

CITY COUNCIL MEETING

April 13, 2009

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

PRESENT: Mayor Nelson, Councillors Powers,  
Sholette and Vaugh

ABSENT: Councillors Flynn, Hannan and Morley

PROCLAMATION

1. Mayor Nelson read and signed a proclamation recognizing April 24, 2009 as Arbor Day in the City of Ogdensburg. (A copy of the Proclamation follows these minutes.)

2. Mayor Nelson read and signed a proclamation recognizing April 19, 2009 through April 25, 2009 as Federation of New York Insurance Professionals Week in the City of Ogdensburg. (A copy of the Proclamation follows these minutes.)

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #7-2009 in the amount of \$705,773.75 and Library Fund Warrant #7-2009 in the amount of \$30,810.39, Capital Fund Warrant #7-2009 in the amount of \$127,553.53 and Community Development Fund Warrant #7-2009 in the amount of \$74,587.34 and Community Renewal Fund Warrant #7-2009 in the amount of \$0.00 and HOME Fund Warrant #7-2009 in the amount of \$7,580.00 and AHC Funds Warrant #7-2009 in the amount of \$8,419.83 and RESTORE Program Warrant #7-2009 in the amount of \$7,730.50, as audited, be and the same are ordered paid and Councillor Powers seconded the motion.

The vote was:

CARRIED, AYES ALL

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ITEMS FOR COUNCIL ACTION

1. Councillor Vaugh moved a resolution to approve the 2009 City/County tax collection warrant, and Councillor Powers seconded to wit:

RESOLUTION

WHEREAS, the Tax Roll for the City of Ogdensburg, for the fiscal year January 1, 2009 through December 31, 2009, 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 \$262,397,581 and the tax rate is \$14.610001 per thousand for the General City Tax and the taxable valuation of \$262,711,409 and the tax rate is \$9.407453 per thousand for the General County Tax for the fiscal year January 1, 2009 through December 31, 2009 and the tax roll will produce the following:

CITY AND COUNTY TAX	\$	6,305,075.96
DUE WATER ACCOUNT		125,545.12
DUE SEWER ACCOUNT		135,711.13
DUE MISCELLANEOUS ACCOUNT		35,507.00
OMITTED TAXES		<u>8,183.35</u>
TOTAL	\$	<u>6,610,022.56</u>

NOW THEREFORE, pursuant to Section C670 of the City Charter, the Tax Roll of the fiscal year 2009 is confirmed and the warrant in the sum of \$6,610,022.56 annexed thereto and be signed for the collections of all taxes in two installments; the first installment commencing April 15, 2009 and the section installment commencing July 15, 2009, 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.

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The vote was:

CARRIED, AYES ALL

2. Councillor Sholette moved a resolution authorizing the City Manager to Partner with NYS Department of State for an EPA Smart Growth grant application, and Councillor Vaugh seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO PARTNER WITH  
THE NEW YORK STATE DEPARTMENT OF STATE DIVISION OF  
COASTAL, LOCAL GOVERNMENT & COMMUNITY SUSTAINABILITY TO  
SUBMIT AN EPA SMART GROWTH IMPLEMENTATION ASSISTANCE  
GRANT APPLICATION

WHEREAS, Ogdensburg is a state-classified fiscally distressed city with many brownfield sites; and

WHEREAS, the impact of brownfields on the economic and social life of Ogdensburg is stark, and is best summarized in the city's Brownfields Revitalization Project report issued in December 1997:

“[Ogdensburg’s] brownfield problem is without question, its largest impediment to future development... few communities can document as severe a brownfields problem based on the overall percentage of waterfront lands that are contaminated... The brownfields dilemma is unique because the brownfields properties happen to be the most expensive real estate in the city, but in their present state they a represent a gold mine that is environmentally inaccessible and, therefore, untapped. The known and suspected environmental contamination on these vacant waterfront parcels in the City of Ogdensburg are thwarting critical economic redevelopment projects that are designed to stimulate the local economy and create new jobs for low and moderate income persons in the City of Ogdensburg;” and

WHEREAS, the City has recently completed a Pre-Nomination Study to supplement its application for \$355,500 in funds to conduct a Nomination Study through the proposed Brownfields Opportunity Area (BOA) program; and

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WHEREAS, the BOA is approximately 330 acres containing at least 15 identified contaminated brownfield sites and many other sites with suspected contamination issues; and

WHEREAS, the NYS Department of State has recommended funding the BOA request; and

WHEREAS, the City recently completed remedial site work at the 17-acre former Diamond International Paper Mill Site in the BOA, which was funded utilizing approximately \$2.5 Million from the New York State Environmental Restoration Program; and

WHEREAS, the City is currently conducting Phase I and Phase II environmental investigations on the 23-acre former Augsbury Tank Farm site in the BOA, which is being funded with approximately \$200,000 from an EPA Brownfield Assessment Grant; and

