

CITY COUNCIL MEETING

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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, Sholette and Vaugh

ABSENT: Councillor Powers

PUBLIC HEARING

1. A public hearing with the purpose of obtaining public input into the ongoing Community Development Program was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding an ordinance to name a City Street, Tulloch Drive was held. No one being present to speak, the hearing was declared closed.

3. A public hearing regarding a Local Law to amend Chapter 199 of the OMC entitled taxation to raise the wartime, combat and disabled alternate veteran ceilings was held.

Ray Cutway, 532 Hayward Street, urged Council to raise the City exemption to the same level as the County exemption. No one else being present to speak, the hearing was declared closed.

4. A public hearing regarding a Local Law to amend Chapter 199 of the OMC entitled taxation to establish a property tax exemption for Cold War veterans was held. No one being present to speak, the hearing was declared closed.

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5. A public hearing regarding a Local Law to amend Chapter 199 of the OMC entitled taxation to increase the low income, senior aged tax exemption was held. No one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Ray Cutway, 532 Hayward Street, addressed Council and questioned why the City streets have not been cleared of snow by the DPW as they have in past years. Mr. Cutway said he was told that the DPW overtime funding is being used to renovate the old Post Office Building on Ford Street. Mayor Nelson said Kit Smith will address this later in the meeting.

CORRESPONDENCE

1. City Clerk Kathleen Bouchard read three letters (copies follow these minutes) in support of the resolution to raise the wartime, combat and disabled alternate veteran ceiling in the City of Ogdensburg on residential real property exemptions. The letters were from:

- Richard Clouther, Commander of AmVets Post 19 and Donald Cooke, 1st Vice AmVets Post 19
- Lester M. Duvall, Jr., Commander of Veterans of Foreign Wars, Post 2936
- Christopher Bresett, 1st Vice Commander Sons of AMVETS, Post 19

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in Warrant #05-2008 in the amount of \$478,788.98, and Library Warrant #05-2008 in the amount of \$24,239.23 and Community Development Fund Warrant #05-2008 in the amount of \$59,149.02 as audited, be and the same are ordered paid and Councilor Flynn seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Morley introduced an ordinance to name a street in front of the 14th Industrial Building, Tulloch Drive, and Councillor Vaugh seconded to wit:

ORDINANCE #4 OF 2008
ORDINANCE TO NAME A CITY STREET IN COMMERCE PARK

WHEREAS, City Council received a request that a road in front of the 14th Industrial Building, which is perpendicular to Route 37 in Commerce Park and is more clearly defined on the attached map, be named "Tulloch Drive"; and

WHEREAS, the letter was forwarded to the Historic Commission to endorse the naming of the road; and

WHEREAS, the Historic Commission unanimously endorsed adding the name of John C. Tulloch to the list of historic names; and

NOW, THEREFORE, BE IT ORDAINED, that the name of this City street shall be designated as "Tulloch Drive".

BE IT FURTHER ORDAINED, that the Official Map of the City of Ogdensburg be and the same shall be amended accordingly.

The vote was:

CARRIED, AYES ALL

2. Councillor Flynn moved a local law to amend Chapter 199, Article IV, Section 199.38 (A)(B)(C), to raise the wartime, combat and disabled alternate veteran ceilings in the City of Ogdensburg, and Councillor Vaugh seconded to wit:

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LOCAL LAW # 1 of 2008

A LOCAL LAW TO AMEND CHAPTER 199 OF THE CODE OF THE CITY OF
OGDENSBURG ENTITLED TAXATION, ARTICLE IV, SECTION
199.38(A)(B)(C) TO RAISE THE WARTIME, COMBAT AND DISABLED
ALTERNATE VETERAN CEILINGS IN THE CITY OF OGDENSBURG

Be it enacted by the City Council of the City of Ogdensburg in the County of St. Lawrence, as follows:

Section 1. Chapter 199, Section 199.38 (A)(B)(C) of the Code of the City of Ogdensburg is hereby amended as follows:

A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate for the City of Ogdensburg.

B. In addition to the exemption provided by Subsection A of this section where the veteran served in a combat theater or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$20,000 or the product of \$20,000 multiplied by the latest state equalization rate for the City of Ogdensburg.

C. In addition to the exemptions provided by Subsections A and B of this section, where the veteran received a compensation rating from the United States Veteran's Administration because of a service-connected disability, qualifying residential real property shall be exempt from taxation property multiplied by 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed the lesser of \$40,000 or the product of \$40,000 multiplied by the latest state equalization rate for the City of Ogdensburg.

Section 2. This local law will take effect on filing with the Secretary of State of the State of New York and shall be applicable to the roll to be prepared in 2009.

