

CITY COUNCIL MEETING

March 9, 2009

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

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

ABSENT: None

PRESENTATIONS

1. Councillor Vaugh made a presentation to Council regarding the recent NYCOM Winter Legislative Meeting. Mr. Vaugh briefly summarized the following points:

- 1) Federal stimulus package.
- 2) National Grid tax refund status.
- 3) Use of technology to improve services such as Google mapping, GPS and property databases.
- 4) Networking with other elected officials to discuss the cheese plant and agriculture.
- 5) Economic Development and Empire Zone.

PUBLIC HEARING

1. A public hearing regarding the submission of a grant application to the NYS Office of Community Renewal was held.

Matthew George, 105 Montgomery Street, Executive Director for the Association for Neighborhood Rehabilitation, stated that ANR is in full support of the City's efforts to rehabilitate homes and is happy to work with the City. No one else being present to speak, the hearing was declared closed.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #5-2009 in the amount of \$454,541.33 and Library Fund Warrant #5-2009 in the amount of \$31,013.74, Capital Fund Warrant #5-2009 in the amount of \$3,638.00 and Community Development Fund Warrant #5-2009 in the amount of \$15,569.45 and Community Renewal Fund Warrant #5-2009 in the amount of \$51,053.00 and HOME Fund Warrant #5-2009 in the amount of \$60,329.00 and AHC Funds Warrant #5-2009 in the amount of \$4,940.00, as audited, be and the same are ordered paid and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson moved an ordinance to amend the Administrative Regulations, §AR-42 entitled “City Attorney” for the City of Ogdensburg, and Councillor Morley seconded to wit:

ORDINANCE #2 OF 2009
ORDINANCE TO AMEND ADMINISTRATIVE REGULATIONS
ARTICLE VIII, OFFICERS AND EMPLOYEES, SECTION AR-42 – CITY
ATTORNEY

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

ITEM ONE:

That Article VIII, Officers and Employees, Section AR-42 (A)(B) City Attorney, is hereby deleted and replaced with the following:

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§ AR-42. City Attorney.

If an individual who is appointed is a member of a firm, the City Attorney could employ additional legal assistance from the firm or from the outside. The City Attorney may be removed with or without cause by recommendation of the City Manager with the approval of the City Council. Prior to appointment, the City Attorney shall have been admitted to practice law in the State of New York and practicing as such for at least five years previous to the appointment as City Attorney. The City Attorney shall be the legal advisor of and Attorney for the city, the City Council, the City Manager and all city departments, bureaus, boards and commissions thereof, in matters relating to their official duties, and when requested by either the City Council or City Manager, shall prosecute or defend all actions, suits and proceedings for and in behalf of the city.

A. Actions, suits and proceedings.

When required to do so by the City Manager or by ordinance, the City Attorney shall prosecute or defend for and in behalf of the city all actions, suits, proceedings and controversies to which the city is a party and in any rights or interests, including appearing for and protecting the rights and interests of any city officers, boards, commissions, arms length bodies owned by the city, or departments, and same shall not employ other counsel. The City Attorney shall have power to appeal from orders, decisions or judgments and shall, subject to the approval of the City Council, have power to enter into any agreement, compromise or settlement of any claims against the city.

B. Contracts, bonds and other instruments.

The City Attorney shall prepare or review all contracts, bonds and other instruments in which the city is concerned and, before execution thereof, shall endorse on each the approval of the form and correctness thereof when requested by the City Council or the City Manager.

C. Employment of counsel.

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The City Attorney, when authorized or directed by the City Council or the City Manager, may employ counsel to assist the argument and conduct of cases or proceedings in which the city is interested or a party.

D. Special City Attorney(s).

In the event of the absence, disqualification or disability of the City Attorney, as determined by the City Manager, the City Manager shall have the power to appoint, with the approval of City Council, Special City Attorney to act during the period of absence, disqualification or disability of the City Attorney. In a special emergency, such action may be taken without the consent of the City Council but subject to its later approval.

There was much discussion among Council regarding the City Attorney's residency and the City Manager's ability to recommend the removal of the City Attorney with the approval of the City Council.

