

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 Cilley, Morley,
Powers and Skamperle

ABSENT: Councillor Vaugh

PUBLIC HEARING

1. A public hearing on an ordinance to offer for sale, by public auction, City-owned property at 212 Ford Street, 619 Canton Street, and 420 Lafayette Street was held. No one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Jennifer Stevenson, 525 Greene Street, addressed Council and asked if anyone checked to see if a lease would have any impact on the NSP Grant on the 819 Knox Street property, and if the special meeting to appoint a vacancy committee was called with appropriate written notice according to the requirements of the Charter.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #19-2011 in the amount of \$1,293,645.18 and Library Fund Warrant #19-2011 in the amount of \$64,630.83 and Capital Fund Warrant #19-2011 in the amount of \$1,405,612.08 and Community Development Fund Warrant #18-2011 in the amount of \$1,122.90 and Community Renewal Fund Warrant #19-2011 in the amount of \$2,234.71 and HOME Fund Warrant #19-2011 in the amount of \$0.00 and AHC Funds Warrant

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#19-2011 in the amount of \$0.00, RESTORE Program Warrant #19-2011 in the amount of \$0.00 and NSP Funds Warrant #19-2011 in the amount of \$0.00 and NY Main St. Program Warrant #19-2011 in the amount of \$45,373.25 as audited, be and the same are ordered paid and Councillor Powers seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Nelson moved to re-appoint Mindy McNamara to a two-year term on the Ogdensburg Growth Fund Board of Directors, term to expire 12/31/13, and Councillor Morley 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 to expire 12/31/13, and Councillor Powers 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 to expire 12/31/13, and Councillor Powers 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 to expire 12/31/13, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson introduced a resolution to appoint a replacement Councillor for the seat vacated by Councillor Sholette, and Councillor Morley seconded to wit:

RESOLUTION TO APPOINT
REPLACEMENT COUNCILLOR FOR SEAT VACATED BY
COUNCILLOR DOUG SHOLETTE

WHEREAS, the City of Ogdensburg presently has a vacant position on the City Council, and

WHEREAS, the Ogdensburg City Charter provides that a replacement for Councillor Sholette's vacant Council seat, to serve until December 31, 2011, be appointed by the remaining members of Council,

THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby appoints Wayne L. Ashley to fill the Council seat, vacated by Councillor Sholette, to expire December 31, 2011.

Mayor Nelson explained that the Vacancy Committee met, made a recommendation of three names of the individuals who won the election to fill Councillor Sholette's vacated seat.

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Mayor Nelson said Council is choosing Wayne Ashley because he was the top vote getter and it's important that Council follow suit with the voters wishes.

Councillor Skamperle questioned what Jen Stevenson's point was about the Charter not being followed. Ms. Stevenson stated she didn't say it wasn't followed, she questioned the notification process of the special meeting.

Councillor Skamperle questioned why the Vacancy Committee wasn't in place, who is responsible for notifying Council of a vacancy and why no one was informed that there was no Vacancy Committee. Mayor Nelson said the Special Meeting notification was within the Charter's legal limits. Mayor Nelson said he was in Canton at the Board of Elections on Friday, the Santa parade on Saturday and he didn't get back to the Clerk until Sunday when she put out the notice to Council and the newspaper. Mayor Nelson said the Vacancy Committee will be in place for the next five years with staggered terms.

Councillor Skamperle questioned if Council will proceed with this as the Charter states, each Councillor shall have a vote for each person on the Vacancy Committees list. Mayor Nelson said he put one name forward and whoever gets the majority of the vote is the one seated. Councillor Skamperle said he moved Jennifer Stevenson's name forward. Mayor Nelson said we have a motion on the floor which was made and seconded.

The vote to appoint Wayne Ashley to fill the Council vacancy was:

AYES: Mayor Nelson, Councillors Cilley, Morley
and Powers

NAYS: Councillor Skamperle

APPROVED, 4 TO 1

* At this point in the meeting City Clerk Kathleen Bouchard swore in Councillor Ashley.

