

CITY COUNCIL MEETING

June 28, 2010

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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, Sholette, Skamperle and Vaugh

ABSENT: None

Mayor Nelson stated that he would like to amend the agenda and begin the meeting with an Executive Session regarding a legal and personnel matter. Mayor Nelson moved to adjourn to Executive Session, and Councillor Powers seconded the motion.

Upon returning from Executive Session, all members of Council were still present.

PERSONAL APPEARANCE

1. Robert Wells, 917 Hasbrouck Street, stated he presented Council with a petition, signed by his neighbors, at the last meeting and has not received a response.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #12-2010 in the amount of \$1,576,251.10 and Library Fund Warrant #12-2010 in the amount of \$27,297.86 and Capital Fund Warrant #12-2010 in the amount of \$0.00 and Community Development Fund Warrant #12-2010 in the amount of \$16,464.82 and Community Renewal Fund Warrant #12-2010 in the amount of \$0.00 and HOME Fund Warrant #12-2010 in the amount of \$0.00 and AHC Funds Warrant #12-2010 in the amount of \$0.00 and RESTORE Program Warrant #12-2010 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

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ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle moved a resolution authorizing the Police Department to utilize funds from the Forfeiture of Criminal Proceeds Account to reimburse the Department's Travel Expense Line, and Councillor Sholette seconded to wit:

RESOLUTION TO TRANSFER FUNDS
FROM THE FORFEITURE OF CRIMINAL PROCEEDS ACCOUNT
TO THE POLICE TRAVEL LINE ITEM ACCOUNT

WHEREAS, the Police Department in its efforts to combat illegal Narcotic Trafficking was recognized and received awards, for its accomplishments in this endeavor, by the New York-New Jersey Organized Crime Drug Enforcement Task Force Region at a ceremony in New York City and

WHEREAS, the expenses to attend the event exceeded the budgeted amount for travel within the Police Department's budget and

WHEREAS, it is permissible by the Equitable Sharing Program Guidelines to utilize funds from the Forfeiture of Criminal Proceeds fund to pay for such expenses incurred in attending awards and training functions,

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg Police Department is hereby authorized to reimburse the Department's Travel Expense line item and that monies in the amount of \$1,136.00 be appropriated from the Forfeiture of Criminal Proceeds Account, Line A2626 General Fund Revenues, and

BE IT FURTHER RESOLVED, that the \$1,136.00 be transferred from the Forfeiture of Criminal Proceeds account to the Travel Line Item Account A3120.410.

The vote was:

CARRIED, AYES ALL

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2. Councillor Vaugh moved a resolution authorizing the Police Department to utilize funds from the Forfeiture of Criminal Proceeds Account to purchase two TASER X-26 Electronic Control Devices, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO PURCHASE TWO TASER X-26 ELECTRONIC CONTROL DEVICES WITH FUNDS FROM THE FORFEITURE OF CRIMINAL PROCEEDS ACCOUNT.

WHEREAS, the Ogdensburg Police Department in it's efforts to provide Law Enforcement Services to the Community, at times finds it necessary to employ various levels of force to carry out its duties, and

WHEREAS, the Use of Force continuum includes less than lethal forms of force and tactics, such as the use of Electronic Control Devices, and

WHEREAS, the Ogdensburg Police Department currently possesses two TASER M-26 Electronic Control Devices within its arsenal that are approximately ten years old and in need of repair or replacement by upgrade, and

WHEREAS, technological advances over the past ten years has resulted in the availability of the new model X-26 TASER, which by design is more effective, reliable and conducive to personal carry by the Officers than the M-26, and

WHEREAS, the new model X-26 TASER is currently available for purchase at a reduced price and with a trade in value of the older model TASERs, and

WHEREAS, it is permissible by the Equitable Sharing Program Guidelines to utilize funds from the Forfeiture of Criminal Proceeds fund to pay for such purchases,

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg Police Department is hereby authorized to purchase two TASER X-26 Electronic Control Devices and that monies in the amount of \$1,526.00 be appropriated from the Forfeiture of Criminal Proceeds Account, Line A2626 General Fund Revenues, and

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BE IT FURTHER RESOLVED, that the \$1,526.00 be transferred from the Forfeiture of Criminal Proceeds account to the Specialized Equipment Account Line A3120.240.

