

CITY COUNCIL MEETING

May 9, 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, Skamperle and Vaugh

ABSENT: None

PUBLIC HEARING

1. A public hearing regarding the lease of municipal property at the Dobisky Visitors' Center to Alyssa R. Hicks d/b/a Lulu's was held.

The following spoke:

Tim McCabe, owner of the Freighthouse Restaurant, expressed concerns regarding the all-inclusive package proposed by the City, and stated the utilities should be separate. Mr. McCabe also stated alcohol should not be sold at the concession.

William Hosmer, 320 Jersey Avenue, owner of the Hosmer Marina, stated he felt the sale of alcohol would be a liability in the park area, and the three-drink cap would be hard to enforce. Mr. Hosmer also questioned if the open container law would be waived on the patio area.

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

PRESENTATION

1. City Comptroller, Philip Cosmo presented Council with the year-end report for 2010. (A copy of the report follows these minutes.)

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2. Director of Planning and Development, Justin Woods gave an update on the Local Waterfront Revitalization Plan and the Brownfield Opportunity Area programs. (A copy of the presentation follows these minutes.)

PERSONAL APPEARANCE

1. William Hosmer, 320 Jersey Avenue, owner of Hosmer Marina, stated the waterfront revitalization presentation made him feel excited and inspired for the future of the City. Mr. Hosmer also stated he is trying to find ways to get more Canadians to come to Ogdensburg's downtown. Mr. Hosmer suggested building a kiosk near the Ogdensburg International Bridge to direct Canadians to the downtown.

2. Alyssa Hicks, the proposed concessionaire at the Visitors' Center, addressed Council. Ms. Hicks stated she has determined after examining the previous years' utility information that the current proposal, \$600 per month including electricity but excluding gas, is not feasible to run the concession. Ms. Hicks added that the sale of alcohol will not be a deal breaker. Ms. Hicks stated she would like to take care of trash and oil removal, but have the gas, water, sewer and electric included in the \$600 monthly rent. Ms. Hicks stated she would like to re-evaluate the rental rate at the end of the season to negotiate a fair rate for future years, instead of providing an audited financial statement.

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson moved an ordinance to authorize a lease of municipal property, and Councillor Morley seconded to wit:

ORDINANCE #2 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 the Dobisky Visitors' Center to Alyssa R. Hicks d/b/a Lulu's.

ITEM TWO: The City Manager has presented the attached proposed agreement to lease space at the Dobisky Visitors' Center. The lease term shall end on September 30, 2011, at which time the tenant will openly provide an audited financial statement, including revenues and expenditures, for the purposes of negotiating a fair, long-term rental rate.

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, there was a consensus of Council to adjourn to Executive Session to discuss the lease of municipal property with Alyssa Hicks.

Mayor Nelson moved to adjourn to Executive Session, and Councillor Sholette seconded the motion.

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

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Mayor Nelson stated Council discussed the lease of municipal property with Alyssa Hicks. Mayor Nelson also stated Ms. Hicks has agreed to pay \$500 per month in rent excluding gas, sewer, water, trash and grease removal. Mayor Nelson stated Ms. Hicks will only be required to provide a financial statement at the end of the season as opposed to an audited statement.

Mayor Nelson moved to amend the ordinance by changing the lease agreement's monthly rent from \$600. to \$500., the only utility included in the rent will be the electric, and that the financial statement will not be required to be audited, and Councillor Skamperle seconded the motion.

The vote to amend the ordinance was:

CARRIED, AYES ALL

The ordinance as amended now read:

ORDINANCE #2 OF 2011
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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.

The vote on the ordinance as amended was:

CARRIED, AYES ALL

2. Councillor Powers moved a resolution authorizing the City Manager to execute a lease/purchase agreement with Lehigh Capital Access, Inc., and Councillor Sholette seconded to wit:

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN
EQUIPMENT LEASE/PURCHASE AGREEMENT, AND RELATED
INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION
THEREWITH

WHEREAS, the Ogdensburg City Council (the "Lessee") has determined that a true and very real need exists for the equipment (the "Equipment") described in the Agreement presented to this meeting; and

WHEREAS, Lessee has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment; and

WHEREAS, Lessee proposes to enter into the Agreement substantially in the form presented to this meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LESSEE AS FOLLOWS:

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Section 1. It is hereby found and determined that the terms of the Agreement in the form presented to this meeting and incorporated in this resolution, are in the best interests of Lessee for the acquisition of the Equipment.

Section 2. The Agreement is hereby approved. City Manager, Arthur J. Sciorra shall have the power to execute contracts on behalf of Lessee, and is authorized to execute, acknowledge and deliver the Agreement with any changes, insertions and omissions therein as may be approved by the officers who execute the Agreement, such approval to be conclusively evidenced by such execution and delivery of the Agreement. The City Clerk of the Lessee shall have power to affix the official seal of Lessee to the Agreement and attest the same.

Section 3. The proper officers of Lessee be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary of proper for carrying out this resolution and the Agreement.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Sholette asked about the status of the vehicle maintenance RFP's. City Manager, Arthur Sciorra stated the RFP's were received, staff analyzed them and the City Attorney is putting together a contract which will hopefully be presented to Council at the next meeting.

2. Councillor Sholette asked who's in charge of the Cheese Plant security. Mr. Sciorra stated the buyer is the responsible party, however, when the owner doesn't provide security, the City does. Mr. Sciorra stated he spoke to the City Attorney regarding the next steps that will be taken against the Cheese Plant and will provide that information to Council.

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3. Councillor Powers asked for an update on the information Council received in a memo regarding the ANR settlement. Mr. Sciorra stated when he receives something definitive from the attorney, he will provide it to Council.

4. Councillor Morley asked for an update on the 2 Grove Street property. Director of Planning and Development, Justin Woods explained a public information session will be held on May 10th at 7:00 p.m. to explain which properties the City has available and the process to apply. Mr. Woods stated the City has three properties available and money available to help rehab them.

NEW BUSINESS

1. Councillor Sholette stated a business owner asked him what the fire protection tax is listed on their water bill. Councillor Sholette stated he has never heard of it. Mr. Sciorra stated he will check on this and provide the information to Council.

2. Councillor Sholette stated he saw a flyer advertising the first time homebuyer workshop that will be held at City Hall. Councillor Sholette stated he would like the following section removed from the flyer: the City of Ogdensburg owns several tax foreclosed homes, and the completion of this workshop is required for anyone interested in purchasing any of these homes. Councillor Sholette stated there are many people in the City that have money and don't need to attend this workshop. Mr. Woods stated this workshop is only necessary for people who would require grant funds to buy and rehabilitate a home.

3. Councillor Skamperle stated that he received a complaint regarding the City marina slip fees. Councillor Skamperle stated the fee schedule requires a person with a 16 foot boat to pay the same amount as a person who owns a 21 foot boat. Mayor Nelson stated when the fee schedule was structured, the City went up to fair market rates so that other marinas had the advantage. Mayor Nelson added that the City didn't want to be unfair competition with the private sector.

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4. Mayor Nelson congratulated Waddington on making it to the finals of the Ultimate Fishing Town USA competition. Mayor Nelson encouraged everyone to support Waddington as they go for the title of Ultimate Fishing Town.

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