Councillor Morley stated that he will have to abstain on this vote because he collects a veteran's exemption.

The vote was:

AYES: Mayor Nelson, Councillors Hannan, Flynn,
Hannan, Sholette and Vaugh

ABSTAIN: Councillor Morley

APPROVED, 6 TO 0

3. Councillor Sholette moved a local law to establish a property tax exemption for Cold War veterans owning qualifying real property within the City of Ogdensburg, and Councillor Morley seconded to wit:

LOCAL LAW # 2 of 2008
A LOCAL LAW TO AMEND CHAPTER 199 OF THE CODE OF THE CITY OF
OGDENSBURG BY ADDING A NEW SECTION ENTITLED ESTABLISHING
THE PROPERTY TAX EXEMPTION FOR COLD WAR VETERANS
IN THE CITY OF OGDENSBURG

Be it enacted by the City Council of the City of Ogdensburg in the County of St. Lawrence, as follows:

Section 1. Chapter 199 of the Code of the City of Ogdensburg is hereby amended by adding a new section 199-38.1, as follows:

A. Pursuant to Section 458-b of the Real Property Tax Law of the State of New York, qualifying residential real property owned by one or more persons qualifying as a Cold War Veteran shall receive an exemption from taxation equal to fifteen percent of the assessed value of such property; provided however, that such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate for the City of Ogdensburg, whichever is less.

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B. In addition to the exemption provided by paragraph A of this section, where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the City of Ogdensburg, whichever is less.

C. If a Cold War veteran receives the exemption under section four hundred fifty-eight or four hundred fifty-eight-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive the exemption under this section.

Section 2. Current section 199.38.1 be and the same is hereby renumbered as section 199.38.2

Section 3. This local law will take effect on filing with the Secretary of State of the State of New York and shall be applicable to the roll to be prepared in 2009.

The vote was:

CARRIED, AYES ALL

4. Councillor Hannan moved a local law to increase the low income senior aged exemption on qualifying real property within the City of Ogdensburg, and Councillor Flynn seconded to wit:

LOCAL LAW # 3 OF THE YEAR 2008

A LOCAL LAW TO AMEND CHAPTER 199, SECTION 199.31(A) OF THE CODE OF THE CITY OF OGDENSBURG TO INCREASE THE LOW INCOME SENIOR AGED EXEMPTION ON QUALIFYING REAL PROPERTY WITHIN THE CITY OF OGDENSBURG

Be it enacted by the City Council of the City of Ogdensburg, New York, as follows:

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Section 1. Section 199.31 (A) of Chapter 199 of the Code of the City of Ogdensburg is hereby amended to read as follows:

199.31 Restrictions

No exemptions shall be granted:

A. If the income of the owner or the combined income of the owners of the property exceeds the sum of \$18,000. for the income tax year immediately preceding the date of making application for exemptions. "Income tax year" shall mean a twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interests, dividends, net rental income, salary or earnings, and net income from self-employment, but shall not include gifts or inheritances.

Section 2. All other provisions of Chapter 199 shall remain in full force and effect.

Section 3. This Local Law shall take effect upon filing with the Office of the Secretary of State, subject to applicable provisions of law.

Councillor Flynn questioned if the sentence "Where title is vested in either the husband or the wife, their combined income may not exceed such sum" could legally be amended to include or co-habitant.

City Assessor Kathryn Bateman said ownership has to be either spouse.

City Attorney Katherine Wears said she would have to research this and get back to Council.

The vote was:

CARRIED, AYES ALL

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5. Councillor Vaugh moved a resolution to approve a budget adjustment to purchase a floor scrubber for City Hall, and Councillor Morley seconded to wit:

RESOLUTION TO APPROVE AN APPROPRIATION FOR THE PURCHASE OF
A FLOOR SCRUBBER FOR CITY HALL

WHEREAS, the floor scrubber at City Hall is no longer useable, and

WHEREAS, it is imperative to have this machine to continue to provide a clean environment for the public, and staff at City Hall,

WHEREAS, there is no appropriation set forth for the replacement of the floor scrubber,

NOW THEREFORE BE IT RESOLVED, the City Comptroller is hereby authorized to transfer funds from the General unappropriated fund balance for the purchase of a floor scrubber for City Hall.

BE IT FURTHER RESOLVED, that expenditures for the purchase of said floor scrubber is not to exceed \$4,900.00.