WHEREAS, the City has conducted a Main Street Assessment and received \$25,000 in funding to develop a Downtown Revitalization Plan from the NYS Office of Community Renewal; and

WHEREAS, the City has received \$35,000 in funding to update its Local Waterfront Revitalization Plan (LWRP) and Harbor Management Plan (HMP) from the NYS Department of State; and

WHEREAS, these programs can be integrated and improved through a vigorous public participatory process including visioning, design workshops, and alternatives analysis; and

WHEREAS, the NYS Department of State has asked the City to partner in an EPA Smart Growth Implementation Assistance (SGIA) Program Grant to fund activities associated with integrating planning activities through a vigorous public participatory process including visioning, design workshops, and alternatives analysis; and

NOW, THEREFORE, BE IT RESOLVED by the Ogdensburg City Council

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1. That Arthur J. Sciorra, City Manager, or his designee, is the representative authorized to act in behalf of the City in all matters related to supporting the NYS DOS application to the EPA, is authorized to participate in the Smart Growth Implementation Program, and is hereby authorized to sign and submit a letter of support for the described application.
2. Should the DOS as the lead applicant, receive federal assistance, the representative is also authorized to act on behalf of the applicant in all matters related to participating in the project, including signing a state or federal assistance contract, and implementing the grant program.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution requesting the New York State Department of Transportation rename the section of NYS-812 commonly referred to as the Bridge Approach, between NYS-37 and the Ogdensburg Prescott International Bridge, on the Local Highway Inventory as Trooper SHAWN W. SNOW Street, and Councillor Powers seconded to wit:

TROOPER SNOW RESOLUTION

WHEREAS, Trooper SHAWN W. SNOW was born in Canton, New York, on March 19, 1961, the son of D. Edward and Inez (BAXTER) Snow; and

WHEREAS, he graduated from Hermon-DeKalb School in 1979, served in the U.S. Navy from 1979 to 1985, and then in the U.S. Coast Guard from 1985 to 1989; and

WHEREAS, upon graduating from the State Police Academy, Trooper SNOW, was stationed first with Troop "A" in Fredonia, then in Troop "K" in Stormville, and finally in Troop "B" in Gouverneur, where he was ultimately assigned to the Troop "B" Commercial Vehicle Enforcement Unit (CVEU) in May 2004; and

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WHEREAS, on August 3, 2008, Trooper SNOW, a 19-year veteran of the New York State Police, lost his life while assisting a distressed motorist in Ogdensburg; and

WHEREAS, Trooper SNOW was inspecting a commercial vehicle at the Ogdensburg International Bridge when a distressed operator of an antique fire truck approached Trooper SNOW requesting his assistance; and

WHEREAS, the driver stated he had a flat tire and was unable to get the truck elevated to change the tire; and

WHEREAS, Trooper SNOW completed his inspection and then attempted several times to assist the fire truck driver to fix the tire; and

WHEREAS, Trooper SNOW then took the driver to a local Lowe's to buy a Cobalt power jack, and upon return, it was decided to extend the fire truck ladder in order to shift the weight and allow the jack better access; and

WHEREAS, Trooper SNOW then crawled underneath the vehicle to place the jacks, and unfortunately, either the ladder malfunctioned or the weather conditions caused the ladder to shift, which resulted in the ladder contacting the high voltage wire and fatally electrocuting both Trooper SNOW and the fire truck operator; and

WHEREAS, Trooper SNOW is survived by his wife PENNY (nee AYEN) SNOW and two sons ERIC and JAMIE, step-children SHELBY, HEATHER, and TONY HUGHES, his parents, his brothers TERRANCE and DANA SNOW, his sisters MICAELLE GOSSI and APRIL ALLEN, three grandchildren MACKENSIE, NOLAN, JACOB, and his former wife Rhonda Newcombe, with whom he remained close friends; and

WHEREAS, Trooper SNOW was always willing to help anyone in need and had a lifelong reputation for his kindness and generosity;

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NOW, THEREFORE, BE IT RESOLVED, that in commemoration of Trooper SNOW's ultimate sacrifice, the Ogdensburg City Council hereby requests that the New York State Department of Transportation (NYS DOT) rename the section of NYS-812 commonly referred to as the Bridge Approach, between NYS-37 and the Ogdensburg Prescott International Bridge, on the Local Highway Inventory as Trooper SHAWN W. SNOW Street, and

BE IT FURTHER RESOLVED, that the City of Ogdensburg will work with the NYS DOT, OBPA, the NYS PBA to secure funding to erect a sign memorializing the street dedication and Trooper SNOW's selfless act of kindness and generosity.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution calling for a public hearing and public notice regarding the lease of municipal property, and Councillor Powers seconded to wit:

