

CITY COUNCIL MEETING

December 14, 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

PERSONAL APPEARANCE

1. Robert Flavin, 116 Ogden Street, addressed Council regarding the Vietnam Memorial Moving Wall coming to Ogdensburg in 2011. Mr. Flavin said he would like to place it at the west end of the Mall parking area and added his group needs to pick a date by next month. (A copy of Mr. Flavin's informational sheet follows these minutes.)

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #22-2009 in the amount of \$368,195.47 and Library Fund Warrant #22-2009 in the amount of \$20,890.87, Capital Fund Warrant #22-2009 in the amount of \$0 and Community Development Fund Warrant #22-2009 in the amount of \$0 and Community Renewal Fund Warrant #22-2009 in the amount of \$0.00 and HOME Fund Warrant #22-2009 in the amount of \$0 and AHC Funds Warrant #22-2009 in the amount of \$0.00 and RESTORE Program Warrant #22-2009 in the amount of \$7,200.00 as audited, be and the same are ordered paid and Councillor Flynn seconded the motion.

The vote was:

CARRIED, AYES ALL

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APPOINTMENTS

1. Mayor Nelson moved to re-appoint Irene Wesley to a three-year term on the Ogdensburg Pride and Beautification Commission, term will expire 12/31/12, and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved to re-appoint Scott Wright to a two-year term on the Ogdensburg Growth Fund Board of Directors, term will expire 12/31/11, and Councillor Hannan seconded the motion.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved to re-appoint Jim McCarthy to a two-year term on the Ogdensburg Growth Fund Board of Directors, term will expire 12/31/11, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved to re-appoint Dallas Sutton to a two-year term on the Ogdensburg Growth Fund Board of Directors, term will expire 12/31/11, and Councillor Flynn seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Morley moved a resolution to re-appoint Dr. Mark Chalom as the City's Public Health Officer for a four-year term, and Councillor Powers seconded to wit:

RESOLUTION REAPPOINTING
DR. MARK CHALOM
AS PUBLIC HEALTH OFFICER

WHEREAS, Dr. Mark Chalom currently serves as the Public Health Officer for the City of Ogdensburg, and

WHEREAS, Dr. Chalom's term of office will expire December 31, 2009,

NOW, THEREFORE, BE IT RESOLVED, that Dr. Mark Chalom is hereby re-appointed as the City of Ogdensburg's Public Health Officer for a four-year term, effective January 1, 2010, and

BE IT FURTHER RESOLVED, that the annual stipend for this service is established at \$500.

The vote was:

CARRIED, AYES ALL

2. Councillor Vaugh moved a resolution to authorize the City Manager to enter into an Empire Zone Services Agreement with the Village of Potsdam to compile and prepare business and zone annual reports as well as the documentation necessary to maintain any benefits within the existing zone area or program, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN EMPIRE ZONE SERVICES AGREEMENT
WITH THE VILLAGE OF POTSDAM

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WHEREAS, the City of Ogdensburg created the Ogdensburg Economic Development Zone Board to administer the Ogdensburg Empire Zone through the New York State Empire Zone Program, in part with funding from the New York Empire State Development Corporation (ESD); and

WHEREAS, the Zone Program is set to expire in June 2010; and

WHEREAS, ESD has terminated the funding for the New York State Empire Zone Program; and

WHEREAS, in order for existing zone certified businesses to maintain their benefits, certain reporting functions will continue until all existing contracts have run their course; and

WHEREAS, the Village of Potsdam has the staffing and expertise to provide the Ogdensburg Economic Development Zone Board with staff services to compile and prepare business and zone annual reports as well as the documentation necessary to maintain any benefits within the existing zone area or program;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to enter into an Empire Zone Services Agreement with the Village of Potsdam; and

BE IT FURTHER RESOLVED the funding will be derived from A8020.515, Planning & Development, Consulting.

The vote was:

CARRIED, AYES ALL

3. Councillor Flynn moved a resolution to authorize the City Manager to enter into a contract with Fiacco & Riley Construction for Contract 1 – General Construction for the Wastewater Treatment Plant Energy Efficiency Improvements Project, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING AWARD OF
CONTRACT 1 - GENERAL CONSTRUCTION
FOR THE WASTEWATER TREATMENT PLANT (WWTP)
ENERGY EFFICIENCY IMPROVEMENTS PROJECT

WHEREAS, the City of Ogdensburg has been awarded funding for the WWTP Energy Efficiency Improvements Project through the Environmental Facilities Corp. Green Infrastructure Grant Program; and

WHEREAS, bids have been solicited and received for Contract 1 - General Construction for the WWTP Energy Efficiency Improvements Project; and

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

NOW, THEREFORE, BE IT RESOLVED that Arthur J. Sciorra, City Manager, is authorized to enter into the following contract, for a total sum not to exceed \$96,350., on behalf of the City;

CONTRACTOR	BID AMOUNT	CONTINGENCY
Fiacco & Riley Construction, Inc. P.O. Box 240 Norwood, NY 13668	\$91,350.00	\$5,000

BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from Capital Fund H813002.518.

