

## CITY COUNCIL MEETING

November 26, 2012

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Mayor Nelson called the meeting to order and asked the Clerk to call the roll:

PRESENT: Mayor Nelson, Councillors Ashley, Cilley, Morley, Skamperle, Hosmer and Stevenson

ABSENT: None

### PROCLAMATION

1. Mayor Nelson read both a proclamation and a plaque honoring Jefferson E. Thornton, Jr. for rescuing a family at 312 Adams Avenue, from a fire. Mayor Nelson thanked Mr. Thornton for rescuing Brandy Middlemiss Thomas and her family from the burning home. Senator Patricia Ritchie presented Mr. Thornton with the New York State Liberty Award on behalf of the New York State Senate. Senator Ritchie explained the award is the highest honor a civilian can receive in New York State and is given to a person who shows heroic actions for others. Mr. Thornton thanked the Ogdensburg Fire Department for their quick response. (A copy of the proclamation and plaque follows these minutes.)

2. Mayor Nelson read a proclamation for 2012 Employee Learning Week. Mayor Nelson explained St. Lawrence County and other communities are also declaring December 3<sup>rd</sup> through December 7<sup>th</sup> Employee Learning Week. (A copy of the proclamation and plaque follows these minutes.)

### PUBLIC HEARING

1. A public hearing regarding a local law to authorize a property tax levy in excess of the 2% cap was held.

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

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CORRESPONDENCE

1. City Clerk Kathleen Bouchard read a letter from Marlene Watson requesting the City share the fire cleanup costs for 915 Lafayette Street. (A copy follows these minutes.)

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #20-2012 in the amount of \$1,237,543.27 and Library Fund Warrant #20-2012 in the amount of \$31,722.11 and Capital Fund Warrant #20-2012 in the amount of \$47,767.34 and Community Development Fund Warrant #20-2012 in the amount of \$3,652.71 and Community Renewal Fund Warrant #20-2012 in the amount of \$528.00 and HOME Fund Warrant #20-2012 in the amount of \$0.00 and AHC Funds Warrant #20-2012 in the amount of \$0.00, RESTORE Program Warrant #20-2012 in the amount of \$0.00 and NSP Funds Warrant #20-2012 in the amount of \$0.00 and NY Main St. Program Warrant #20-2012 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Cilley moved a local law to authorize a property tax levy in excess of the 2% cap, and Councillor Skamperle seconded to wit:

Local Law No. 2 of the year 2012  
City of Ogdensburg, County of St. Lawrence

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A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c.

Section 1. Legislative Intent - It is the intent of this local law to allow the City of Ogdensburg to adopt a budget for the fiscal year commencing 1/1/2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority - This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override - The City Council of the City of Ogdensburg, County of St. Lawrence, is hereby authorized to adopt a budget for the fiscal year commencing 1/1/2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability - If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date - This local law shall take effect immediately upon filing with the Secretary of State.

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City Comptroller Philip Cosmo clarified that Council is not agreeing to increase the City's tax rate above the 2% tax cap by passing this resolution. Mr. Cosmo explained if an error is made in the calculation of the tax levy and this resolution is not passed, any incorrect amount would have to go into a reserve account and be unusable until next year's tax levy. Mr. Cosmo said passing this resolution is a fail-safe for the City. Councillor Stevenson asked if there has been an audit of last year's calculations. Mr. Cosmo said yes, adding those calculations were correct. Mr. Cosmo said NYCOM has recommended communities pass this resolution to be safe. Councillor Morley said he was glad Mr. Cosmo clarified this information for Council. Councillor Morley said he wants to be sure the City can go over 2% if necessary, but does not want a large increase.

The vote was:

AYES: Mayor Nelson, Councillors Cilley, Hosmer,  
Morley and Skamperle

NAYS: Councillors Ashley and Stevenson

APPROVED, 5 TO 2

2. Mayor Nelson moved a resolution to establish the Ogdensburg Journal as the official newspaper for the City of Ogdensburg for 2013, and Councillor Morley seconded to wit:

RESOLUTION DESIGNATING THE  
2013 OFFICIAL NEWSPAPER

BE IT RESOLVED, that the official newspaper for the City of Ogdensburg for 2013 shall be the Ogdensburg Journal.

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The vote was:

CARRIED, AYES ALL

3. Councillor Morley moved a resolution designating the official City bank depositories for 2013, and Councillor Stevenson seconded to wit:

RESOLUTION DESIGNATING THE  
2013 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 2013.

The vote was:

CARRIED, AYES ALL

4. Councillor Skamperle moved a resolution designating the 2013 City Council Meeting Dates, and Councillor Ashley seconded to wit:

2013 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 dates of these meetings are listed below:

January	14, 28
February	11, 25

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March	11, 25
April	8, 22
May	13, 28

June	10, 24
July	8
August	12
September	9, 23
October	15, 28
November	12, 25
December	2, 9

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

5. Councillor Ashley moved a resolution authorizing the City Manager to execute a labor contract with the Police Benevolent Association for 2012 – 2013, and Councillor Cilley seconded to wit:

A RESOLUTION TO AUTHORIZE  
THE CITY MANAGER TO EXECUTE A LABOR CONTRACT  
WITH THE POLICE BENEVOLENT ASSOCIATION  
FOR 2012-2013

WHEREAS, a tentative labor contract has been negotiated between the City Manager and representatives of the Police Benevolent Association for 2012 through 2013, 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.

