of the Mayor.

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

PRESENTATION

1. Mayor Nelson read a Proclamation for the Daughters of the American Revolution (DAR) declaring September 17 – 23 as National Constitution Week. Sally Hartman of the DAR presented Mayor Nelson and Council with an American flag and information on the Star-Spangled Banner. Mayor Nelson thanked the DAR for their promotion of the education of our Constitution and flag. Mrs. Hartman said there will be a Revolutionary War patron's monument dedication at Groulx Park on November 11, 2012.

2. Planning & Development Director Andrea Smith updated Council on the LWRP drafts and New York Main Street Programs. (Copies of the information follow these minutes.)

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Councillor Morley asked for the names of the property owners that received funding to confirm that not only one person received assistance. Ms. Smith explained that she listed the properties only because the property receives the funding, not the property owner. Ms. Smith added that more than one property owner benefitted from the program. Councillor Skamperle asked why we are returning funds to New York State instead of re-allocating them to another project. Ms. Smith explained extensions have already been requested and there is not enough time to expend the remaining funds. Mayor Nelson said we are returning funds because the State disallowed some invoice expenditures, and noted the grant information is reviewed by both City and State officials. Ms. Smith said a grant program inspection will be conducted by Grant Coordinator Patricia Walsh on October 16th.

Ms. Smith advised Council that she forwarded a PDF file to them regarding the LWRP project. Ms. Smith explained all information is available on the City Wiki site (<http://ogdensburg.wikispot.org/>), and to conserve paper, she did not print the large maps. Ms. Smith explained a public hearing will be necessary but the public draft is not yet available. Ms. Smith added there are 187 pages of text, but it is only a working document at this point. Ms. Smith said the Department of State has requested that the City begin the SECQUOR process by calling for a public hearing at Council's second September meeting. Ms. Smith said the City will be ready to begin scheduling the public portion of the process and the document will be ready for public review around the September 24th Council meeting.

PERSONAL APPEARANCE

1. Patricia Biggs of Canton addressed Council regarding the Ogdensburg Housing Program. Mrs. Biggs said Ron Williams and Greg Thompson are not licensed home inspectors and both were sent to inspect properties without James O'Neil present. Mrs. Biggs said photos of a City rehabilitation project deemed complete were sent to City Attorney Andy Silver. Mrs. Biggs questioned when the City plans to fix the homes affected by the mistakes made by the Housing Program.

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2. Steve Rose of 1702 Montgomery Street read a letter to Council regarding a large swale located at Picquet Drive. (A copy of the letter follows these minutes.)

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #15-2012 in the amount of \$888,790.67 and Library Fund Warrant #15-2012 in the amount of \$51,225.24 and Capital Fund Warrant #15-2012 in the amount of \$88,904.09 and Community Development Fund Warrant #15-2012 in the amount of \$6,046.50 and Community Renewal Fund Warrant #15-2012 in the amount of \$8,218.51 and HOME Fund Warrant #15-2012 in the amount of \$0.00 and AHC Funds Warrant #15-2012 in the amount of \$0.00, RESTORE Program Warrant #15-2012 in the amount of \$0.00 and NSP Funds Warrant #15-2012 in the amount of \$0.00 and NY Main St. Program Warrant #15-2012 in the amount of \$27,446.49 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 James Morrison to a five-year term on the Board of Assessment and Review, term to expire 09/30/2017, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

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Mayor Nelson stated there was a need for Executive Session to discuss the hiring of the City Manager with the City Attorney and the consultant, and Councillor Morley seconded the motion.

Upon returning from Executive Session, all members of Council were still present. There was a consensus of Council to suspend the agenda and move forward with a presentation by Nick Mazza of the Bonadio Group.

Mr. Mazza provided a brief history of his involvement with the search for a new City Manager. Mr. Mazza said he was first contacted by Mayor Nelson through NYCOM and met with Council shortly thereafter once the contract with his firm was signed. Mr. Mazza said after meeting with City department heads, he developed a job description and advertised the City Manager position. Mr. Mazza explained he reviewed all resumes, and narrowed down the applicants for interviews. Mr. Mazza said interviews were conducted, and the final candidate was determined. Mr. Mazza stated he believes the City has selected an excellent candidate for this position.

Members of City Council thanked Mr. Mazza for his outstanding work. Councillor Morley asked if the changes to the City Charter had been discussed. Mr. Mazza said the recommended change in the City Manager's term has been discussed with Council and the candidate. Mr. Mazza said he recommends the first term be for a period of three years, ending on 6/30. Mr. Mazza noted the first term will be short with a hire date of 10/15/12. Mr. Mazza said he further recommends that future terms begin six months after the new Council takes office and not coincide with election years.