2. Councillor Morley moved an ordinance to sell three specific parcels of City-owned real property acquired by tax foreclosure and to establish conditions of sale, and Councillor Powers seconded to wit:

ORDINANCE NO 6 of 2011

AN ORDINANCE TO OFFER FOR SALE SPECIFIC PARCELS
OF CITY OWNED REAL PROPERTY ACQUIRED BY TAX
FORECLOSURE
AND TO ESTABLISH CONDITIONS OF SALE

WHEREAS, the City of Ogdensburg is the title holder by way of real property tax foreclosure to parcels real property located at 212 Ford Street (Tax Id No. 48.079-18-13) formerly Desperados Bar, 619 Canton Street (Tax Id No 59.024-3-9) formerly Cameron's Cleaners and 420 Lafayette Street (48.079-12-10.114) formerly St. Joseph's Nursing Home ("Collectively Properties") (Individually "Property"); and

WHEREAS, the City does not need the Properties for municipal purposes; and

WHEREAS, the City desires to sell the Properties; and

WHEREAS, New York State Real Property Tax Law Section 1166 provides:

1. Whenever any tax district shall become vested with title to real property by virtue of a foreclosure proceeding brought pursuant to the provisions of this article, such tax district is hereby authorized to sell and convey the real property so acquired, either with or without advertising for bids, notwithstanding the provisions of any general, special or local law.

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2. No such sale shall be effective unless and until such sale shall have been approved and confirmed by a majority vote of the governing body of the tax district, except that no such approval shall be required when the property is sold at public auction to the highest bidder; and

WHEREAS, Section 11-2 of the Administrative Regulations of the City of Ogdensburg requires in part that a sale of City real estate shall be completed at public auction and authorized by a $\frac{3}{4}$ of all the members of the City Council; and

WHEREAS, despite the fact that Section 1166 of the New York State Real Property Tax Law may override Section 11-2 of the City's Administrative Regulations with regard to the necessity to sell the Properties at public auction, the Council deems it appropriate to sell the Properties at public auction, and subject to the provisions of Section 11-2 of the City's Administrative Regulations and Section C-17 of the City Charter; and

WHEREAS, the City desires to set forth the procedure and establish the conditions for the sale of these Properties; and

WHEREAS, the City in conformity with Section C-17 of the City Charter, declares this Resolution to be an ordinance for the sale of the Properties; and

WHEREAS, the public hearing required by Section C-17 of the City Charter having been held on November 28, 2011.

NOW, THEREFORE, BE IT RESOLVED:

1. The Properties are declared surplus, not needed for municipal purposes and therefore, shall be sold at public auction to the highest bidder, according to these conditions and the Code of the City of Ogdensburg.

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2. Each of the Properties shall have a minimum bid price. If the minimum bid price is not obtained at auction the property shall not be sold. The minimum bid prices are as follows:

212 Ford Street	\$10,000.
619 Canton Street	\$10,000.
420 Lafayette Street	\$10,000.

3. Public notice of the sale shall be published at least once each week for three weeks in the official newspaper of the City.
4. No bid shall be accepted unless the successful bidder shall immediately, upon tendering the successful bid, pay a deposit equal to 10% of the successful bid amount in cash or certified check to the City Comptroller.
5. The purchase price (highest bid) shall be paid in full, in cash or certified check, to the City Comptroller within 30 days of the auction date at which the successful bid was placed. Upon payment of the purchase price, the City shall convey title to the Properties via Quit Claim Deed prepared by the City along with the real property forms TP-584 and RP-5217 in a form acceptable for recording with the St. Lawrence County Clerk.
6. The City makes no warranties of any kind as to the Properties or the condition of title to Properties. The Properties shall be sold “as is” with all defects, known or unknown, of any kind. The City makes no representations or warranties relating to either hazardous substances and/or contamination of any kind which may be on the Properties. The City shall in no way be responsible for any contamination and/or hazardous substances regardless of when any such hazardous substances and/or contamination may be discovered by anyone. The Deed to the successful bidder shall permanently so indemnify the City and shall be signed by the successful bidder before the deed is delivered to the Buyer.
7. The City shall convey and the successful bidder shall accept the Property, subject to all covenants, conditions, restrictions and easements of record.