The vote was:

CARRIED, AYES ALL

4. Councillor Hannan moved a resolution to authorize the City Manager to enter into a contract with Perras Excavating for Contract 2 – Mechanical Construction for the Wastewater Treatment Plant Energy Efficiency Improvements Project, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING AWARD OF
CONTRACT 2 - MECHANICAL
FOR THE WASTEWATER TREATMENT PLANT (WWTP)
ENERGY EFFICIENCY IMPROVEMENTS PROJECT

WHEREAS, the City of Ogdensburg has been awarded funding for the WWTP Energy Efficiency Improvements Project through the Environmental Facilities Corp. Green Infrastructure Grant Program; and

WHEREAS, bids have been solicited and received for Contract 2 - Mechanical for the WWTP Energy Efficiency Improvements Project; and

WHEREAS, City staff and Tisdell Associates have evaluated the bids and recommended the contract be awarded to the responsible low bidder, including Alternate MC-2;

NOW, THEREFORE, BE IT RESOLVED that Arthur J. Sciorra, City Manager, is authorized to enter into the following contract, for a total sum not to exceed \$1,031,759., on behalf of the City;

CONTRACTOR	BID AMOUNT	CONTINGENCY
Perras Excavating, Inc. 1909 SH 420 Massena, NY 13662	\$1,029,759 ALT MC-2 <u>2,000</u> \$1,031,759	-0-

BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from the following sources:

Capital Fund H813002.518 -	\$904,675
Sewer Fund	\$127,084

The vote was:

CARRIED, AYES ALL

5. Councillor Powers moved a resolution to authorize the City Manager to enter into a contract with Skelly Contractors, Inc. for Contract 3 – Electrical Construction for the Wastewater Treatment Plant Energy Efficiency Improvements Project, and Councillor Sholette seconded to wit:

RESOLUTION AUTHORIZING AWARD OF
CONTRACT 3 - ELECTRICAL
FOR THE WASTEWATER TREATMENT PLANT (WWTP)
ENERGY EFFICIENCY IMPROVEMENTS PROJECT

WHEREAS, the City of Ogdensburg has been awarded funding for the WWTP Energy Efficiency Improvements Project through the Environmental Facilities Corp. Green Infrastructure Grant Program; and

WHEREAS, bids have been solicited and received for Contract 3 - Electrical for the WWTP Energy Efficiency Improvements Project; and

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

NOW, THEREFORE, BE IT RESOLVED that Arthur J. Sciorra, City Manager, is authorized to enter into the following contract, for a total sum not to exceed \$44,875., on behalf of the City;

CONTRACTOR	BID AMOUNT	CONTINGENCY
Skelly Contractors, Inc. P.O. Box 541 Ogdensburg, NY 13669	\$42,875	\$2,000

BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from Capital Fund H813002.518.

The vote was:

CARRIED, AYES ALL

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6. Mayor Nelson introduced a resolution calling for a public hearing and public notice on an ordinance to amend the Administrative Regulations for the City of Ogdensburg, and Councillor Morley seconded to wit:

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

BE IT RESOLVED, that Ordinance No. 15 of 2009, entitled:

Amendment to the Administrative Regulations 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, January 11, 2010, 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 five days prior thereto.

The vote was:

CARRIED, AYES ALL

7. Councillor Sholette moved a resolution authorizing the City Comptroller to transfer monies to the Code Enforcement Office's line to fund the Housing Inspector position, and Councillor Morley seconded to wit:

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RESOLUTION
AUTHORIZING THE COMPTROLLER TO TRANSFER FUNDS

WHEREAS the City Manager is creating a Housing Inspector position in the Code Enforcement Office, and

WHEREAS funds for the new position are available in the adopted 2010 Budget with some additional funds coming from the Community Development Fund.

NOW THEREFORE BE IT RESOLVED that the City Comptroller is hereby authorized to transfer \$39,978 from Sidewalks A5410.110 and Snow A5142.110, and \$11,157 from CD Funds Miscellaneous Revenue to Code Enforcement A8025.110 to fund the Housing Inspector position for 2010.