The vote was:

CARRIED, AYES ALL

3. Councillor Morley moved a resolution authorizing the issuance of a Tax Anticipation Note, and Councillor Vaugh seconded to wit:

A RESOLUTION DELEGATING TO THE COMPTROLLER OF THE CITY OF OGDENSBURG, ST. LAWRENCE COUNTY, NEW YORK, THE POWER TO AUTHORIZE THE ISSUANCE OF AND TO SELL NOT EXCEEDING \$2,000,000 TAX ANTICIPATION NOTES OF SAID CITY IN ANTICIPATION OF THE COLLECTION OF TAXES LEVIED OR TO BE LEVIED FOR THE FISCAL YEAR OF SAID CITY WHICH COMMENCED JANUARY 1, 2010.

BE IT RESOLVED, by the Council of the City of Ogdensburg, St. Lawrence County, New York, as follows:

Section 1. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell not exceeding \$2,000,000 tax anticipation notes of the City of Ogdensburg, St. Lawrence County, New York, including renewals thereof, in anticipation of the collection of taxes levied or to be levied for the fiscal year of said City which commenced January 1, 2010, is hereby delegated to the Comptroller. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Comptroller, consistent with the provisions of the Local Finance Law.

Section 2. This Resolution shall take effect immediately.

The vote was:

CARRIED, AYES ALL

4. Councillor Cilley moved a resolution to support the Ogdensburg Rescue Squad's building relocation, and Councillor Sholette seconded to wit:

RESOLUTION TO SUPPORT THE RELOCATION OF
THE OGDENSBURG VOLUNTEER RESCUE SQUAD HEADQUARTERS

WHEREAS, the Ogdensburg Volunteer Rescue Squad has purchased a parcel of land on Route 812 just outside of the City of Ogdensburg in the Town of Oswegatchie, and plans to build a new station there to better serve the Ogdensburg area; and

WHEREAS, the Ogdensburg Volunteer Rescue Squad would like to offer the Ogdensburg area a higher quality of emergency medical services; and

WHEREAS, the Ogdensburg Volunteer Rescue Squad is applying for several Federal and State Grants to assist in the financing of this project; and

WHEREAS, the U.S.D.A. offers a federal grant which, as one of its requirements, states that evidence of significant community support in the form of a "certification of support" from each affected local government within the service area must be acquired; and

NOW, THEREFORE, BE IT RESOLVED that the public safety Departments of Police and Fire support the Ogdensburg Volunteer Rescue Squad's new location as it will create a safer, more efficient emergency response environment for our citizens and responders.

BE IT FURTHER RESOLVED that the Ogdensburg City Council supports the Ogdensburg Volunteer Rescue Squad's intent to build a new building on land it has purchased near Route 812 and the Route 37 overpass, and there will be no negative ramifications due to their new location.

The vote was:

CARRIED, AYES ALL

5. Councillor Sholette moved a resolution to install a street light on the 400 block of Linden Street, and Councillor Vaugh seconded to wit:

RESOLUTION REQUESTING THE INSTALLATION
OF A STREET LIGHT
ON THE 400 BLOCK OF LINDEN STREET

WHEREAS, there have been concerns over the safety of residents at night in the 400 block of Linden Street; and

WHEREAS, one of the primary functions of local and state government is to serve and to protect its citizens' lives and property from injury; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Ogdensburg hereby requests the National Grid Company to install and maintain a lighting device in the 400 block, middle section of Linden Street.

BE IT FURTHER RESOLVED, that certified copies of this resolution be forwarded to the National Grid Company.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved a resolution to approve and adopt the NSP Real Estate Disposition Procedures, and Councillor Vaugh seconded to wit:

RESOLUTION TO APPROVE AND ADOPT
THE NSP REAL ESTATE DISPOSITION PROCEDURES

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WHEREAS, the Neighborhood Stabilization Program (“NSP”) was enacted by the United States Legislature as part of the Housing Economic Recovery Act of 2008 (Pub. L. 110-289, approved July 30, 2008) to deal with the housing foreclosure crisis facing many localities throughout the country; and

WHEREAS, City of Ogdensburg (“City”) was awarded NSP funds to redevelop tax-foreclosed properties in the City; and

WHEREAS, New York State Real Property Tax Law § 1166 states that:

1. Whenever any tax district shall become vested with the 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.
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, NSP Guidelines (“Guidelines”) set forth the requirements and procedures for implementing the City’s NSP for homes that will be redeveloped with NSP funds; and

WHEREAS, the City will utilize grant funds to rehabilitate, demolish and/or redevelop properties and to provide mortgage assistance in the form of “Deferred Loans” to qualified buyers to assist in reducing the purchase price of the homes.