The vote was:

AYES: Mayor Nelson, Councillors Morley,
Powers and Vaugh

NAYS: Councillors Flynn, Hannan and Sholette

APPROVED, 4 TO 3

2. Councillor Vaugh moved a resolution authorizing the City Manager to submit an application for funding under the New York State Housing Trust Fund HOME Program in the mount of \$500,000.00, and Councillor Sholette seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO SUBMIT AN APPLICATION TO
THE NEW YORK STATE HOUSING TRUST FUND CORPORATION
HOME PROGRAM

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WHEREAS, the City of Ogdensburg has participated in NYS Division of Housing & Community Renewal Programs for many years and is a past applicant of NYS Housing Trust Fund Corporation grants for the rehabilitation of owner-occupied housing in the City; and

WHEREAS, the NYS Housing Trust Fund Corporation (HTFC) HOME Program can result in benefits to the City in general and to low/moderate income persons in particular throughout the City; and

WHEREAS, the NYS HTFC will make funds available to provide moderate housing rehabilitation to owner-occupied housing units in the City; and

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby authorizes the City Manager to submit an application for funding under the 2009 NYS Housing Trust Fund Corporation HOME Program in the amount of \$500,000.00, and upon approval of said request to enter into and execute a project agreement with the NYS Housing Trust Fund Corporation for such financial assistance to the City of Ogdensburg for the HOME Program.

The vote was:

CARRIED, AYES ALL

3. Councillor Sholette moved a resolution to endorse the creation of the St. Lawrence River Redevelopment Agency, and Councillor Vaugh seconded to wit:

RESOLUTION TO ENDORSE THE CREATION OF
THE ST. LAWRENCE RIVER REDEVELOPMENT AGENCY

WHEREAS, the New York Power Authority (“NYPA”) has the available significant assets to serve as a catalyst for the redevelopment of the St. Lawrence River Valley, and

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WHEREAS, the St. Lawrence River Redevelopment Agency (“RVRDA” or “Agency”) is a proposed economic development tool designed to allow local control and direction of these NYPA assets, and

WHEREAS, the RVRDA is proposed to be created pursuant to New York General Municipal law 110-0 to engage in infrastructure development to promote economic development, and

WHEREAS, the RVRDA is focused on NYPA’s host communities, it is not geographically limited to project within the NYPA Project Boundaries, and

WHEREAS, the RVRDA leverages the managerial and operational expertise of Massena Electric Department, and

WHEREAS, the RVRDA is created to be an open and accountable entity subject to annual audits and the General Municipal Law, the Open Meetings Law, and the Freedom of Information law, and

WHEREAS, General Motors has announced the idling of the facility in Massena with the loss of an estimated 500 direct jobs and countless indirect jobs, and

WHEREAS, the Task Force assigned to investigate the efforts to mitigate those job losses to the Massena area has endorsed the RVRDC Proposal, and

WHEREAS, the proposal as constituted will create significant job growth in the County to offset any losses sustained by the GM Corporate decision.

NOW, THEREFORE, BE IT RESOLVED that the Ogdensburg City Council endorses the creation of the St. Lawrence River Redevelopment Agency, and

BE IT FURTHER RESOLVED, that a copy of this resolution is forwarded to our Governor and State elected official to encourage and support and move this proposal forward.

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After much discussion, Councillor Powers moved to table the resolution until more information is obtained, and Mayor Nelson seconded the motion.

The vote was:

CARRIED, AYES ALL

4. Councillor Morley moved a resolution endorsing an application to National Grid for the “10,000 Trees...And Growing!” tree planting reimbursement program, and Councillor Sholette seconded to wit:

RESOLUTION

WHEREAS, the City of Ogdensburg is applying to National Grid, for the “10,000 Trees...And Growing!” tree planting reimbursement program to be located within City limits, and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located”,

NOW, THEREFORE, be it resolved by this august body that the City Council of the City of Ogdensburg hereby does approve and endorse the application of the City of Ogdensburg to apply for contributory reimbursements under the “10,000 Trees...And Growing!” program for project known as Ogdensburg Street Trees and located within this community.

The vote was:

CARRIED, AYES ALL

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OLD BUSINESS

1. Councillor Hannan asked when the ice was being removed from the Lockwood Arena for the season and questioned if we have a marketing plan for the non-ice months. Recreation Director Phil Clemens stated the ice will be taken out on Friday and he is currently working on a marketing plan. City Manager Arthur Sciorra stated he would provide Council with a marketing plan progress report at the next meeting.

2. Councillor Morley requested a report from the City Manager for the Lockwood Arena expenditures, revenue and the usage by hour, per month, October 2008 to March 2009.