City Manager John Pinkerton explained it is a two year contract for 2012

and 2013 with a 2.75 COLA, an added 13 year step, stipends for uniforms and a detective stipend increase. Mr. Pinkerton said Council also received a spreadsheet showing increases for each individual employee.

The vote was:

AYES: Mayor Nelson, Councillors Ashley, Cilley,  
Hosmer, Morley and Stevenson

NAYS: Councillor Skamperle

APPROVED, 6 TO 1

6. Mayor Nelson moved a resolution authorizing the City Manager to execute a grant agreement between the City of Ogdensburg and the New York State Power Authority – Petroleum Overcharge Cost Recovery Program, to help replace 136 non-insulated windows in City Hall with a \$50,000 grant, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE AN  
AGREEMENT BETWEEN THE NEW YORK STATE POWER  
AUTHORITY AND CITY OF OGDENSBURG

WHEREAS, the City of Ogdensburg has been awarded a \$50,000 grant from the New York State Power Authority Petroleum Overcharge Cost Recovery Program to help replace 136 non-insulated windows in City Hall; and

WHEREAS, the replacement of the 136 windows with insulated double pain glass will significantly reduce cold air draft, heat loss and reduce heating fuel costs; and

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WHEREAS, the replacement of the 136 windows will provide substantial long term energy savings for City taxpayers; and

NOW, THEREFORE BE IT RESOLVED, that the City Manager is hereby authorized to enter into an agreement with the New York State Power Authority, Petroleum Overcharge Cost Recovery Program for a

\$50,000 grant funding the replacement of 136 windows in City Hall.

Mayor Nelson thanked Senator Ritchie for her contributions in obtaining this grant for the City. Councillor Morley asked if a start date has been established. City Manager John Pinkerton explained the project will move forward once Council approves the resolution. Mr. Pinkerton said 90% of the funds will be advanced to the City with the final 10% being reimbursed when the project is completed. Mr. Pinkerton thanked Mayor Nelson for applying for the grant.

The vote was:

CARRIED, AYES ALL

### OLD BUSINESS

1. Councillor Morley asked for an update on the NSP properties. City Manager John Pinkerton said the parties interested in the properties at 2 Grove Street and 113 Adams Avenue have obtained pre-approval from the bank; bids are being accepted for the demolition of 505 New York Avenue; and 819 Knox Street has been sold. Councillor Morley asked if C.W. Augustine, Inc. is still employed by the City. Mr. Pinkerton stated we are about to enter the second phase of the program, and C.W. Augustine, Inc. is still under contract with the City. Mr. Pinkerton explained a process chart will be developed to determine internal and external projects, and the City can then bid out the external projects.

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2. Councillor Morley asked for an update on 915 Lafayette Street. Mayor Nelson suggested the matter be turned over to City staff for review and recommendation.

City Comptroller Philip Cosmo said the property has over \$12,000 in demolition charges attached to it, and those charges will follow the property. Mr. Cosmo explained Mrs. Watson bid on the property before the fire and

was not aware of the expenses logged against the property after the demolition was completed. Mr. Cosmo said the City will need legal guidance on this matter. There was a consensus of Council to turn the matter over to City staff for review and recommendations.

3. Mayor Nelson thanked the Lisbon and Ogdensburg Lions Clubs for hosting the Light Up the Night - Christmas Parade. Mayor Nelson also thanked City Clerk Kathleen Bouchard and Deputy City Clerk Cathy Jock for their assistance with the parade and children's visit with Santa. Councillor Stevenson said she participated in the parade, and it was great to see the streets filled with spectators all the way down Ford Street. Councillor Ashley said Mayor Nelson did an excellent job announcing parade participants in the parade.

### NEW BUSINESS

1. Councillor Cilley asked that the newspaper run an article reminding everyone of the overnight parking ban which goes into effect on December 1<sup>st</sup>.

2. City Manager John Pinkerton advised there will be a tour of the Department of Public Works on November 30<sup>th</sup>. Councillor Stevenson said she is unavailable on that date, and Councillor Hosmer added he is not available at 9 a.m. Mayor Nelson suggested Mr. Pinkerton's secretary send an email to Council with possible dates and times.

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3. Mr. Pinkerton advised that the SEQR training will be held on January 7<sup>th</sup> from 6 p.m. to 9 p.m. at the Dobisky Visitor's Center. Mr. Pinkerton said Council should sign up with Interim City Planner Andrea Smith.

4. Mr. Pinkerton advised the Tree Inventory & Management Plan work session will be held on January 10<sup>th</sup> at City Hall.

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