

CITY COUNCIL MEETING

June 8, 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 and Sholette

ABSENT: Councillor Vaugh

Mayor Nelson stated that Councillor Vaugh was excused as he was out of town.

PRESENTATIONS

1. Code Enforcement Officer Gregg Mallette summarized for Council the duties of the Code Enforcement Office. Mr. Mallette also demonstrated new computer software his department is using to better track permits, complaints, projects and parcel history.

2. Fire Chief Steve Badlam addressed Council and explained the laws regarding open fires and recreational burning within the City. Fire Chief Badlam stated that Section 85-1 of the Ogdensburg Municipal Code regarding Open Burning is not compliant with Section 307 of the New York State Fire Code. There was a consensus of Council to amend §85 of the Ogdensburg Municipal Code so that it will be compliant with §307 of the New York State Fire Code. Mayor Nelson said staff will prepare a resolution to call for a public hearing, and also requested a link be placed on our website to explain the open fire and recreational burning laws in the City.

PERSONAL APPEARANCE

1. Stephen LaRue, 718 Hasbrouck Street, addressed Council regarding a notice he received from the City Assessor increasing the assessed value of his home. Mr. LaRue stated his taxes were \$5,000 a year and now will be \$10,000.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #11-2009 in the amount of \$715,964.29 and Library Fund Warrant #11-2009 in the amount of \$22,751.88, Capital Fund Warrant #11-2009 in the amount of \$13,102.49 and Community Development Fund Warrant #11-2009 in the amount of \$725.82 and Community Renewal Fund Warrant #11-2009 in the amount of \$30,830.57 and HOME Fund Warrant #11-2009 in the amount of \$0.00 and AHC Funds Warrant #11-2009 in the amount of \$33,853.40 and RESTORE Program Warrant #11-2009 in the amount of \$6,747.00, as audited, be and the same are ordered paid and Councillor Flynn seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson moved a resolution introducing an amendment to the Zoning Ordinance and providing for public notice and public hearing, and Councillor Morley seconded to wit:

RESOLUTION OF THE CITY COUNCIL
INTRODUCING AN AMENDMENT TO THE ZONING ORDINANCE AND
PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED that the Ordinance Entitled “Ordinance Amending Chapter 221” Entitled “Zoning” of the City of Ogdensburg Municipal Code 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 in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York, on Monday the 22nd day of June 2009, 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 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

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

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

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 2009 budget, the City of Ogdensburg anticipated receiving \$28,500 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 \$21,229; and

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

NOW, BE IT THEREFORE RESOLVED, that the City of Ogdensburg will amend the 2009 budget to show the \$7,271 to be allocated from the Community Development Fund/Local Sources.

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The vote was:

CARRIED, AYES ALL

3. Councillor Sholette moved a Resolution authorizing the City Manager to authorize an application for administrative funding for the Ogdensburg Empire Zone Program, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO AUTHORIZE AN
APPLICATION FOR ADMINISTRATIVE FUNDING
FOR THE OGDENSBURG EMPIRE ZONE PROGRAM

WHEREAS, the City of Ogdensburg is a New York State designated Empire Zone – a program which offers business incentives to new or expanding businesses that invest in the Zone and create new jobs for area residents; and

WHEREAS, the State has authorized an administrative funding grant for the Ogdensburg Empire Zone, in the amount of \$21,229 reduced from (\$28,500) last year due to the expansion of the Empire Zones program to include 12 new Empire Zones.

WHEREAS, the State has required that the grant be at least matched equally, the City of Ogdensburg's share being \$28,171;

NOW, THEREFORE BE IT RESOLVED, the City Council hereby commits \$28,171 in cash to match the State's administrative funding of \$21,229 for the 2008-2009 Empire Zone Program year; and,

BE IT FURHTER RESOLVED, that the local matching funds in the amount of \$28,171, as noted in the attached budget, are hereby authorized and committed.

The vote was:

CARRIED, AYES ALL

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4. Councillor Hannan moved a resolution to approve and award an appropriation to cover the cost of emergency fencing work at the former Shade Roller property, and Councillor Powers seconded to wit:

RESOLUTION TO APPROVE AND AWARD AN APPROPRIATION TO COVER
THE COST OF EMERGENCY FENCING WORK
AT THE FORMER SHADE ROLLER PROPERTY

WHEREAS, the City of Ogdensburg acquired the former Shade Roller property through tax sale and wishes to secure the site; and

WHEREAS, the City has solicited and received bids for the fencing of all buildings remaining on the site; and

WHEREAS, Alpine Fence, 18000 NYS Route 3, Watertown, NY 13601, has been determined to be the low responsible bidder for the specified fencing project;

NOW, THEREFORE BE IT RESOLVED, that the City Manager is hereby authorized to enter into a fencing contract with Alpine Fence for a contract fee not to exceed \$8,686.00 plus \$868.00 (10%) for contingency, not to exceed \$9,554.00; and

BE IT FURTHER RESOLVED, that funds for this contract be authorized and derived from the General Fund Contingency Account A1990.498.

Councillor Flynn questioned why this resolution was added after the agenda went out to Council. City Manager Arthur Sciorra stated that staff was waiting for bids.

The vote was:

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

NAYS: Councillor Flynn

APPROVED, 5 TO 1

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OLD BUSINESS

1. Councillor Morley questioned if a decision has been made not to open the Lockwood Arena next year or if alternate uses of the Lockwood Arena have been determined. City Manager Arthur Sciorra stated no decisions have been made, he will be looking at all options with Recreation Director Phil Clemens. Councillor Morley said users of the arena need to be notified asap if the arena doesn't open.

2. Councillor Flynn inquired if the Planning Board has made a decision on the zoning law for unregistered vehicles. Mr. Sciorra stated that they prefer following the NYS Property Maintenance Code.