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8. It shall be the responsibility of the successful bidder to properly record the deed at his/her/its effort and expense. Title shall be deemed transferred to the Buyer upon delivery of the deed to the Buyer.
9. Risk of Loss or damage to or destruction of the Property shall pass to the successful bidder on delivery of the deed to the successful bidder.
10. While the City has the authority to establish parcel specific restrictions, limitations and conditions on the use of the Properties under 11-2 of the City's Administration Regulations, it hereby elects not to exercise this authority. The Properties will however, remain subject to all zoning and other applicable laws, rules and regulations, as stated in paragraph 7 above.
11. The successful bid shall not contain and shall be deemed to contain no Buyers' contingencies upon acceptance by the City.
12. The City reserves the right to unilaterally reject any and all bids.
13. By submitting the successful bid, said bidder shall be deemed to have agreed to all of the foregoing conditions.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson introduced a resolution to establish the Ogdensburg Journal as the official newspaper for the City of Ogdensburg, and Councillor Morley seconded to wit:

RESOLUTION DESIGNATING THE
2012 OFFICIAL NEWSPAPER

BE IT RESOLVED, that the official newspaper for the City of Ogdensburg for 2012 shall be the Ogdensburg Journal.

The vote was:

CARRIED, AYES ALL

4. Councillor Powers moved a resolution to designate the 2012 Official Bank Depositories, and Councillor Morley seconded to wit:

RESOLUTION DESIGNATING THE
2012 OFFICIAL BANK DEPOSITORIES

BE IT RESOLVED, that Community Bank NA, NBT Bank NA, Upstate National Bank, Key Bank of Northern New York NA, Chase Bank and CLASS through Cutwater Asset Management be designated as official depositories of City Funds for 2012.

The vote was:

CARRIED, AYES ALL

5. Mayor Nelson moved a resolution to designate 2012 City Council Meeting Dates, and Councillor Skamperle seconded to wit:

2012 CITY COUNCIL
MEETING DATES

BE IT RESOLVED, that the regular City Council meetings for the City of Ogdensburg, shall be on the second and fourth Mondays, of each month except July, August and December, and unless such date is a legal holiday, in which event the meeting will be held on the next business day. The date of these meetings are listed below:

January	9, 23
February	13, 27
March	12, 26
April	9, 23

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May	14, 29
June	11, 25
July	9
August	6
September	10, 24
October	9, 22
November	12, 26
December	3, 10

BE IT FURTHER RESOLVED, all the meetings will be held at 7:00 pm in the City Council Chambers, City Hall or at such other places as may be designated by the City Council. All meetings are open to the public.

The vote was:

CARRIED, AYES ALL

6. Councillor Skamperle moved a resolution to increase the Civil Service examination fees for all Police Officer and Firefighter exams, including promotional titles, from \$20.00 to \$30.00, effective January 1, 2012, and Councillor Morley seconded to wit:

RESOLUTION TO INCREASE CIVIL SERVICE EXAM FEES
FOR ALL POLICE OFFICER AND FIREFIGHTER EXAMS
INCLUDING PROMOTIONAL TITLE CIVIL SERVICE EXAMS FOR
THE CITY OF OGDENSBURG

WHEREAS, the Ogdensburg Civil Service Commission has met and reviewed current Civil Service exam fees for all Police Officer and Firefighter exams, including promotional title civil service exams; and

WHEREAS, the Ogdensburg Civil Service Commission has determined there is a need to increase the exam application processing fees for all Police Officer and Firefighter exams, including promotional title civil service examinations; and

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BE IT RESOLVED, that the Civil Service examination fees for all Police Officer and Firefighter exams, including promotional titles, be increased from \$20.00 to \$30.00 for all State administered exams including promotional titles, and

BE IT FURTHER RESOLVED, that the increase in the fees shall become effective for examinations held on or after January 1, 2012.