A RESOLUTION FOR THE ACCEPTANCE OF A PROPOSAL TO OPERATE A CONCESSION IN THE DOBISKY VISITORS' CENTER AND CALLING FOR A PUBLIC HEARING REGARDING THE LEASE OF CITY-OWNED PROPERTY IN THE CITY OF OGDENSBURG

WHEREAS, the City of Ogdensburg has issued a Request for Proposals with intent to "establish a private sector business in the operation of a quality food and beverage concession for the patrons of Greenbelt Park". . .with intent to encourage "new and innovative approaches to providing services and special events at this location"; and

WHEREAS, the City has received inquiries from four separate interested parties; two of whom have withdrawn applications; two of whom submitted applications including business plans; one of whom, North Country Food Services dba Seaway Café and Catering, provided a completed proposal package complete with marketing plan, proforma and cashflow projections indicative of the ability to operate a profitable business; and

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WHEREAS, North Country Food Services dba Seaway Café and Catering has outlined a plan to serve breakfast, lunch and dinner specials to meet the needs of the various targeted market sectors, including: families with children, seniors, downtown office workers, boaters and fishermen; and

WHEREAS, North Country Food Services dba Seaway Café and Catering has demonstrated the experience and expertise to support this type of food service; and

WHEREAS, North Country Food Services dba Seaway Café and Catering has offered 3.5% of gross receipts as payment for the lease to operate the concession and has requested a 3 year contract with an option to renew;

WHEREAS, the City Council hereby accepts the proposal of North Country Food Services dba Seaway Café and Catering to operate a concession located in the Dobisky Visitors' Center, subject to approval of lease;

WHEREAS, the City Charter mandates that a Lease be finalized only after giving public notice in a local newspaper and conducting a public hearing;

BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing on the 27th day of April, 2009 at 7:00 p.m., at the Council Chambers in the City of Ogdensburg, New York, regarding this proposed Lease of City-owned property, 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 ordinance in summary form.

The vote was:

CARRIED, AYES ALL

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5. Mayor Nelson moved a resolution calling for a public hearing on an Ordinance to amend the Administrative Regulations of the City of Ogdensburg, §AR-26.2.(B)(2)(h) entitled “Dobisky Center Building Use”, and Councillor Sholette seconded to wit:

RESOLUTION OF CITY COUNCIL INTRODUCING AN ORDINANCE  
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED, that Ordinance No.4 of 2009, entitled:

Amendment to the Administrative Regulations, §AR-26.2.(B)(2)(h) entitled “Dobisky Center Building Use” 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 27, 2009, and

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 seven days prior thereto.

The vote was:

CARRIED, AYES ALL

6. Councillor Powers moved a resolution authorizing the City Manager to Execute an Easement Agreement with David and Lynn Blevins d/b/a Lot 21, and Councillor Vaugh seconded to wit:

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RESOLUTION TO AUTHORIZE  
CITY MANAGER TO EXECUTE AN EASEMENT AGREEMENT  
WITH DAVID AND LYNN BLEVINS, D/B/A LOT 21

WHEREAS, David and Lynn Blevins d/b/a Lot 21 has requested a six foot easement to install a landing and steps at the rear of 206 Ford Street into the City right-of-way, and

WHEREAS, the Director of Public Works has indicated that said relocation will not interfere with snow removal, traffic flow or any existing city utility,

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute an easement agreement, to be prepared by the City Attorney, with David and Lynn Blevins d/b/a Lot 21, as shown on the attached site map, and

BE IT FURTHER RESOLVED, that David and Lynn Blevins d/b/a Lot 21 provides the City of Ogdensburg with a liability insurance certificate that identifies the City of Ogdensburg as a co-insured party on the subject property, in a form and amount acceptable to the City Attorney.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Powers requested an update on the Toped legal proceedings for the Park Plaza property. City Manager Arthur Sciorra explained that this has been a six month lengthy process to obtain an order to demo Park Plaza, but a court date is expected to be set by mid May.

2. Councillor Powers stated there was information in the recent Council update regarding marketing the Lockwood Arena. Councillor Powers said it was good to see the Recreation Department and Commission working together on a marketing plan.

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3. Councillor Sholette stated that he read in a recent update that the City was not successful obtaining a Maple City Grant and has noticed that we have missed out on a few other grants. Councillor Sholette asked if we are allowed an explanation or exit interview to find out what mistakes were made in the grant writing process or was there more grant competition than we expected. City Manager Arthur Sciorra stated we do get an opportunity to talk to the State agencies and there was a lot of competition for this grant.

4. Councillor Sholette asked if there are any updates on the Housing Rehab Grant audit and stated that he has never received any update reports. Mr. Sciorra stated the audit is almost done, and he will provide Council with a copy of the report.