3. Councillor Hannan requested an update on the joint water project. Mr. Sciorra stated they applied for funds under the stimulus package and weren't funded.

Councillor Hannan questioned if the topic of annexation had been discussed with the group. Mr. Sciorra said that annexation is a sensitive issue.. Mr. Sciorra added that the group will need to consider reducing the scope and design of the project, and possibly do it in phases. Mr. Sciorra added that the group hasn't met since the project was sent in for Stimulus Funding.

4. Councillor Powers said the June 22nd Miscellaneous Report listed a need for a handicap button to open the door at visitor's center and questioned the status. City Manager Arthur Sciorra said it is on order. Public Works Director Kit Smith stated that it has been installed.

5. Councillor Powers questioned the status of the three Clean Water Grant applications. Mr. Sciorra stated those three applications have been submitted.

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6. Councillor Powers stated he found the Home Rule Legislation complicated and confusing, and requested a legal interpretation. Mr. Sciorra stated the City Attorney is speaking with the state's attorney.

7. Councillor Powers stated in the May 29th update it stated that the City Manager met with County Legislators Forsythe and Lightfoot regarding Sales Tax. Councillor Powers asked if County Legislator Sam Burns is on the County Sales Tax Committee. Mr. Sciorra said yes. Councillor Morley questioned if the sales tax will stay the same if there is no new agreement. Mr. Sciorra stated he would rather not answer that question at this time. Mr. Sciorra said the meeting with the County has not been rescheduled but that the City Attorney sent a letter to the County Attorney, Mr. Leeki, to reschedule.

8. Councillor Powers questioned if Assemblywoman Addie Jennie Russell has responded to our letter regarding Alliance Energy. City Manager Arthur Sciorra stated she hasn't. Councillor Powers stated he will be in Albany and will be meeting with Senator Aubertine, who he met with him last week and expressed the importance of Alliance Energy.

9. Councillor Sholette questioned why Mr. Sciorra met with County Legislators Forsythe and Lightfoot regarding County Sales Tax if those legislators aren't on the Committee. Mr. Sciorra stated they came to his office regarding other business.

10. Councillor Sholette asked if we know what the interest rate on the Tax Anticipation Note (TAN) loan will be. Mr. Sciorra stated Comptroller Phil Cosmo is still processing the application. Mayor Nelson stated Council was told it would take thirty days from the passage of the resolution to process.

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11. Councillor Sholette stated twelve months ago the City Attorney retired and questioned when the position will be filled. Mr. Sciorra said that the RFP and advertisement are complete and will be in the next Council update.

12. Councillor Sholette said at the last three meetings he has asked for a list of the properties the City owns in lieu of taxes and if they will be auctioned, and he hasn't received it.

13. Councillor Sholette requested Mr. Sciorra's personal goals and objectives for 2009. Mr. Sciorra stated he submitted them to Mayor Nelson. Mayor Nelson said he forwarded it to Council along with Mr. Sciorra's goals, objectives and evaluation.

14. Councillor Morley stated he read in last Friday's update that the Diamond property is not suitable for fishing and questioned why this is prohibited. City Manager Arthur Sciorra explained that staff advised him there were many dangerous areas on this property. Mr. Sciorra urged Council to look at the property.

NEW BUSINESS

1. Councillor Flynn stated that Governor Paterson has proposed new legislation requiring that pistol permits be renewed every five years. Councillor Flynn added that the County Sheriff and Clerk are opposed to this legislation. Councillor Flynn said he would like Council to write a letter opposing this legislation. Mayor Nelson requested more information before Council sends a letter.

2. Councillor Flynn stated that recently City residents received a letter from the Assessor advising them that their tax assessments have been increased between 30 and 110%. Councillor Flynn questioned if there is a website where these residents can look at similar assessments online as there is a short amount of time to grieve.

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City Manager Arthur Sciorra stated the City property information is not available on the County website and we don't have it on our website. Mr. Sciorra said he will provide Council with the assessment grievance process information, and added that the Assessor's Office will have extended hours during this time period. Mr. Sciorra said he will have the Assessor provide this information to the newspaper.

3. Councillor Morley stated he was recently in Alexandria Bay and noticed that they have a small beach. Councillor Morley said the pool is nice but he thinks the City should have a beach.

4. Mayor Nelson reminded Council that the Flag Day Parade will be held this Saturday, June 13th at 10:00 a.m. Mayor Nelson added that the Parade starts at the Hamilton Street Park and ends at the Elk's Lodge.

5. Mayor Nelson also reminded Council that the dedication of New York State Trooper Shawn W. Snow Street will be held on Thursday, June 18th at the end of Proctor Avenue and New York State Route 812. Mr. Sciorra stated this information will be sent to Council, the family and the public.

6. Mayor Nelson stated that Governor Paterson signed the New N.Y. Government Reorganization and Citizen Empowerment Act, which would take our process for dissolving or consolidating units of local governments away from the public. Mayor Nelson added that NYS Conference of Mayors is opposed and believes this bill would be costly for taxpayers. City Manager Arthur Sciorra said that the Governor hasn't signed this yet and we need to contact him with our concerns.

Councillor Hannan said that this act may be intended to stop the duplication of services because local governments are not being proactive with shared services and added that something has to be done to reduce the burden on NYS taxpayers.

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ITEMS FOR DISCUSSION

1. Councillor Sholette thanked DPW employees, Dave Hollis, Joe King, Scott Williams and Matt Denner, for building the frame to display the fishermen weigh scales at the Visitors' Center. (The scales were donated to the City by Hank Bouchard.)

2. Councillor Powers commended the Police Department for their recent drug bust in the City.

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