The vote was:

CARRIED, AYES ALL

7. Mayor Nelson moved a resolution to call for a public hearing on a Local Law which would amend Chapter 177 (Sections 5 and 6) of the OMC entitled Sewer Rates, and Councillor Powers seconded to wit:

RESOLUTION
INTRODUCING LOCAL LAW # _ of 2011

BE IT RESOLVED that proposed Local Law #__ of the year 2011 entitled:

Amendment to the OMC Chapter 177 Entitled Sewer Rates 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 proposed Local Law 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 Local Law at the City Council Chambers at 7:00 pm on Monday, December 5, 2011, and

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BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication, in the newspaper so designated for the publication of legal notices, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed Local Law in summary form.

The vote was:

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

NAYS: Councillor Skamperle

APPROVED, 5 TO 1

8. Mayor Nelson moved a resolution to establish a vision, mission and goals statement in furtherance of the development of a 2012 Strategic Management Plan for the City of Ogdensburg, and Councillor Powers seconded to wit:

A RESOLUTION TO ESTABLISH A VISION, MISSION AND GOALS
STATEMENT IN FURTHERANCE OF THE DEVELOPMENT OF A
2012 STRATEGIC MANAGEMENT PLAN

WHEREAS the City of Ogdensburg desires to ensure quality services to citizens and visitors; and

WHEREAS the City is looking to continually improve the operations, capital improvement and delivery of services; and

WHEREAS the City, from time to time, has sought the input of citizens through surveys, and consultation with committees, commissions, boards and similar advisory bodies; and

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WHEREAS the City Council and the administration of the City of Ogdensburg seeks to identify clear and broad sweeping organizational goals to ensure that the operations and services are provided efficiently, effectively and creatively to meet the present and future needs of the City of Ogdensburg; and

NOW THEREFORE BE IT RESOLVED that the strategic plan shall be implemented, adopted and reflect:

- ◆ accountability to the community
- ◆ a participatory process by which the City Council and administration assume shared ownership
- ◆ a shared, value-based vision
- ◆ open, candid consideration and review of the status quo
- ◆ a recognition that a strategic plan is a key part of effective management
- ◆ quality data and input; and

BE IT FURTHER RESOLVED that the City of Ogdensburg establishes the vision statement as:

The City of Ogdensburg is a vibrant and vital commerce center in the St. Lawrence Region, with clean, safe and beautiful neighborhoods, streets and parks.

BE IT FURTHER RESOLVED that the City of Ogdensburg establishes the mission statement as:

The mission of the City of Ogdensburg will provide quality public services and facilities to promote and protect the health, safety and welfare of its residents, businesses and visitors in a cost-effective manner. In so doing, the City will promote and integrate the resources of its unique location, historic character and heritage.

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BE IT FURTHER RESOLVED that the City of Ogdensburg adopts the following as a statement of values:

Ogdensburg is a place with strong values, traditions and heritage where people choose to live, work, socialize and recreate.

BE IT FURTHER RESOLVED that the goals of the City of Ogdensburg are to establish a:

- ◆ financially secure city government
- ◆ safe and secure community
- ◆ balanced, sustainable local economy
- ◆ revitalized neighborhoods and commercial areas
- ◆ beautiful City of Ogdensburg

BE IT FURTHER RESOLVED that the City Manager of the City of Ogdensburg as a part of developing a Strategic Management Plan is directed to establish objectives to: further the vision, mission and goals; to help the organization do a better job; to focus its energy, to ensure that members of the organization are working toward the same goals; and to assess and adjust the organization's direction in response to a changing environment; and

BE IT FURTHER RESOLVED that said 2011 objectives shall support and further the following core priorities:

- ◆ Waterfront development and revitalization, including the grounds of the St. Lawrence Psychiatric Center to achieve a mixed public and private use as well as recognition of the benefits of international use and access.
- ◆ Expansion of the tax base.
- ◆ Economic development with emphasis on the port, downtown revitalization, vacant land and job creation.
- ◆ Growth, development and improvement of infrastructure.
- ◆ Technological expansion and creation.
- ◆ Improvement of housing stock.

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- ◆ Development of tourism by expansion of cultural and recreational opportunities and promotion of 4-lane highway access.

