

CITY COUNCIL MEETING

March 14, 2011

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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, Sholette and Skamperle

ABSENT: Councillor Vaugh

*Previous to this meeting, Councillor Vaugh sent an email advising the Mayor and Council that he would not be attending tonight's meeting due to a work commitment.

PUBLIC HEARING

1. A public hearing regarding an ordinance to lease municipal property at 330 Ford Street for the Satellite Office of Senator Patricia Ritchie was held. No one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. William Hosmer, 320 Jersey Avenue, owner of Hosmer Marina, stated he received notification today that the City had received a grant to improve the marina and install gasoline pumps. Mr. Hosmer added that he did not feel it was fair for the City to compete against the private sector with a fueling station. Mr. Hosmer stated he is running for City Council in November.

2. Steve Rose, 1702 Montgomery Street, stated he felt there was a negative approach to the Beaver Brook project by City Hall management. Mr. Rose also stated that due to last week's heavy rains he and DPW employee, Gregg Harland prevented flooding in Beaver Brook area by regulating the drops. Mr. Rose said the Stearns and Wheler report has changed many times, and he has still not seen their final report.

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CORRESPONDENCE

1. City Clerk, Kathleen Bouchard read a letter from Steve Rose regarding the Beaver Brook area. (A copy of which follows these minutes.)

Mayor Nelson stated there was a need for Executive Session to discuss labor contracts. Mayor Nelson moved to adjourn to Executive Session, and Councillor Morley seconded the motion.

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

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #5-2011 in the amount of \$ and Library Fund Warrant #5-2011 in the amount of \$ and Capital Fund Warrant #5-2011 in the amount of \$ and Community Development Fund Warrant #5-2011 in the amount of \$0.00 and Community Renewal Fund Warrant #5-2011 in the amount of \$ and HOME Fund Warrant #5-2011 in the amount of \$ and AHC Funds Warrant #5-2011 in the amount of \$0.00, RESTORE Program Warrant #5-2011 in the amount of \$0.00 and NSP Funds Warrant #5-2011 in the amount of \$0.00 and NY Main St. Program Warrant #5-2011 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. Mayor Nelson moved an ordinance authorizing the City Manager to enter into the necessary agreements to lease office space located at 330 Ford Street, and Councillor Powers seconded to wit:

ORDINANCE #_ OF 2011
AN ORDINANCE TO AUTHORIZE A LEASE OF MUNICIPAL PROPERTY

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

ITEM ONE: An ordinance to authorize a lease of municipal property at 330 Ford Street (Basement) for the Satellite Office of Senator Patricia Ritchie.

ITEM TWO: The City Manager has presented the attached proposed agreement to lease space at 330 Ford Street. The lease term shall be from March 15, 2011 through December 31, 2012, with an option to renew, unless either party provides prior written notice to the other of its intention not to renew.

ITEM THREE: The City Manager is hereby authorized to execute the attached lease agreement, hereby made part of this ordinance.

ITEM FOUR: Passage of this ordinance shall be by a vote of three-fourths (3/4) of all members of the City Council.

ITEM FIVE: This ordinance shall take effect ten (10) days after publication of notice that shall give the title and describe same in summary form.

After much discussion amongst Council regarding the low lease rate and the cost to renovate the office with taxpayers monies, Councillor Morley moved to table this resolution and Councillor Powers seconded the motion.

The vote was:

TABLED, AYES ALL

City Manager Arthur Sciorra stated he will contact Senator Ritchie's Office to discuss lease rates.

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2. Councillor Morley moved a resolution authorizing the City Comptroller to transfer \$34,600 in funds from the General Fund to the City Hall Building Capital Construction account to allow for renovations to the northeast corner of the City Hall basement to allow for more office space, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING RENOVATIONS TO
CITY HALL TO ALLOW MORE OFFICE SPACE

WHEREAS, the northeast corner of the City Hall basement is in a state of disrepair; and

WHEREAS, the NYS Senate has agreed to lease approximately 840 sq. ft. of office space at \$210.06 per month; and

WHEREAS, an appropriation is required to complete the renovation work;

NOW, THEREFORE, BE IT RESOLVED that the City Comptroller is hereby authorized to transfer \$34,600 in funds from General Fund – Fund Balance (A2812) to the City Hall Building Capital Construction account (A1620.330) to allow for renovations to the northeast corner of the City Hall basement to allow more office space.

After much discussion amongst Council, Councillor Morley moved to amend the resolution to take out the second paragraph, and Councillor Powers seconded the motion.