NOW, THEREFORE, BE IT RESOLVED that for the purpose of the Neighborhood Stabilization Program, notwithstanding any other state or local law, in accordance with New York State Real Property Tax Law § 1166, the Ogdensburg City Council hereby approves and adopts the attached NSP Real Estate Disposition Procedures allowing the sale of properties acquired by tax lien foreclosure and rehabilitated or redeveloped through the NSP Program.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute such sale documents in accordance with the administration and implementation of the NSP Program.

Neighborhood Stabilization Program
Real Estate Disposition Procedures

Procedures for Sale of Homes Redeveloped through the Neighborhood Stabilization Program

New York State Real Property Tax Law § 1166 states that:

3. Whenever any tax district shall become vested with the 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.
4. 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

In 2008, the Neighborhood Stabilization Program (“NSP”) was enacted by the United States Legislature as part of the Housing Economic Recovery Act of 2008 (Pub. L. 110-289, approved July 30, 2008) to deal with the housing foreclosure crisis facing many localities throughout the country. Consequently, the City of Ogdensburg (“City”) was awarded NSP funds to redevelop tax-foreclosed properties in the City. These Guidelines (“Guidelines”) set forth the requirements and procedures for implementing the City’s Resale Program (“Program”) for homes that will be redeveloped with NSP funds. The City will provide mortgage assistance (“Loan”) to qualified buyers to assist in reducing the purchase price of the homes.

The NSP imposes the following requirements on all local government agencies and other NSP participants that will apply to the Program:

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1. NSP funds may only be used by the City on eligible projects that assist very low, low, and moderate-income households whose incomes do not exceed one hundred twenty percent (120%) of St. Lawrence County Area Median Income (“Eligible Household”). A Regulatory Agreement restricting ownership, occupancy, and resale of each home to Eligible Households for a term of 15 years will be executed by each Eligible Household acquiring a home through the Program and will be recorded against each such home concurrently with close of escrow for the conveyance to such Eligible Household. (Please see attached.)
2. The City must provide 25% of homes renovated with NSP funds to households whose income is at or below 50% of St. Lawrence County Area Median Income (“AMI”). (Please see attached 2010 income limits.)
3. Households acquiring a home pursuant to the City’s Program must occupy the home they acquire as their primary residence, obtain a low-risk mortgage loan, and attend at least an eight (8) hour home buying course with a HUD certified counselor.
4. Homes rehabilitated and development using NSP funds will be constructed according to the standards established by the City of Ogdensburg and all code violations shall be cured. In addition, all rehabilitation work performed pursuant to the Program must comply with Title X of the 1992 Housing and Community Development Act, 42 U.S.C. Section 4800, et seq. and the implementing regulations set forth at 24 C.F.R. part 35, subparts A, B, J, K, and R, with respect to notification, inspection, assessment, reduction, and clearance of lead based paint.
5. Each Home acquired and rehabilitated through the Program must be sold to an Eligible Household at a price that does not exceed the total cost of acquisition, rehabilitation, and redevelopment, plus transaction (escrow and title) costs.

ELIGIBLE HOUSEHOLD QUALIFICATIONS. Homes acquired, rehabilitated and resold pursuant to the Program must be purchased by Eligible Households (1) that earn 120% or less of the St. Lawrence County area median income, as published annually by HUD, and (2) that will both own and occupy the home.

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Prior to close of escrow for resale of the home, all Eligible Households will also be required to (a) attend a HUD-certified, 8-hour pre-acquisition home ownership class.

ESTABLISHING THE LOAN AMOUNT: The Loan will be established so that appropriately sized households for each unit are not required to spend more than 30% of gross income toward debt service on a mortgage; 30% of gross income for housing expenses, includes mortgage payments, real estate taxes, homeowners insurance, condo fees (if applicable), and private mortgage insurance. From the gross income the estimated taxes insurance, condo fees, and private mortgage insurance (PMI) are subtracted to determine how much is available to support mortgage payments. (PMI amount is .078% of the loan amount).