Councillor Morley stated there are a few items in this that don't apply and requested that be put under Items for Council Discussion. Mayor Nelson suggested waiting until January 2012 to allow the new members of Council to participate and give fresh ideas. Councillor Morley moved to table this resolution until after 1/1/2012 to get the new Councillors involved, and Mayor Nelson seconded the motion.

The vote to table was:

CARRIED, AYES ALL

9. Mayor Nelson moved a resolution introducing an ordinance and providing for public notice and public hearing to offer for sale, by public auction, City-owned property located at 805 Ford Street, and Councillor Skamperle seconded to wit:

RESOLUTION INTRODUCING AN ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE
AND PUBLIC HEARING

BE IT RESOLVED, that Ordinance No. ____ of 2011, entitled "An Ordinance to Offer for Sale at Public Auction City-Owned Property", be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid Ordinance to be held at the Council Chambers in the City of Ogdensburg, New York, on the 5th day of December, 2011, at 7:00 p.m., and

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BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the official newspaper 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

10. Mayor Nelson moved a resolution introducing a local law and providing for public notice and public hearing to authorizing a property tax levy in excess of the 2% cap, and Councillor Morley seconded to wit:

RESOLUTION
INTRODUCING LOCAL LAW #_ FOR 2011

BE IT RESOLVED that proposed Local Law #_ of the year 2011 entitled:

AMENDMENT to authorize an override of the property tax cap for 2012, 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 proposed Local Law 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 Local Law at the City Council Chambers at 7:00 pm on Monday, December 5, 2011, 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.

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Mayor Nelson explained this resolution is to give public notice of the public hearing and explained that our 2012 budget proposal does not increase by more than the 2% tax cap. Mayor Nelson added this is on the recommendation of several agencies as well as our Comptroller, as we are trying to protect the Ogdensburg community.

The vote was:

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

NAYS: Councillor Skamperle

APPROVED, 5 TO 1

11. Mayor Nelson introduced a resolution to appoint a legal firm to review the C-14 report, and Councillor Powers seconded to wit:

RESOLUTION
TO APPOINT A LEGAL FIRM

WHEREAS, the City of Ogdensburg has received three proposals for legal services to review the C-14 report; and

WHEREAS, the City Council has reviewed the three proposals and has recommended _____;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby enters into an agreement with _____ according to the terms set by the proposal submitted by _____, for a rate of \$ _____ per hour; funds derived from A1420.515.

Mayor Nelson stated that our City Attorney recused himself regarding the C-14 investigation and the issues associated with it and we're seeking outside counsel to help us through the next steps.

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Mayor Nelson stated we received proposals from three different firms interested in representing the City; MRT, Harris Beach and Wladis.

Leann West, a representative of the Wladis Law Firm, addressed Council and stated her firm is ready to move forward immediately to review this document and FOIL and Open Meetings Law.

Councillor Morley stated he chooses the Wladis Law Firm because they have the best rates and made the trip to Ogdensburg to make a presentation to Council tonight. Councillor Powers agreed and added that they have an onsite retired BCI investigator to investigate which Councillor leaked report.

Councillor Skamperle stated that he doesn't support any attorney until the report is released. Councillor Morley stated that Council is following the advice of our attorney. Mayor Nelson agreed and added that we will also request they investigate who broke Council's trust and released the report to the press.

Councillor Morley moved to appoint the Wladis Law Firm and Councillor Powers seconded to wit:

RESOLUTION
TO APPOINT A LEGAL FIRM

WHEREAS, the City of Ogdensburg has received three proposals for legal services to review the C-14 report; and

WHEREAS, the City Council has reviewed the three proposals and has recommended Wladis Law Firm;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby enters into an agreement with the Wladis Law Firm according to the terms set by the proposal submitted by Mark Wladis, for a rate of \$ 195. per hour; funds derived from A1420.515.

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The vote was:

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

NAYS: Councillor Skamperle

APPROVED, 5 TO 1

OLD BUSINESS

1. Councillor Morley stated at the last meeting in October we were asked by our County Legislator to send a letter to the County in support of raising sales tax, and questioned if we have sent the letter. Councillor Cilley stated that before we do, he would like City Council to discuss it because he's against raising it. Mayor Nelson stated we will place it under Items for Discussion.