3. Councillor Hannan asked Mr. Sciorra if he has a timetable to appoint a City Attorney. Mr. Sciorra reported that the first step was to pass the bill. Mr. Sciorra added he will put together a RFP, advertise for the position and provide Council with a list of applicants.

4. Councillor Morley asked about the field renovation plans for Montroy Park. Recreation Director Phil Clemens stated that is planning to reseed areas of the park in April once the snow is gone.

5. Councillor Flynn asked City Clerk Kathleen Bouchard how many votes are required to amend the Administrative Regulations. Mrs. Bouchard stated four affirmative votes are required.

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6. Councillor Flynn stated that he reviewed the February 9, 2009 Council meeting minutes regarding discussion of section 485-E in executive session and contacted a NYCOM attorney regarding whether 485-E could be discussed in a closed Council session. Councillor Flynn passed out copies of NYCOM's response. (A copy follows these minutes.)

7. Councillor Sholette stated that the Growth Fund obtained a \$200,000.00 Main Street Grant for the marina district and questioned where the service area is and how the Growth Fund will disperse the grant funds to residential regions. Mr. Sciorra stated that staff is working with the local property owners to enlist eligible projects.

8. Councillor Morley asked if the 2008 snow removal budget has been finalized. Mr. Sciorra reported he just went over the close-outs with City Comptroller Philip Cosmo, and a report will be provided to Council shortly.

NEW BUSINESS

1. Councillor Hannan stated in the Council update there were savings reported at the filtration plant related to electricity usage. Councillor Hannan requested a quantification of the savings and applauded Kit Smith and his staff on their work. Mr. Smith reported that the City will receive a reduced rate, and the savings should be apparent by budget time this year.

2. Councillor Hannan questioned if the Administrative Regulations should have been compliant with the City Charter by 12/31/08. City Manager Arthur Sciorra stated that date was changed by the Charter Commission to 12/31/09.

3. Mayor Nelson advised Council that he appointed Councillor Powers to the Compensation Committee to replace Councillor Hannan.

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ITEMS FOR DISCUSSION

1. Time Warner Franchise Fee Settlement

There was much discussion among Council regarding the Time Warner franchise fee settlement. There was a consensus of Council to go forward with collecting the fee amounts as stated in the franchise agreement. Mayor Nelson said he would like the City's website updated to communicate the facts of the press release settlement to the public.

2. Renaming of the bridge approach road after State Police Officer Shawn Snow

After much discussion among Council, there was a consensus of Council to rename the section of roadway from Route 37 to the Ogdensburg International Bridge, Trooper Shawn Snow Street. It was also noted a resolution will be presented and a dedication ceremony held in May during National Police Officer week.

3. Stimulus Package Project List

The Council discussed a stimulus package project list prepared by City Manager Arthur Sciorra, Public Works Director Kit Smith and Planning Director Justin Woods. There was a consensus of Council to move item 6 (water meters) to the bottom of the list. (A copy of this list follows these minutes.)

4. Mayor Nelson stated that Bill Merna, Ogdensburg Free Academy varsity basketball coach, is going to be inducted into the New York State Basketball Hall of Fame in Glens Falls. The Mayor stated that Mr. Merna's induction is a big honor for the City of Ogdensburg and his years of service are very appreciated.

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Mayor Nelson moved to adjourn to Executive Session and Councillor Morley seconded the motion. Mayor Nelson stated there may be Council action following this session regarding negotiations.

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

Mayor Nelson moved resolution #24 to ratify a labor contract with the CSEA Hourly Unit for 2009, and Councillor Flynn seconded to wit:

RESOLUTION TO RATIFY LABOR CONTRACT
WITH THE CSEA HOURLY UNIT FOR 2009

WHEREAS, On March 3, 2009 the City Manager executed the attached Tentative Labor Agreement for 2009 with the CSEA Hourly Unit, and

WHEREAS, said Tentative Agreement was ratified by membership vote of the CSEA Hourly Unit on March 3, 2009,

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby ratifies the terms of said Tentative Agreement and authorizes the City Manager to execute a new labor contract with the CSEA Hourly Unit for 2009,

BE IT FURTHER RESOLVED, that the City Comptroller is authorized to transfer \$53,200.00 from the Contingency Account A1990 to fulfill the terms of the Labor Agreement for 2009.

The vote was:

AYES: Mayor Nelson, Councillors Flynn, Morley,
Powers, Sholette and Vaugh

NAYS: Councillor Hannan

APPROVED, 6 TO 1

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