The vote to amend the resolution was:

AYES: Mayor Nelson, Councillors Cilley,
Morley, Powers and Skamperle

NAYS: Councillor Sholette

APPROVED, 5 TO 1

The resolution as amended now read:

RESOLUTION AUTHORIZING RENOVATIONS TO
CITY HALL TO ALLOW MORE OFFICE SPACE

WHEREAS, the northeast corner of the City Hall basement is in a state of disrepair; and

WHEREAS, an appropriation is required to complete the renovation work;

NOW, THEREFORE, BE IT RESOLVED that the City Comptroller is hereby authorized to transfer \$34,600 in funds from General Fund – Fund Balance (A2812) to the City Hall Building Capital Construction account (A1620.330) to allow for renovations to the northeast corner of the City Hall basement to allow more office space.

The vote on the resolution as amended was:

AYES: Mayor Nelson, Councillors Cilley,
Morley and Powers

NAYS: Councillors Sholette and Skamperle

APPROVED, 4 TO 2

3. Mayor Nelson moved a resolution calling for public notice and public hearing with regard to the development of an application for Community Development Block Grant (CDBG) funding, and Councillor Morley seconded to wit:

RESOLUTION CALLING FOR A PUBLIC HEARING REGARDING THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the City of Ogdensburg is considering an application for Community Development Block Grant (CDBG) funding, and

WHEREAS, the CDBG program provides funds to local governments for housing, economic development, and public facilities, with the principal beneficiaries being persons with low or moderate incomes, and

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WHEREAS, the projects may also aid in eliminating slums and blight and in the meeting of community needs of a particular urgency, and

WHEREAS, the City may apply for up to \$400,000 to perform a single activity or up to \$600,000 to perform water/sewer infrastructure activities; and

WHEREAS, the Housing and Community Development Act of 1977, as amended, requires that the City hold a public hearing to provide information about and allow for participation in the development of the grant application; and

WHEREAS, the City Council held the first public hearing on January 24, 2011;

NOW, THEREFORE, BE IT RESOLVED, that in order to provide residents with an opportunity to participate in the development of the application, the City Council shall hold a second public hearing in the City Council Chambers at City Hall, Ogdensburg, New York, on the 28th day of March, 2011, at 7:00 p.m.; and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearings 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 dates setting forth the time and place.

The vote was:

CARRIED, AYES ALL

4. Councillor Powers moved a resolution authorizing the City Manager to submit a 2011 NY HOME application to secure funding to undertake rehabilitation of the homes of low-income City residents and execute all necessary documents relating to the application or administration of the program, and Councillor Sholette seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER
TO SUBMIT A NY HOME GRANT APPLICATION

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WHEREAS, the City of Ogdensburg Strategic Management Plan makes it an organizational goal of the City to revitalize aging neighborhoods; and

WHEREAS, the City of Ogdensburg values an improved housing stock; and

WHEREAS, the Ogdensburg City Council adopted the City's Abbreviated Consolidated Plan which, among other things, sets Housing Rehabilitation as one of the City's primary housing priorities; and

WHEREAS, the New York State Housing Trust Fund Corporation is accepting applications for the NY HOME Program; and

WHEREAS, the purpose of the NY HOME Program is to provide support for low-income home owners to perform housing rehabilitation to eliminate unsafe and unhealthy conditions;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ogdensburg that it hereby authorizes the filing of a 2011 NY HOME Application to secure funding to undertake rehabilitation of the homes of low-income City residents; and

BE IT FURTHER RESOLVED that City Manager, or his designee, is hereby authorized to submit the application and, if awarded, to administer the program, including executing all necessary documents relating to the application or administration of the program.

The vote was:

CARRIED, AYES ALL

5. Councillor Sholette moved a resolution authorizing the City Manager to submit a 2011 ACCESS To Home Application to secure funding to undertake accessibility modifications and rehabilitation of the homes of low-income disabled City residents and execute all necessary documents relating to the application or administration of the program, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER
TO SUBMIT A NYS HTFC ACCESS TO HOME GRANT APPLICATION

WHEREAS, the City of Ogdensburg Strategic Management Plan makes it an organizational goal of the City to revitalize aging neighborhoods; and

WHEREAS, the City of Ogdensburg values an improved housing stock; and

WHEREAS, the Ogdensburg City Council adopted the City's Abbreviated Consolidated Plan which, among other things, sets Housing Rehabilitation as one of the City's primary housing priorities; and,

WHEREAS, the New York State Housing Trust Fund Corporation is accepting applications for the ACCESS To Home Program; and

WHEREAS, the purpose of the ACCESS To Home Program is to provide support for low-income disabled home owners to perform housing rehabilitation with accessibility modifications that will allow disabled home owners to remain in their homes;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ogdensburg that it hereby authorizes the filing of a 2011 ACCESS To Home Application to secure funding to undertake accessibility modifications and rehabilitation of the homes of low-income disabled City residents; and

BE IT FURTHER RESOLVED that City Manager, or his designee, is hereby authorized to submit the application and, if awarded, to administer the program, including executing all necessary documents relating to the application or administration of the program.