AFFORDABILITY COVENANT REQUIREMENTS. In accordance with the NSP regulations, each Eligible Household shall execute a promissory note, deed of trust, and a regulatory agreement in recordable form restricting resale of the Home for a minimum term of 15 years (see attached). Any resale of the Home within the 15 year affordability period will require a recapture of a percentage of funds provided to the Eligible Household that will be payable to the City of Ogdensburg and deposited to the NSP Program Income fund account. The repayment schedule for the Loan is as follows:

Year 0-5	100%	Year 9	60%	Year 13	20%
Year 6	90%	Year 10	50%	Year 14	20%
Year 7	80%	Year 11	40%	Year 15+	0%
Year 8	70%	Year 12	30%		

MARKETING AND OUTREACH. Marketing for the lottery(ies) will be conducted in compliance with the City's Citizen Participation Plan and will adhere to HUD regulations, 24 C.F.R. 570.601 . Equal Opportunity and Fair Housing and 24 C.F.R. 570.602 . Affirmative Marketing.

LOTTERY PROCESS. The lottery process(es) will be administered by a third-party entity, not directly affiliated with the City. The lottery will be held approximately 12 months prior to the occupancy of the home and the application period will last for a minimum of 45 days.

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The mortgage application process for each buyer should only be conducted after the lottery so that only the households that can purchase a unit have to go through the lengthy mortgage approval process. The City, through its NSP application process, secured letters from financial institutions and USDA Rural Development indicating these institutions' support for providing permanent lending to eligible homebuyers.

The steps of the lottery process will be as follows:

1. Prepare lottery applications to verify income eligibility –including an application form, application certification form, authorization for consent to release information, description of the use restriction, and a description of the eligibility requirements.
2. Conduct informational meeting(s) to explain lottery process, review housing plans, tour properties.
 - a. Household size shall govern for which units a household can compete.
 - i. One bedroom units - use household of 2;
 - ii. Two bedroom units - use household of 3;
 - iii. Three bedroom units - use household of 4.
3. Advertise deadline dates for the lottery.
4. Review applications to insure income eligibility.
5. If more than one unit will be available for the lottery, then each applicant will rank their unit preference.
6. Applicants will be assigned an entry number.
7. Lottery and winners shall be chosen by random selection.
8. Each applicant will be ranked in order of drawing. This ranking will serve as the qualified buyer list.

The vote was:

AYES: Mayor Nelson, Councillors Cilley,
Morley, Powers, Sholette and Vaugh

NAYS: Councillor Skamperle

APPROVED, 6 TO 1

7. Councillor Powers moved a resolution supporting the Smart Growth Public Infrastructure Policy Act, and Councillor Skamperle seconded to wit:

A RESOLUTION SUPPORTING THE
SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

Whereas, the Senate gave final legislative approval to the Smart Growth Public Infrastructure Policy Act (S.5560-B/A.8011-B), which encourages environmentally sound, safe and responsible development in New York State; and

Whereas, smart growth planning promotes economic development while preserving natural lands, protecting water and air quality and reusing already-developed land” and

Whereas, the Smart Growth Public Infrastructure Policy Act is a blueprint for reinvesting in existing infrastructure, reclaiming historic buildings and revitalizing New York’s communities, especially upstate Cities; and

Whereas, the Smart Growth Public Infrastructure Policy Act outlines requirements for various state agencies to fund infrastructure projects in accordance with smart growth criteria, and

Whereas, State agencies will have to ensure that public funding is granted for construction projects which use, maintain or improve existing infrastructures and protect natural resources, and that new construction projects will also have to adhere to smart growth principles, and

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Whereas, the bill requires projects reviewed and approved by the designated state agencies to:

1. Advance the use, maintenance or improvement of existing infrastructure;
2. Be located in a municipal center;
3. Be located in developed areas or areas designated for development in a municipally approved land use plan, local waterfront revitalization effort or Brownfield Opportunity Area Plan;
4. Provide and enhance New York's natural resources, including agricultural land, forests, water, air and open space;
5. Encourage mixed-land uses and compact development, including the revitalization of downtown areas, brownfield development, diversity and affordability of housing located near employment centers, recreational and commercial development;
6. Encourage and allow for greater public transportation options with the goal of reducing automobile usage;
7. Coordinate between state and local government and inter-municipal and regional planning; and
8. Encourage sustainability and reduces greenhouse gas emissions.

Now, Be it Therefore Resolved, that the Ogdensburg City Council hereby supports the passage of the Smart Growth Public Infrastructure Policy Act, and

Be it Further Resolved, that the City Manager is directed to send a copy of said endorsement to Governor David A. Paterson, Senate President Malcolm A. Smith, House Leader, Senator Darrel J. Aubertine, Senator Joseph A. Griffo, Assembly Leader Sheldon Silver, Assemblywoman Addie Jenne-Russell, and Assemblywoman Dierdre Scozzafava, Assemblyman Sam Hoyt, Assembly Housing Committee, Assembly Local Government Committee, Senator Suzi Oppenheimer, Senator Velmanette Montgomery, Senate Cities Committee, Senate Housing, Construction and Community Development Committee and the Senate Local Government Committee.