The vote was:

CARRIED, AYES ALL

6. Councillor Flynn moved a resolution authorizing a budget amendment as a result of reduced administrative funding for the Ogdensburg Empire Zone Program, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING BUDGET AMENDMENT AS A RESULT OF
REDUCED ADMINISTRATIVE FUNDING
FOR THE OGDENSBURG EMPIRE ZONE PROGRAM

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WHEREAS, the City of Ogdensburg is a New York State designated Empire Zone, and as an Empire Zone, receives funding from New York State Department of Economic Development, Empire State Development Corporation; and

WHEREAS, in compiling the 2008 budget, the City of Ogdensburg anticipated receiving \$42,800 from NYS Department of Economic Development, Empire State Development Corporation; and

WHEREAS, the City of Ogdensburg has only received a commitment from NYS Department of Economic Development, Empire State Development Corporation, of funding of \$28,500; and

WHEREAS, the City of Ogdensburg will be required to make up this difference; and

NOW, BE IT THEREFORE RESOLVED, that the City of Ogdensburg will amend the 2008 budget to show the \$14,300 to be allocated from the Community Development Fund/Local Sources.

The vote was:

CARRIED, AYES ALL

7. Councillor Morley moved a resolution amending the General Fund Budget for 2008 for the City of Ogdensburg, and Councillor Flynn seconded to wit:

A RESOLUTION AMENDING THE GENERAL FUND BUDGET FOR 2008

WHEREAS, in the course of enforcing the City's building code the Code Enforcement Office must expend funds to secure and or board up potentially unsafe structures, or incur other expenses in pursuit of their duties, such as trash removal, and

WHEREAS, currently there is no budgeted appropriation to cover such expenditures, and

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WHEREAS, the City currently takes funds to cover said expenditures from Community Development fund, and

WHEREAS, the City is desirous of recognizing that these expenditures are truly a cost of the Code Enforcement Department, and

WHEREAS, these cost should be paid for from General Fund appropriations,

NOW, THEREFORE BE IT RESOLVED that the 2008 budget will be amended to include an appropriation line item, in the Code Enforcement Office, to cover such expenditures, and

BE IT FURTHER RESOLVED that for the remainder of 2008 said expenditures will continue to be reimbursed by the Community Development Fund, with the General Fund covering such items starting in 2009.

The vote was:

CARRIED, AYES ALL

8. Councillor Sholette moved a resolution in support of the Ogdensburg Growth Fund Development Corporation for the submission of an application to NYS Division of Housing and Community Renewal New York Main Street Program, and Councillor Flynn seconded to wit:

RESOLUTION IN SUPPORT OF OGDENSBURG GROWTH FUND
DEVELOPMENT CORPPRATION FOR THE SUBMISSION OF
AN APPLICATION TO NYS DIVISION OF HOUSING AND
COMMUNITY RENEWAL NEW YORK MAIN STREET PROGRAM

WHEREAS, the City of Ogdensburg has prescribed redevelopment of the Marina District as part of the City of Ogdensburg Waterfront Redevelopment Plan; and

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WHEREAS, the NYS Division of Housing and Community Renewal New York Main Street Program can result in benefits to the City in general and to low/moderate income persons in particular; and

WHEREAS, the NYS Division of Housing and Community Renewal New York Main Street Program is intended to contribute to the revitalization of neighborhoods characterized by blight and disinvestment; and

NOW, THEREFORE, BE IT RESOLVED that the Ogdensburg City Council hereby supports the submission of an application for funding by the Ogdensburg Growth Fund under the 2008-2009 NYS Division of Housing and Community Renewal New York Main Street Program in the amount of \$200,000.

The vote was:

CARRIED, AYES ALL

9. Councillor Hannan moved a resolution to authorize submission of an application to the New York State Affordable Housing Corporation Home Ownership Development Corporation, and Councillor Flynn seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO SUBMIT AN APPLICATION TO
THE NEW YORK STATE AFFORDABLE HOUSING CORPORATION
HOME OWNERSHIP DEVELOPMENT PROGRAM

WHEREAS, the City of Ogdensburg is a past recipient of a NYS Affordable Housing Corporation grant for the rehabilitation of owner-occupied housing in the City; and

WHEREAS, the NYS Affordable Housing Corporation Home Ownership Development Program can result in benefits to the City in general and to low/moderate income persons in particular throughout the City;

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NOW, THEREFORE, BE IT RESOLVED that the Ogdensburg City Council hereby authorizes the City Manager to submit an application for funding under the 2008-2009 NYS Affordable Housing Corporation Home Ownership Development Program in the amount of \$300,000.00.

The vote was:

CARRIED, AYES ALL

10. Mayor Nelson moved a resolution in support of Cape Air providing services to the Ogdensburg International Airport, and Councillor Flynn seconded to wit:

RESOLUTION IN SUPPORT
OF CAPE AIR SERVICE PROPOSAL

WHEREAS, the United States Department of Transportation has solicited proposals for Essential Air Service to the North Country, and

WHEREAS, the community has judged Cape Air to best satisfy the air travel needs of the Ogdensburg area, and

WHEREAS, Cape Air will provide EAS service to Albany,

NOW THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby supports Cape Air as the best proposal for Essential Air Service for Ogdensburg and the North Country, and

BE IT FURTHER RESOLVED, that the City Clerk forward copies of this resolution to the Chairman of the OBPA, Mr. Dennis DeVany (USDOT), Congressman John McHugh, and Senators Charles Schumer and Hillary Clinton.