The vote was:

CARRIED, AYES ALL

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6. Councillor Skamperle moved a resolution authorizing the City Manager to submit a 2011 RESTORE Application to secure funding to undertake emergency repairs to the home of low-income elderly City residents and execute all necessary documents relating to the application or administration of the program, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER
TO SUBMIT A NYS HTFC RESTORE GRANT APPLICATION

WHEREAS, the City of Ogdensburg Strategic Management Plan makes it an organizational goal of the City to revitalize aging neighborhoods; and

WHEREAS, the City of Ogdensburg values an improved housing stock; and

WHEREAS, the Ogdensburg City Council adopted the City's Abbreviated Consolidated Plan which, among other things, sets Housing Rehabilitation as one of the City's primary housing priorities; and,

WHEREAS, the New York State Housing Trust Fund Corporation is accepting applications for the RESTORE Program; and

WHEREAS, the purpose of the RESTORE Program is to provide support for low-income elderly home owners to perform emergency home repairs that will eliminate imminent threats to occupant health and safety;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ogdensburg that it hereby authorizes the filing of a 2011 RESTORE Application to secure funding to undertake emergency repairs to the homes of low-income elderly City residents; and

BE IT FURTHER RESOLVED that City Manager, or his designee, is hereby authorized to submit the application and, if awarded, to administer the program, including executing all necessary documents relating to the application or administration of the program.

The vote was:

CARRIED, AYES ALL

7. Councillor Morley moved a resolution authorizing the City Manager to execute Change Order #1, at a project cost increase of \$10,800., to the existing contract with L&M Enterprises for the Morisette Park Timber Replacement Project, for a total contract sum not to exceed \$35,700., and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE CHANGE ORDER #1
TO THE CONTRACT WITH L&M ENTERPRISES
FOR THE MORISSETTE PARK TIMBER REPLACEMENT PROJECT

WHEREAS, the City Council authorized the City Manager to enter into a contract with L&M Enterprises for the Morisette Park Timber Replacement Project for a total sum, including contingency, not to exceed \$24,900.; and

WHEREAS, the brackets would not adapt to the existing piling and the contractor was required to notch new timbers to match the existing; and

WHEREAS, extra hardware to secure the timbers to the piling surface; and

WHEREAS, the extra work had to be completed as soon as possible so as not to delay completion of the project;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized to execute Change Order #1, at a project cost increase of \$10,800., to the existing contract between the City of Ogdensburg and L&M Enterprises, for a total contract sum not to exceed \$34,500.; and

BE IT FURTHER RESOLVED, that the additional \$9,600 in contingency funds to pay for this work shall be derived from Capital Fund H718201.519.

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The vote was:

AYES: Mayor Nelson, Councillors Cilley,
Morley, Powers and Skamperle

NAYS: Councillor Sholette

APPROVED, 5 TO 1

8. Councillor Skamperle moved a resolution authorizing the City Comptroller to transfer \$30,708.91 in funds from the General Fund to the Recreation – Arena – Capital Construction Account as the City’s match for the NYSERDA grant for the Solar Photovoltaic Installation at the Lockwood Civic Center, and Councillor Sholette seconded to wit:

RESOLUTION AUTHORIZING CITY’S PORTION OF
NYSERDA RFP10 SOLAR PHOTOVOLTAIC INSTALLATION
AT THE LOCKWOOD CIVIC CENTER

WHEREAS, NYSERDA awarded the City \$276,380.19 for the installation of a Photovoltaic System at the Lockwood Civic Center; and

WHEREAS, on May 10, 2010, the City Council authorized the City Manager to execute a Shared Purchasing Agreement with the Town of Clayton for the purchase and installation of the solar panels; and

WHEREAS, the agreement with NYSERDA requires a City match of \$30,708.91 for a total project cost of \$307,089.10;

NOW, THEREFORE, BE IT RESOLVED that the City Comptroller is hereby authorized to transfer \$30,708.91 in funds from the General Fund - Fund Balance (A2812) to the Recreation – Arena - Capital Construction Account (A7181.330) to allow for the purchase and installation of the solar panels at the Lockwood Civic Center.

The vote was:

CARRIED, AYES ALL

9. Councillor Powers moved a resolution to appropriate the needed funds for the repair of the clock tower on City Hall, and Councillor Morley seconded to wit:

RESOLUTION
REQUESTING AN APPROPRIATION
FOR THE REPAIR OF THE CLOCK TOWER ON CITY HALL

WHEREAS, the clock tower on City Hall is inoperable; and

WHEREAS, we do not have funds appropriated in last year's budget to cover the costs related with the repair; and

WHEREAS, our own staff has done a considerable amount of work in-house to make this repair; and

WHEREAS, at this point we need a clock maintenance company to replace and time the gear placements and cables.