5. Councillor Sholette stated that the St. Lawrence County Planning Department has been successful obtaining grants and suggested that we request their help. Mr. Sciorra stated that the City has a close working relationship with the County's Planning Department and he has no problem asking them to review our applications to see if there's something we can do better.

### NEW BUSINESS

1. Councillor Vaugh stated that he recently requested and received a list of the City's boards and commissions. Councillor Vaugh added that two of the boards have been dormant for many years and he would like to revive them as they could benefit the City. Mr. Sciorra stated that he would research these two boards' and provide Council with copies of their mission statements.

2. Councillor Sholette stated that he has received requests from anglers who fish the shores of the St. Lawrence River near the Visitor Center, to include a fish weigh-in area in the landscape plans. Mr. Sciorra stated the staff would look into this.

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3. Councillor Sholette stated there is a no parking sign in front of Riverview Towers that faces the south instead of the east, and asked if this sign could be turned in the right direction. Director of Public Works Kit Smith stated he would review this situation.

### ITEMS FOR DISCUSSION

1. Councillor Powers stated he recently read a newspaper article inviting Senator Schumer to this area for a Northern Border Commission Summit and asked if we have heard anything. Mr. Sciorra said we haven't heard anything other than that his office is also interested in holding an Economic Summit this fall. Mr. Sciorra said they have discussed bringing the two mandates together and we will inform Senator Schumer of the date of the summit.

2. Mayor Nelson stated that he was very concerned about the recent New York State budget that passed that solely targeted certain state union agencies for reductions. Mayor Nelson stated he is concerned over the safety of correctional officers and mental health workers. Mayor Nelson said he read that our legislators gave their staff big raises and that the legislature allocated \$170 million in member item pork funds which should be put back into funding the state workforce. Mayor Nelson said he is hopeful that nothing negative happens to these state workers or those that these workers care for and protect, and he noted that we have the safest correctional and mental health facilities in the state, and that our concerns seem to fall onto the deaf ears of our state elected officials.

Councillor Powers stated that he is an eighteen year Corrections employee and these cuts will have a severe impact on the north country. Councillor Powers stated that last week, April 2, an amendment to a bill that originally took months to pass quickly passed through both houses. Councillor Powers added that this bill changed the one year facility closure bill to a 90 day facility closure bill (if a cost savings can be shown, a facility can be closed). Councillor Powers added that our state legislators told him one thing and did another when it came time to vote.

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Mayor Nelson said we as a small City Council will speak for our constituents and will stand up for our correctional officers and mental health workers if our state elected official's are not.

3. Mayor Nelson stated that three trees will be planted at the New York Avenue Park on Arbor Day, April 24, 2009 and welcomed the community to attend.

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

Office of the Mayor  
Ogdensburg, New York

# Proclamation

*WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and*

*WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world, and*

*WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and*

*WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and*

*WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and*

*WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and*

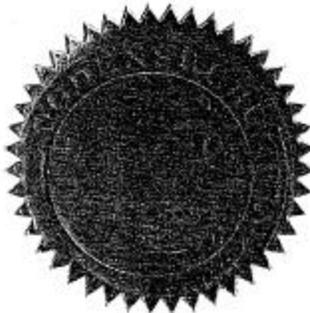
*WHEREAS, the City of Ogdensburg has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting practices*

*NOW, THEREFORE, I, William D. Nelson, Mayor of the City of Ogdensburg, do hereby proclaim April 24, 2009 as*

## **ARBOR DAY**

*in the City of Ogdensburg, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and*

*FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.*



*In witness whereof I have hereunto set my hand and caused this seal to be affixed.*

\_\_\_\_\_  
William D. Nelson, Mayor

Attest: Angela Rodriguez

Date: April 13, 2009

Office of the Mayor  
Ogdensburg, New York

# Proclamation

*WHEREAS, members of the Federation of New York Insurance Professionals, Inc. play a very important role in the insurance industry; and*

*WHEREAS, they are most effective locally in promoting public awareness of such important issues as tort reform, automobile safety, the problem of drinking and driving, education and legislation, and*

*WHEREAS, they endeavor to reaffirm to the industry as a whole the highest professional standards, and*

*WHEREAS, these professionals deserve commendation and recognition for their outstanding accomplishments in this truly economically vital industry:*

*NOW, THEREFORE, I, William D. Nelson, Mayor of the City of Ogdensburg, do proclaim April 19, 2009 – April 25, 2009 as Federation of New York Insurance Professionals Week and urge our citizens to do honor to these professionals who are performing such important and diverse roles throughout the risk and insurance industry.*

*In witness whereof I have hereunto set my hand and caused this seal to be affixed.*

\_\_\_\_\_  
William D. Nelson, Mayor

Attest: Angela Rodriguez

Date: April 13, 2009