Mayor Nelson made a motion to hold a Special City Council Meeting for Monday, September 17th at 7 p.m. to vote to hire John Pinkerton subject to the terms of the hiring agreement, and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

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ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle moved a local law to amend the Ogdensburg City Charter, Article IV entitled City Manager, Section C-18 entitled Appointment; term; compensation; qualifications, and Councillor Ashley seconded to wit:

LOCAL LAW #1 of 2012
AMENDING THE OGDENSBURG CITY CHARTER

A Local Law providing for changes in the Ogdensburg City Charter as recommended by the Ogdensburg City Council.

Be it enacted by the City Council of the City of Ogdensburg as follows:

SECTION 1. Article IV, of the City Charter of the City of Ogdensburg entitled City Manager be and the same is amended as follows:

§ C-18. Appointment; term; compensation; qualifications.

The City Council shall appoint a City Manager who shall hold office during and at the pleasure of the Council and receive compensation fixed by the Council. Prior to appointment, the person shall be qualified by at least one (1) year's special training in public administration and finance, and by at least three (3) years' experience in a responsible executive position in governmental administration, or by any equivalent training or combination of experience and training sufficient to indicate capacity for effective governmental administration. The person need not be a resident of the city or state at the time of the appointment but must reside within the city while in office.

SECTION II: Effective Date.

This local law shall take effect on filing with the Secretary of State.

The vote was:

CARRIED, AYES ALL

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2. Mayor Nelson moved a resolution authorizing the City Manager to sign an agreement to extend the Snow and Ice Control Agreement between the City of Ogdensburg and St. Lawrence County, and Councillor Morley seconded to wit:

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO SIGN AN AGREEMENT BETWEEN THE CITY OF OGDENSBURG
AND ST. LAWRENCE COUNTY

BE IT RESOLVED, that the City Manager is authorized to sign the attached extended Snow and Ice Control Agreement between the City of Ogdensburg and St. Lawrence County for the 2012-2013 Season.

Councillor Cilley asked if there were any changes from last year's agreement. Public Works Director Kit Smith said there was an increase in equipment expenditures only.

The vote was:

CARRIED, AYES ALL

3. Councillor Morley moved a resolution providing for City Council's continued endorsement of their support of the Paterson Street Reconstruction Project as preliminarily proposed to the NYS Department of Transportation by the firm of Barton & Loguidice, P.C., and Councillor Hosmer seconded to wit:

RESOLUTION ENDORSING THE
PATERSON STREET RECONSTRUCTION PROJECT
AS ORIGINALLY PROPOSED

WHEREAS, the City Council has appropriated money and passed resolutions to support the preliminary proposal for the Paterson Street Reconstruction Project; and

WHEREAS, the City Council continues to commit funding and support for the Paterson Street Reconstruction Project as originally proposed; and

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WHEREAS, construction is anticipated in the construction season of 2013;

NOW, THEREFORE, BE IT RESOLVED that the City Council continues to endorse their support of the Paterson Street Reconstruction Project as preliminarily proposed to the NYS Dept. of Transportation by the firm of Barton & Loguidice, P.C.

Interim City Manager Philip Cosmo said reviews are being done on projects across New York State to determine if they can be downsized. Mr. Smith said the State has created a peer review group to look at certain projects and find ways to cut the projects back to save money. Mr. Smith explained the City has met with this group twice, and there are areas where they want to downsize. Mr. Smith said he believes reconstruction is the only way to proceed and explained that the Watertown DOT thought it would be a good idea to have an endorsement from Council to show continued support. Mr. Smith stated he does not feel the project is in danger, but is concerned that a reduction would change the construction date. Councillor Morley asked if this project was started in 2008, and Mr. Smith said yes. Mr. Cosmo said we will send this resolution to everyone who has a say in whether or not the project moves forward. Councillor Ashley asked if the project called for the street to be widened. Mr. Smith said yes and it also provides for new curbs, sidewalks, water/sewer lines and trees. Councillor Skamperle asked if new utilities will be installed, and Mr. Smith said utilities will be moved and improved. Councillor Ashley asked if all trees will be cut down. Mr. Smith said yes, the plan is to replace the trees with mature trees that do not grow too tall. Councillor Skamperle asked if the utilities could be placed underground. Mr. Smith said that would be very expensive as each individual homeowner would have to change their service. Mr. Smith advised the utility companies prefer overhead service. Mr. Smith said when the project is complete the street will be better able to handle the larger trucks. Mr. Smith said a very large portion of this project is esthetics, and explained the objective is to make the area attractive while including areas to make it a green project. Councillor Hosmer asked if the copy can be included in the update. Mr. Cosmo said it would be easier for Council to go to where the plan is located than to include copies in the update. Mr. Smith said he will place the plans in the City Manager's Office for review.