The vote was:

CARRIED, AYES ALL

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OLD BUSINESS

1. Councillor Morley congratulated City Manager Arthur Sciorra on the recent CDBG award.

2. Councillor Morley asked Public Works Director Kit Smith to address the snowplowing issue.

Mr. Smith stated the City has received more snow than usual this year and the last two storms were very costly. Mr. Smith stated that his men are working twelve hour shifts and he has not skimped on paying overtime. Mr. Smith asked residents to drive slower and stagger parking cars on the streets as the DPW is doing the best they can.

City Manager Arthur Sciorra responded to Mr. Cutway's earlier statement that the DPW overtime funding is being used to renovate the old Post Office Building on Ford Street. Mr. Sciorra explained that DPW budgeted funds were not used to repair the old Post Office building on Ford Street instead of being used to fund snow removal and overtime. Mr. Sciorra added the Growth Fund Corporation bought and renovated that building, not the City. Mayor Nelson stated that the Growth Fund Corporation pays property taxes for that property to the City, School and County.

3. Councillor Flynn asked for an update on the Maple City Trail extension. City Manager Arthur Sciorra stated that we first need to know the condition of the bridge before we buy the adjoining property. Mr. Sciorra said that he asked Aaron Jarvis, Tisdell Associates, to put together a bid on the underwater inspection of the bridge and also look into the DOT Pedestrian Trails Grant.

4. Councillor Sholette requested an update on the Fire Department's furnace and generator. Mr. Sciorra stated the furnace is presently working and Aaron Jarvis, Tisdell Associates and Chief Badlam are hoping to incorporate the cost to replace it into the Johnson Control's Energy Savings Plan which could be funded by a NYSERDA Grant.

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5. City Attorney Katherine Wears asked Councillor Flynn if he wanted to expand or limit the low income senior aged exemption. Councillor Flynn said that he is suggesting to add the combined income if they are not married but living together. Mrs. Wears said she would look into this further and get back to Council.

NEW BUSINESS

1. Mayor Nelson congratulated the Ogdensburg Boys Varsity Basketball Team and wished them well in Glens Falls this Friday for the Final Four Tournament.

2. Mayor Nelson also congratulated the Ogdensburg Girls Varsity Basketball Team for a very successful season. Mayor Nelson said the girls worked very hard reaching the regional finals.

3. Mayor Nelson read a letter from Thomas Luckie, Jr., Executive Director of the Ogdensburg Boys and Girls Club. Mayor Nelson said the 32nd Expo will be held March 28, 29 & 30 at the Golden Dome and invited Council to the opening ceremony. (A copy of this letter follows these minutes.)

4. Mayor Nelson advised that the All American City group had money left that will be used to re-apply in 2009.

5. Councillor Hannan stated that there was an article in the newspaper regarding St. Lawrence County applying for an \$80,000. shared service grant to look at health insurance. Councillor Hannan suggested that we get their information and see what they are doing. Mayor Nelson said that we were contacted by the County and City Comptroller Philip Cosmo has been providing them with information.

6. Councillor Sholette questioned if a concession will be in the new Community Center in time for the upcoming summer season. City Manager Arthur Sciorra stated that he reviewed RFP's and there were no candidates.

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Mr. Sciorra said we will need to re-advertise the RFP and he can't promise a concession will be operational by June.

Mayor Nelson stated that Council agreed eight years ago to put a concession in the building, and directed staff to move forward with obtaining RFP's for a concession.

Councillor Hannan stated that last September he brought up the immigration phone for transients and the concession and nothing has been done. Mr. Sciorra said the RFP for the concession was done and no one responded. Mr. Sciorra said he will need to review Scott Lalone's parting notes regarding who to contact regarding the phones. Mayor Nelson directed Mr. Sciorra to follow up on the installation of the immigration phone and get it installed.

Councillor Sholette stated signage is needed at the end of the pier. Mayor Nelson said we need a sign at the head of the port to welcome to the City and Marina and give directions to immigration phone. Mayor Nelson also added that the new Recreation Director will need to maintain an adequate number of slips for transient boaters.

Councillor Flynn questioned if the City is doing anything to promote gas for boaters. Mayor Nelson said the City can't force anyone to sell gas as there are many DEC regulations to sell gas, especially near the river.

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