2. Councillor Powers stated a long term control plan is needed to get rid of the overgrown brush near and on the Crescent Street hill between the pump house and south of the Post Office. Councillor Morley said this should be done in the summer as it could be a safety issue if done in the winter due to the hill.

3. Councillor Skamperle questioned if the estimate of \$3,176. to replace the Oddfellows water line is their total cost, and City Manager Arthur Sciorra said it is their total cost.

4. Councillor Skamperle questioned if there are any liens on the 805 Ford Street property. Mr. Sciorra said no, we took it through foreclosure. Mayor Nelson stated the City issues a quit claim deed. City Attorney Andy Silver said the Comptroller does a great job notifying the lien holders of the property that the tax sale is about to occur on to distinguish any rights they may have.

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Mr. Silver said the City's obligation is to tender the property by a quit claim deed, which means we aren't providing any assurances to title. Mr. Silver added that there are two types of deed; one is a bargain and sale deed, and the other is a quit claim deed. Mr. Silver stated the majority sold by tax foreclosure are by quit claim deed, but as we proceed closer to the closing on any of these properties we will look at the title issues involved and our obligation.

5. Councillor Skamperle requested an update on the Cheese Plant. Mr. Sciorra stated he will have our attorney prepare an update.

6. Councillor Morley asked for an update on the Oswegatchie River Waterline Crossing Project. Public Works Director Kit Smith stated the water line is online, has been tested and the job is complete. Mr. Smith added the bridge job is winding down and will close for winter in the next couple weeks. Mr. Smith said the bridge has been designed and approved, and will be built in the winter and set on the abutments in the spring, weather permitting.

7. Councillor Skamperle asked Mr. Smith if the walking trail will be re-opened at the intersection where the contractor now has his equipment when the job shuts down for the winter. Mr. Smith advised that we discussed if we can move the crane inward farther because they have the crane set up in a permanent fashion and can't move it out of there. Mr. Smith said we will do what we can to move the dirt or make a diversion around it.

8. Councillor Morley stated we recently had a NYS agency here auditing the books of the Main Street Program and questioned if they also reviewed the NSP Program. Mayor Nelson said they are two different agencies. City Manager Arthur Sciorra stated no, that's a different agency.

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NEW BUSINESS

1. Councillor Ashley questioned if we are paying school taxes on the thirty-three non-essential City-owned properties that are not being used for government purposes. City Comptroller Phil Cosmo stated that there are laws that allow a three-year exemption when we take property over, but yes we pay taxes if it's not used for a government function. Councillor Ashley asked for a copy of the City-owned property list. Mr. Cosmo stated that the Planning Office is preparing the list. Councillor Ashley asked if there's any reason why these properties can't be put up for public auction. Mr. Cosmo said there's no reason not to but we would like to auction them all at one time. Mayor Nelson said we actually received the list last week. Mayor Nelson said it is Councils' goal to get rid of all the surplus property and put it back on the tax rolls.

2. Councillor Ashley questioned if there is a policy for screening correspondence at Council meetings. Councillor Ashley said he thinks every citizen has a right to get up and speak before Council, but doesn't think a citizen has a right to write a derogatory or damaging letter and make the City Clerk read it. Councillor Ashley said these letters should be screened or let the writer read their own letter. Mayor Nelson said we have meeting rules and procedures that we follow for any comments that are made and we need to follow them. Mayor Nelson added that the new Councillors will be given two NYCOM handouts; Newly Elected Officials and Charter Form of Government.

ITEMS FOR DISCUSSION

1. Revised NSP Policy

City Manager Arthur Sciorra stated Andy Silver and Jennifer Ashley reviewed the NSP program procedures policy and made a few practical changes to it. Mr. Sciorra said the attorney made recommendations but thinks there are still some issues and asked for Council feedback.