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The vote was:

CARRIED, AYES ALL

4. Councillor Ashley moved a resolution authorizing the Interim City Manager to enter into a purchase contract with J & C Ice Technologies, Inc. for a sum not to exceed \$122,550 for the purchase of a new Zamboni for the Richard G. Lockwood Civic Center, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR PURCHASE OF NEW ZAMBONI

WHEREAS, bids have been solicited and received for the purchase of a new Zamboni for the Richard G. Lockwood Civic Center; and

WHEREAS, City staff have evaluated the bids and recommended the contract be awarded to the responsible low bidder;

NOW, THEREFORE, BE IT RESOLVED that Philip A. Cosmo, Interim City Manager, is authorized to enter into the following purchase contract, for a sum not to exceed \$122,550, on behalf of the City; and

<u>SUPPLIER</u>	<u>BID AMOUNT</u>
J & C Ice Technologies, Inc. 180 Gold Mine Road, Unit 5 Flanders, NJ 07836	\$122,550

BE IT FURTHER RESOLVED that the funds to pay for the Zamboni shall be derived from a capital borrowing.

Interim City Manager Philip Cosmo stated that only one bid was received. Councillor Hosmer asked when the new zamboni will be delivered if the resolution is passed. Mr. Cosmo said it is a build to order process estimated at about 250 days which will be at the end of the season. Mr. Cosmo said we will have to use the old machine until then and Recreation Director Matthew Curatolo is checking with neighboring facilities for a backup unit.

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Councillor Hosmer asked how long the City will finance the new zamboni. Mr. Cosmo said he will check with our financial advisors, but does not want to finance it for 15 years. Councillor Morley stated he intends to vote no and cited the upcoming budget proposed increases in retirement and insurance costs, and the needed equipment for the DPW and Fire Departments.

Councillor Morley said the Arena should be sold and privatized. Mayor Nelson said Matt Curatolo put together a business plan to outline the per day costs to operate the facility, and added that the cost of new zamboni ownership is the least cost to the City.

The vote was:

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

NAYS: Councillor Morley

CARRIED, 6 TO 1

OLD BUSINESS

1. Councillor Morley asked for an update on the sale of the two NSP properties. Interim City Manager Philip Cosmo said the sale of one property will move forward, while the other will have to be re-advertised because we have not heard back from the buyers regarding their qualification for the program. Councillor Morley asked if the Grove Street property will be closed up and winterized. Councillor Morley questioned how much was spent last year to heat this property. Mr. Cosmo said he would get him the numbers. Mr. Cosmo advised Council that we plan to follow the same process closing up the property as was done last winter.

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2. Councillor Morley asked for an update on the 505 New York Avenue property. Mr. Cosmo said New York State has not notified us that property can be removed from the NSP Program.

3. Councillor Morley asked what happened at the meeting with Mr. Rose regarding his swale issue. Public Works Director Kit Smith said he has not looked at the swale, and no preliminary work has been done on it. Mr. Smith said he offered Mr. Rose driveway pipes. Councillor Ashley requested a cost estimate for the next meeting, and added that the swale is treacherous to even walk across.

3. Councillor Stevenson said she, along with Councillors Hosmer and Cilley, visited the Oddfellow's site and the water was horrible. Councillor Stevenson said the toilets and sinks are stained, and the Club has to bring in water and ice for events. Councillor Stevenson said Councillor Hosmer called Interim City Manager Philip Cosmo and requested the line be flushed on Friday and the Club agreed to use the water as heavily as possible over the weekend. Councillor Stevenson said she returned this morning and took a water sample which she held up for Council to see. Councillor Stevenson said the water is clean and drinkable. Councillor Stevenson asked that the line be flushed every Friday while the weather permits so the Club can have usable water. Councillor Stevenson also asked that the City continue to pursue this issue and explore the cost of looping the line. Councillor Hosmer agreed with Councillor Stevenson. Public Works Director Kit Smith said his department can flush the line on Fridays. Mr. Smith said the issue is the water that lies in the cast iron pipe, which after sitting for 3-4 days becomes rusty. Mr. Smith said he believes one of the problems is the pipe. Councillor Stevenson said the City should take the first step to correct this problem, and then the Club can try to correct the problem. Councillor Stevenson said the City should install the loop first and if that doesn't correct the problem, the Club can install a new lateral pipe. Councillor Morley asked if a plumber has checked their line. Mayor Nelson stated we are about to begin working on the 2013 budget and reminded Council that some departments need equipment and a 14% retirement increase is expected. Mayor Nelson said he agrees that this issue is important, but feels there are several larger issues the City needs to deal with at this time. Councillor Ashley questioned if a blow off mechanism for their line would help. Mr. Smith explained this service was offered to the Club, but it isn't possible during the winter months.