The vote was:

CARRIED, AYES ALL

8. Councillor Sholette moved a resolution to approve the sale of tax parcels to Mike Larose, and Councillor Vaugh seconded to wit:

RESOLUTION TO APPROVE THE SALE OF
TAX PARCELS # 48.078-4-29 & 48.078-4-30
TO MIKE LAROSE, UPON ACQUISITION OF TAX MAP # 48.078-4-28

WHEREAS, Michael LaRose, et al, has made a purchase offer, and Fantasy Life Inc. has agreed to sell Tax Parcel # 48.078-4-28, subject to the purchaser acquiring from the City, the two adjacent lots 48.078-4-29 & 48.078-4-30, as obtained by the City under Real Property Tax Sale Law, Article 11, Foreclosure Proceedings, and

WHEREAS, New York State Real Property Tax Law § 1166 states that:

1. Whenever any tax district shall become vested with the 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.
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, all subject properties are part of the Marina District, a target area as outlined in the Local Waterfront Revitalization Plan and the Brownfield Opportunity Area; and

WHEREAS, the redevelopment of these properties is consistent with the Goals of the Strategic Management Plan; and

WHEREAS, back taxes due on the properties are \$2,350.49 on Parcel 48.078-4-29 and \$3,686.30 on Parcel 48.078-4-30; and

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WHEREAS, the City has about \$1,000 in time and labor into improving the site;
and

WHEREAS, the City Manager has negotiated a sale price of \$10,000 and received a signed purchase offer from Michael LaRose, et al, for \$10,000.;

NOW, THEREFORE, BE IT RESOLVED, that the City Council, in accordance with New York State Real Property Tax Law § 1166, hereby authorizes the City Manager to sell Parcels 48.078-4-29 and 48.078-4-30, subject to the completion of the sale of Parcel 48.078-4-28, to Michael LaRose, et al, and subject to the City Attorney's review and approval of sales documents.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Morley stated he has received complaints regarding the City's brush pickup policy, and questioned why the DPW crews only pick up brush piles that are phoned into the DPW. Councillor Morley said they should pick up all piles of brush on the block when they are there to pick up a pile that was called in. Director of Public Works, Kit Smith stated City residents need to call 393-2300 for brush pickup as this is the most efficient way to pickup brush.

2. Councillor Morley requested a list of all summer employees. Councillor Morley also requested that this list also show if the employee is enrolled in college and their salary.

3. Councilor Morley stated someone is using the arena a few hours a week and is not being charged for it. Councillor Morley asked why the City is doing this and if the policy on charges for arena usage has changed. City Manager, Arthur Sciorra stated he was not aware of this, but would look into it.

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4. Councillor Powers advised City Manager Arthur Sciorra that he gave City Attorney Andy Silver information to review and would like an answer prior to the July 9th Council meeting so it could be moved on.

NEW BUSINESS

1. Mayor Nelson welcomed Brian Amaral, a new reporter for the Watertown Daily Times, to Ogdensburg.

2. Councillor Sholette stated he has received the following complaints about the marina and asked Mr. Sciorra for a response in the next update.

- a. not enough electrical power for large transient boats at the marina.
- b. large amount of seaweed in the marina.
- c. the fresh water flow pipe that runs under the sidewalk from the Visitors' Center to the gazebo, is plugged.

3. Councillor Cilley asked that boaters in the marina be asked to remove their coolers and chairs from the docks when they are not present.

4. Councillor Skamperle stated he has received complaints that the two fresh water flow pipes, one by the canal near the pump house and the other in the marina, may be blocked.

5. Councillor Skamperle requested brush be cleaned up near the New York Avenue extension, between the road and the Fort property.

6. Councillor Skamperle asked for a list of City-owned property. City Manager, Arthur Sciorra stated that list has recently changed, and will be supplied to Council.

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7. Councillor Vaugh asked if there is a plan for the City Manager's yearly review. Mayor Nelson stated the forms will be sent out to Council in July, returned in August and reviewed in September.

8. Councillor Morley requested a representative from the Code Enforcement Department attend a Council meeting to explain why a building that burnt down over five years ago and another building on Spruce Street with the roof torn off are still standing. Mr. Sciorra explained that there are many properties in the City listed for demolition, but we have to prioritize what needs to be demolished, as we cannot afford to tear them all down at once.

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