

CITY COUNCIL MEETING
December 2, 2013
Page 292

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

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

ABSENT: None

PUBLIC HEARING

1. A public hearing regarding the 2014 Budget for the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding a Local Law to amend Chapter 177 of the Ogdensburg Municipal Code entitled "Sewer Rates" was held. No one being present to speak, the hearing was declared closed.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #21-2013 in the amount of \$72,382.16 and Library Fund Warrant #21-2013 in the amount of \$0.00 and Capital Fund Warrant #21-2013 in the amount of \$0.00 and Community Development Fund Warrant #21-2013 in the amount of \$0.00 and Community Renewal Fund Warrant #21-2013 in the amount of \$0.00 and HOME Fund Warrant #21-2013 in the amount of \$0.00 and AHC Funds Warrant #21-2013 in the amount of \$0.00 and NSP Funds Warrant #21-2013 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson moved to bring a Local Law authorizing a property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c from the table (was tabled at the 11-25-13 meeting), and Councillor Morley seconded the motion.

The vote to bring the Local Law back on to the table was:

CARRIED, AYES ALL

Local Law No.1 of the year 2013
City of Ogdensburg, County of St. Lawrence

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 1/1/2014 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 1/1/2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

CITY COUNCIL MEETING

December 2, 2013

Page 293

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.

Councillor Cilley stated this is simply a safety net for protection in the event errors were made, and he intends to support this Local Law. Councillor Stevenson said she does not intend to support the Local Law although she appreciates City Comptroller Philip Cosmo's recommendation for support. Councillor Stevenson explained she sees no point in passing the Local Law because there is no need for it since we do not intend to raise taxes. Councillor Stevenson said there is a reason why the tax cap was put into place. Councillor Hosmer questioned how City taxpayers would be penalized. Mr. Cosmo said it is not really a penalty. Mr. Cosmo added we are audited for the budget year 2013 in 2014, after the funds in the 2013 budget have been expended. Mr. Cosmo explained if the auditors find a problem after the year has passed, a future budget would have to be adopted that contains either a tax rate increase or cuts to recover those over expended funds. Mr. Cosmo explained the department heads will have spent the money that was allocated to their departments by the time we are audited. Councillor Ashley said he respects Mr. Cosmo's opinion and intends to support the Local Law. Councillor Skamperle asked if passage of the Local Law gives the City more options to protect the taxpayer. Mr. Cosmo said no, but if the auditors find a problem with the previous year's budget, the calculations to resolve the issue would not be necessary if this Local Law is passed.

The vote on the Local Law was:

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

NAYS: Councillors Hosmer and Stevenson

CARRIED, 5 TO 2

2. Mayor Nelson moved a resolution to adopt the Preliminary 2014 Budget, as amended, and Councillor Morley seconded to wit:

RESOLUTION TO ADOPT
THE CITY OF OGDENSBURG'S 2014 BUDGET

THEREFORE BE IT RESOLVED, that the City of Ogdensburg adopts the 2014 Preliminary Budget as amended in the attached schedules,

BE IT FURTHER RESOLVED, that the following rates shall be in effect for 2014:

1. The City Real Property Tax Rate for 2014 shall be

\$ _____ per thousand dollars of assessed valuation.

Mayor Nelson said Council met last week to discuss the budget and reviewed each item line by line. Mayor Nelson said it is a very strong, conservative budget.

CITY COUNCIL MEETING

December 2, 2013

Page 295

Councillor Morley questioned where the money to purchase the vacuum truck will come from and asked if leasing has been explored. Mr. Pinkerton explained the recommendation from DPW was to purchase the vacuum truck rather than lease it. City Manager John Pinkerton said we looked at a lease, but chose using the money that had been set aside by the DPW to purchase a front end loader and a truck. Mr. Pinkerton explained we are using that money because we need the vacuum truck more than those items.