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Mr. Smith noted there are several other dead end lines in the City that do not experience this problem. Mr. Smith added that the Club wants a guarantee on how to correct this problem, which he can't provide. Councillor Morley questioned the water color when the line is flushed. Mr. Smith responded the water is red for about forty seconds when it is flushed once a month. Councillor Skamperle asked what the City would charge for the blow off, and Mr. Smith said they would help with it. Councillor Stevenson asked if the Club would have any expenses related to the installation of the blow off, and Mr. Smith said probably. Mr. Smith said he will schedule the flushing of this line every Friday. Mr. Smith said he believes the problem is with the Club's line going into the building.

4. Councillor Cilley said Mr. Joly is still concerned about the school's project and its impact on water run-off in the Beaverbrook area and asked if anyone had talked to the school about the project. Public Works Director Kit Smith said he has attended meetings with the school and has a copy of the plans for the project. Mr. Smith noted the project does address the proper discharge of the run off and explained two holding tanks will be installed to slowly release the water.

5. Councillor Hosmer asked if the Paterson Street boat launch will be included in the Paterson Street project. Mr. Smith said the boat launch will be included in the 2013 Recreation budget.

6. Councillor Hosmer asked for an update on the new bridge. Mr. Smith said the project is on schedule and expected to be completed the last week of September or the first week of October. Mr. Smith explained that Planning Director Andrea Smith is preparing a landscaping plan once the project is completed. Mr. Smith said the construction crew will set the benches, add topsoil, seed and finish the sidewalks. Interim City Manager Philip Cosmo said there are some leftover funds available for landscaping. Mr. Smith said the project is under budget.

7. Councillor Hosmer requested an update on the tenants living in the properties obtained at the City tax auction. Interim City Manager Philip Cosmo advised the tenants have until September 20th to vacate.

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8. Councillor Hosmer requested an update on the brush along the Crescent Hill trail. Interim City Manager Philip Cosmo said that project is being addressed in the 2013 budget.

9. Councillor Skamperle said he spoke with Joe Basta about the property he purchased from the City near the Shade Roller plant. Councillor Skamperle said Mr. Basta is concerned about the easement that was promised to him when he purchased this property. Interim City Manager Philip Cosmo said he will check into it and advise Council.

10. Councillor Skamperle said he spoke with an Alliance Energy representative who said they are still meeting with the State. Councillor Skamperle said he would like to see the City support the plans to redevelop that plant. Interim City Manager Philip Cosmo said the City would very much like to support the plans, but he is hesitant because we have been out of the loop. Mr. Cosmo said it is difficult to contact anyone at Alliance Energy. Mr. Cosmo explained the local person is easy to deal with, but other representatives are not quick to respond. Mr. Cosmo also said the assessment has been reduced tremendously, but the City is not receiving any payments. Mr. Cosmo said Eagle Creek opted out of the program in January, and there has been very little communication from the company since that time.

NEW BUSINESS

1. Councillor Cilley said he noticed in the update that the Pinto, Mucenski, Hooper & VanHouse audit was done. Interim City Manager Philip Cosmo explained the NYSDOT requires an audit if more than \$100,000 is expended. Mr. Cosmo said the City must cover the cost of a two page audit to meet this requirement. Mr. Cosmo said the regular City audit will be completed around September 30th, and Don Hooper will review the same with Council.

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2. Councillor Hosmer requested an update on the Judson Street sewer separation project. Mr. Cosmo said he is not familiar with that project. Councillor Hosmer asked Mr. Cosmo to contact the man who asked about the project. Mr. Cosmo said the Barre Street separation project was just completed, and he believes this may be a follow-up to that project. Public Works Director Kit Smith said the Judson Street project was revitalized and is in two grant funding sources. Mr. Smith said the project is shovel-ready when we receive grant approval. Mr. Smith said he will provide this information to Councillor Hosmer tomorrow.