The vote was:

CARRIED, AYES ALL

8. Councillor Flynn moved a resolution to authorize the City Manager to execute a labor contract with the Police Benevolent Association for 2010-2011, and Councillor Powers seconded to wit:

A RESOLUTION TO AUTHORIZE
THE CITY MANAGER TO EXECUTE A LABOR CONTRACT
WITH THE POLICE BENEVOLENT ASSOCIATION
FOR 2010-2011

WHEREAS, a tentative labor contract has been negotiated between the City Manager and representatives of the Police Benevolent Association for 2010 through 2011, and

WHEREAS, said agreement has been authorized by the membership of the Police Benevolent Association,

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NOW THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute said labor contract with the Police Benevolent Association, as negotiated in the tentative agreement.

Councillor Morley questioned if Council would be adjourning to executive session to discuss this contract prior to voting and stated he had questions.

Mayor Nelson moved to table this resolution and Councillor Vaugh seconded the motion.

The vote to table was:

CARRIED, AYES ALL

Mayor Nelson moved to adjourn to Executive Session to discuss this PBA contract, and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

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

Mayor Nelson moved to bring this resolution back onto the table and Councillor Morley seconded the motion.

The vote on the resolution was:

CARRIED, AYES ALL

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OLD BUSINESS

1. Councillor Morley stated that he watched DPW crews remove snow from the corner of Phillips Diner's parking lot. Public Works Director Kit Smith said his department spoke to the owners of the diner and they are aware that they will be billed if the DPW removes snow from the corner of their parking lot. Councillor Morley questioned if there are any City laws to prohibit property owners from pushing snow into the road. Mr. Smith stated that years ago a bill was brought to Council to prohibit this and Council failed to pass it.

Councillor Flynn stated that he recently had to walk in the road because sidewalks weren't shoveled. Mr. Smith explained that un-shoveled sidewalks are handled on a complaint basis and the property owner is given 24 hours to clean it up or we'll do it and bill them. Mayor Nelson asked Kit Smith to prepare a press release and public reminder about property owners' responsibilities for sidewalk and snow removal. Mayor Nelson also said this reminder should run on the radio, Channel 30 and also be placed on the City website.

Councillor Flynn thanked the DPW Department for ordering and putting up the new winter "no overnight street parking" signs.

2. Councillor Morley stated that the Governor announced the December AIM payments will be reduced by 10% to address the state's budget woes.

City Manager Arthur Sciorra said he anticipated this and cut \$100,000. from our budget. Councillor Morley stated the arena lost \$80,000. and questioned if it should be privatized or sold. Councillor Vaugh said we need to form a committee to look at our options. Councillor Morley requested weekly revenue and expense reports for the arena. Mayor Nelson stated that Council needs information regarding the arena ice time commitments and it's expenses. Mayor Nelson added that it's very important for Council to keep track of all City revenues, expenses and cash flow, with monthly reports. Councillor Sholette stated that since the meeting that was attended by the arena supporters, he hasn't heard anything from the group. Councillor Sholette suggested that should the time come to privatize the arena, staff should look at other communities that have privatized.

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City Manager Arthur Sciorra advised that we are looking at marketing it ourselves as it's not a good business proposition to market. Councillor Morley stated that because the prime ice time is scheduled and we still are unable to meet our expenses, we need to raise the rates. Mayor Nelson urged Council to be proactive and look at options to keep the arena open without being a drain on the community and added that next year we may not be able to open as an ice arena. Councillor Hannan stated Council needs to be prepared for the 2010 budget. Mayor Nelson said Council needs a what if contingency plan that will cause the least amount of impact on our citizens.

3. Councillor Hannan stated that a St. Lawrence County sales tax increase is a possibility and the easiest thing for the County and City to do to raise money. Councillor Hannan stated that they should first cut expenses and set up committees to study why fulltime dental and health benefits are being paid for part-time legislators.

4. Councillor Vaugh asked if the City has received a savings report and rate for our liability insurance. City Manager Arthur Sciorra said the City Comptroller is not here tonight, but he will get the information and provide it to Council.

5. Councillor Powers requested quarterly reports on our Housing Programs. Justin Woods, Director of Planning and Development, advised he will provide the reports to Council as soon as he receives it.

NEW BUSINESS

1. Mayor Nelson presented a Certificate of Appreciation to Councillor Thomas Hannan and Councillor Matthew Flynn. Mayor Nelson read aloud each certificate and thanked each Councillor for their years of dedicated public service as a fellow member of the Ogdensburg City Council. (Copies of Certificates of Appreciation follow these minutes.)

Mayor Nelson wished everyone a Merry Christmas and a healthy and safe New Year.

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