Councillor Morley asked if the City checked into bonding for this truck. City Comptroller Philip Cosmo said he would agree with bonding if the budget funds weren't available, but in this case the budget funds are available by delaying the other purchases. Mr. Cosmo added the City saves on interest rates and fees by purchasing the truck instead of leasing it.

Councillor Skamperle asked if the front end loader and truck will be purchased if the vacuum truck is purchased, and Mr. Pinkerton said no.

Mr. Cosmo advised Council that the City Real Property Tax Rate for 2014 will be \$16.7374 per thousand dollars of assessed valuation.

After much discussion, the vote was:

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

NAYS: Councillor Morley

CARRIED, 6 TO 1

3. Mayor Nelson moved a Local Law to amend Chapter 177 of the Ogdensburg Municipal Code entitled "Sewer Rates", and Councillor Stevenson seconded to wit:

Local Law #2 of 2013

§177-5 Rates for metered premises.

The following rates for sewer rents are hereby fixed and established to every lot, parcel of land, building or other premises now or hereafter being charged at a metered rate for sewer service within the City of Ogdensburg, New York, effective the first billing date after January 1, 2014:

Meter Size (inches)	Water Allowed (gallons)	Minimum Quarterly charge
5/8"	16,370	\$ 92.00
3/4"	21,880	123.00
1"	33,270	187.00
1 1/4"	43,770	246.00
1 1/2"	54,980	309.00
2"	109,430	615.00
3"	164,230	923.00
4"	218,860	1230.00

\$5.62/1,000 gallons of water used

§ 177-6 Flat rates within the corporation limits of the City.

The following schedule of rates for sewer rents is hereby fixed and established for every lot, parcel of land, building or premises now or hereafter being charged at a flat rate for sewer service within the City of Ogdensburg, New York, effective the first billing date after January 1, 2014:

A.	Single family residence per year	\$ 368.00
B.	Multi-family residence, or each family unit of each tenant per year	368.00
C.	Combination residential-commercial for each individual unit per year	368.00
D.	Apartment houses, for each individual unit	368.00
E.	Rooming Houses: Private homes with additional rooms to rent or commercial rooming houses:	
	(1) Minimum annual rents	368.00
	(2) Additional rooms to hire	92.00(annual rent)

CITY COUNCIL MEETING

December 2, 2013

Page 297

Councillor Skamperle stated the increase is too much for taxpayers to pay and Councillor Morley agreed. Councillor Stevenson said we have major water/sewer infrastructure issues coming up and smaller increases over time are easier on the taxpayer. Councillor Stevenson said we have not prepared for these issues. Councillor Morley said the sewer rates have been raised every year. Councillor Stevenson explained we are still far behind in the State average and this increase is passed on to all the users, not just taxpayers. Councillor Cilley said we just passed a budget based in part on this sewer increase. Mayor Nelson stated we also have to complete the DEC required storm water project. Public Works Supervisor Gregg Harland explained the City will need to replace approximately nine storm sewer drains. Councillor Cilley asked if the height is being increased, and Mr. Harland said yes to allow more storm water into our plant and less into the St. Lawrence River.

The vote was:

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

NAYS: Councillors Morley and Skamperle

CARRIED, 5 TO 2

NEW BUSINESS

1. Councillor Morley requested a cost estimate to put solar lighting on the Maple City Trail, from the Lafayette Street Bridge to the railroad trusses, for those who walk in that area at night.

2. Mayor Nelson said the celebrity bartender's night at Hosmer's Marina to benefit the SLPC Task Force was a huge success. Mayor Nelson thanked Councillor Hosmer for hosting the event as well as everyone who worked and came out to support the event.

CITY COUNCIL MEETING

December 2, 2013

Page 298

3. Councillor Stevenson said there was also a celebrity bartender event held at The Pub that same evening to benefit the Boys and Girls Club, and a Block O Booster Club fundraiser held at Hosmer's Marina the night before Thanksgiving. Councillor Stevenson thanked everyone for supporting the community.

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