NOW, THEREFORE BE IT RESOLVED, the Ogdensburg City Council does wish to continue the workings of the City Hall clock tower; and

BE IT FURTHER RESOLVED, that an appropriation of \$4,464.00 and a contingency of \$250.00 be appropriated for the repairs and devised from the current contingency account.

The vote was:

CARRIED, AYES ALL

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10. Councillor Cilley moved a resolution to accept the final settlement of any and all claims by the City of Ogdensburg against Foit-Albert Associates arising out of the claims related to the roof at the Ogdensburg Visitor and Community Center in the amount of \$42,500., and Councillor Morley seconded to wit:

RESOLUTION

WHEREAS, the City of Ogdensburg has been in a dispute with Foit-Albert Associates, architects and engineers, (“Architect”) for the construction of the Visitors’ Center in Ogdensburg, New York under Contract made September 17, 2004, and

WHEREAS, subsequent to the completion of the Dobisky Visitors’ Center the roof sheathing began to heave, curl and shrink deforming the roofline, and

WHEREAS, the roof defects may have been due in part to the improper design and installation of the roof, and

WHEREAS, the City of Ogdensburg has repaired the defects and has sought financial contribution from the architect, and

WHEREAS, the City and the Architect have completed mediation, and

WHEREAS, as a result of mediation, Architect has agreed to pay the City of Ogdensburg the sum of Forty-Two Thousand Five Hundred Dollars (\$42,500.00) as its share of expenses for the roof repairs.

IT IS NOW THEREFORE RESOLVED, that the City, by and through its City Manager Arthur Sciorra, shall accept the sum of Forty-Two Thousand Five Hundred Dollars (\$42,500.00) from Foit-Albert Associates Architecture, Engineering and Surveying, PC and its insurance company, Travelers Insurance Company, in full and final settlement of any and all claims by the City of Ogdensburg against Foit-Albert arising out of claims related to the roof of the Ogdensburg Visitor and Community Center, also known as the Dobisky Center, arising from parties’ contract made September 17, 2004.

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BE IT FURTHER RESOLVED that the City Manager is hereby empowered to execute a General Release in favor of Foit-Albert Associates and Travelers Insurance Company in the form and content attached to this Resolution as Exhibit "A".

The vote was:

AYES: Mayor Nelson, Councillors Cilley,
Morley, Sholette and Powers

NAYS: Councillor Skamperle

APPROVED, 5-1

11. Mayor Nelson moved a resolution authorizing the City Manager to execute a labor contract with IAFF Local 1799 for 2011-2012, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A LABOR CONTRACT WITH IAFF LOCAL 1799 FOR 2011-2012

WHEREAS, an agreement has been reached on a tentative labor contract with the IAFF Local 1799 and the City Manager, and

WHEREAS, the membership of the IAFF unit has voted to ratify the tentative agreement,

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute a labor contract with the IAFF that incorporates the terms of the tentative agreement, attached.

The vote was:

CARRIES, AYES ALL

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OLD BUSINESS

1. Mayor Nelson asked Director of Public Works, Kit Smith for an update on the Lake Street Bridge project. Mr. Smith stated all permits have been received except for the Coast Guard permit to work in the water. Mr. Smith also stated movement of the infrastructure will be done in the first phase. Mr. Smith added the bidding for this phase will begin next month and the new bridge's construction will start in June. Mr. Smith stated there are three phases to the Lake Street Bridge project which include the water crossing, the walk bridge and the removal of the old bridge. City Manager, Arthur Sciorra stated the clearance of the bridge will be increased by five feet.

2. Mayor Nelson asked Mr. Smith for an update on the Beaver Brook Project. Mr. Smith stated twelve contractors picked up bid packets last week and were told the City would like to start the project immediately.

3. Councillor Sholette asked where the money was coming from to renovate City Hall. Mr. Sciorra stated it was coming from the General Fund Balance.

NEW BUSINESS

1. Councillor Morley stated the Village of Canton recently passed a resolution allowing residents to raise chickens and ducks as a means for food. Councillor Morley asked if this could be looked into. Mayor Nelson stated it would be referred to the Planning Board.

2. Councillor Sholette stated he noticed that water service work was recently done at the new Center for Sight construction area, and questioned who paid for this work. Mr. Sciorra stated the owners paid for the work.

3. Councillor Skamperle stated he received a complaint regarding the cost of arena ice time. Councillor Skamperle stated a City resident is upset because the Ogdensburg Men's Hockey League pays \$70. an hour for ice time and heard a Canadian resident only paid \$55. an hour. Director of Public Works, Kit Smith stated he checked into this, and it was unfounded.

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Councillor Skamperle stated he would like to review the arena's rental rates. Mr. Smith noted City residents receive lower rates than non-residents. Mr. Smith also stated the new Recreation Director will provide Council with the arena ice rental rates.

4. Mayor Nelson stated he will not be attending the March 28th Council Meeting as he will be out of town.

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