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Councillor Morley stated under #2 of the third “Whereas” it reads that no such sale shall be effective unless and until such sale shall have been approved and confirmed by a majority vote of the governing body. Councillor Morley said the Charter says a $\frac{3}{4}$ affirmative vote is required. City Attorney Andy Silver said that was a typo. Mr. Silver stated that §C-17 of the Charter says that no property will be sold under the program until Council passes an ordinance to do so, and the timing is important. Mr. Silver said unlike the past resolution, this one requires Council to approve it before the City Manager signs a contract of sale. Mr. Silver said once the property is ready to be entered into the NSP Program for sale, the Council will approve placing that property into the lottery process and by doing that once the winner of that lottery is selected then the City Manager will be able to sign the agreement, we won’t be in the situation where the Council is being asked to ratify an existing agreement. Mr. Silver said any voting must be done by $\frac{3}{4}$ vote of Council.

Councillor Cilley asked Mr. Silver if he had any other concerns with the revisions. Mr. Silver said he didn’t, but staff needs to sit down to make sure they’ve discussed the requirements to the NSP Program and how the financing is put together. Mr. Silver said at this point he is not up to speed on those issues and other parts of the agreement need to be reviewed specifically with that involved. Mr. Silver added that it will take three heads to make sure we’ve covered all the bases. Mr. Silver said the procedure he laid out for the lottery conforms to what the NSP requirements are. Councillor Morley questioned how we get the appraised value, that’s what the NSP Program allows us to sell the property for. Councillor Morley stated that he would like to see independent appraisers used for the appraisal because we had a house, 819 Knox Street, appraised for \$80,000. and we put \$70,000. into it and assessed it for \$51,000. Councillor Morley said he doesn’t understand that. Mr. Silver stated an appraisal was done on 819 Knox Street and that part of the procedure wasn’t different but agrees the only way to fairly establish what the fair market value of the properties should be is to turn to an outside appraiser. Mr. Silver said if you want more clarity, it can be clarified when he speaks with Mr. Sciorra and Ms. Smith in terms of the timing of the appraisal and how appraisers are selected.

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Councillor Skamperle said on page 3 it says that the City must provide 25% of NSP funds to low income households. Councillor Skamperle said he wants checks and balances to make sure a house isn't just given away. Mr. Silver said there is some language in there, that we don't want a house purchased with grant funds, make a down payment or be responsible for a portion of the purchase price of the property. Mr. Silver said Mr. Sciorra also brought this to his attention and it needs to be further discussed among staff.

Councillor Ashley questioned if the correct process to sell that house is that individuals must go through the lottery. Mr. Silver said the NSP procedure as it is now written requires a lottery but the NSP procedure voted on in June, 2010, has flaws with confusing parts. Mr. Silver said the revisions to that procedure are here and he is trying to remove that confusion. Mr. Silver said no lottery procedure was followed before.

Mayor Nelson stated that the Planner wants this back with Council's comments. Mr. Silver said that follow up from staff is needed before Council acts on it. Mr. Sciorra requested Council write on the margins and turn it in to staff in the next two weeks. Mayor Nelson asked if the highlighted sections could be taken out.

Councillor Skamperle questioned if we can specify who the third party entity is. Mr. Silver said we could specify who the third party is as it's an option we have and need to discuss to figure out what the NSP Program requires and then we can talk about who the third party can be. Councillor Skamperle questioned if the time it will take an individual to go through the process can be spelled out.

Councillor Morley asked how many are eligible in the lottery now and if ten, sell to the highest bidder. Mr. Silver explained that the NSP Program has limits on how much the property can be sold for, the appraised value plus cost and there are no auction abilities to drive up the cost with NSP money. Mr. Silver stated there were concerns from staff that there was only one applicant for the property. Mr. Silver said the NSP guidelines limit how much you can sell the house for.

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Mayor Nelson asked Council to get their comments to staff in a couple weeks and in a month we can act on a final resolution.

2. Councillor Skamperle requested that Councillor Ashley and the other two new Councillors be allowed to read the C-14 investigation report. Mayor Nelson said sworn in Councillors can review it. Councillor Powers said they haven't taken the official oath of office.

3. Councillor Morley questioned why Councillor Vaughn wasn't here. Councillor Powers said Councillor Vaughn's father is ill.

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