3. Councillor Hosmer asked why a concrete strip across Ford Street near the Bridge & Port Authority's new access road was not covered in blacktop. Mr. Smith said the Bridge & Port Authority has received a letter advising that this area will need to be repaired and blacktopped.

4. Councillor Hosmer asked why Canadian money is not accepted at the City marina. Councillor Hosmer said people have to walk up into the City to exchange their money because there is no ATM at the Visitor's Center to pay for their transient boat slip. Interim City Manager Philip Cosmo explained that in the past Canadian money had an exchange rate and was discounted. Councillor Hosmer asked if the City could accept Canadian funds to resolve this issue. Mr. Cosmo said he will look into this.

5. Mayor Nelson said he was contacted by an Ottawa resident with an electric car complaining that there are no electric charging stations in Ogdensburg. Mayor Nelson said the man explained he could make the round trip now, but it may be difficult in the winter without a charging station. Mayor Nelson said he saw NYSEDA flyers describing grants available to help with the purchase of these charging stations. Interim City Manager Philip Cosmo asked if the charging station would be run by a private individual or the municipality. Mayor Nelson said the municipality. Mayor Nelson added that electric cars are the up and coming thing and the City should be prepared. Mayor Nelson said he will forward the email to Mr. Cosmo.

6. Mayor Nelson asked to be excused from the September 24th Council meeting because he will be out of town for his job.

ITEMS FOR DISCUSSION

1. Interim City Manager Philip Cosmo requested Council's input on the four parcels obtained at the recent tax sale auction. Mr. Cosmo said this is the first time the City has taken possession of properties that have tenants. Mr. Cosmo said the deeds have been filed at the County Clerk's Office, and since the filing of the deeds a relative has come forward who is willing to redeem one of the properties. Mr. Cosmo explained that City Attorney Andy Silver recommended the relative make a good faith offer and write a letter to the City outlining the request and agreeing to pay the taxes and all legal expenses. Mr. Cosmo recommended Council allow the relative to pay the back taxes and all legal expenses to transfer the property back to the family since it would allow the residents to remain in the property. Councillor Ashley asked if we are talking about the same family that lost the property for taxes, and Mr. Cosmo said yes. Councillor Morley said he does not see a problem with it as long as they can pay the taxes. Councillor Stevenson agreed as long as they pay all expenses. Councillor Ashley said he believes in this case, both of the owners have been sick. Councillor Skamperle agreed that the family should be allowed to stay in the home. Mr. Cosmo said a Council resolution will be required to return the property to them. Mr. Cosmo said a public hearing will not be required because the property is not being sold. There was a consensus of Council to allow the family to pay the back taxes and all legal expenses to get the property back.

Mr. Cosmo explained we also obtained a commercial property at tax auction in which there were ongoing discussions between the previous owner and a prospective buyer. Mr. Cosmo advised that a request was submitted for the property to be sold to the prospective buyer and the tenants would be allowed to remain in the property. Mr. Cosmo said the new owner would then have rental income while renovating apartments attached to the building. Councillor Morley asked how much the prospective buyer offered for the property. Mr. Cosmo said there was no specific amount discussed, but added it is more than what is owed for back taxes. Mr. Cosmo explained it would be a positive move because the tenant would stay in the property and the new owner would renovate some very bad apartments into rentable units.

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Mr. Cosmo said if this is not an option, the tenant will need to move out before the property is put up for auction. Councillor Morley said he would need to know the amount being offered. Mayor Nelson noted the City is not in the landlord business and suggested the property be sold as requested. Councillor Stevenson said she does not want to see another vacant building on the streets of Ogdensburg, especially if the person is willing to renovate the property. Councillor Stevenson added if the person was looking at the property prior to the tax sale, we should at least discuss it. Councillor Stevenson noted Council should look at what is going to beautify, enhance and make revenue for the City. Councillor Cilley said it will keep the property on the tax roll. Mr. Cosmo said he will get Council more information next week. Councillor Hosmer asked what insures the new owner will renovate the property. Mr. Cosmo said nothing. Mayor Nelson said it is important to have the back taxes paid and keep the property on the tax roll.

2. Mayor Nelson said the DADRAS Group would like to do a presentation on the study they conducted for Ogdensburg and suggested the October 9th Council Meeting. Interim City Manager Philip Cosmo said he would contact them and see if they are available.

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