

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

PRESENT: Mayor Ashley, Councillors Davis, Mitchell,
Morley, Price, Skamperle and Stevenson*

ABSENT: None

*Councillor Stevenson participated in the meeting via teleconferencing from Italy.

PUBLIC HEARING

1. A public hearing to authorize a property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c was held.

Paula Jacques, 605 Proctor Avenue, asked Council to hold the tax cap and not raise taxes. No one else being present to speak, the hearing was declared closed.

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #17-2016 in the amount of \$2,202,001.18 and Library Fund Warrant #17-2016 in the amount of \$19,649.11 and Capital Fund Warrant #17-2016 in the amount of \$0.00 and Community Development Fund Warrant #17-2016 in the amount of \$0.00 and Community Renewal Fund Warrant #17-2016 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Price seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Ashley moved to reappoint Barbara Barlow to a five year term on the Board of Assessment and Review, term will expire 9/30/2021, and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle moved a local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c, and Councillor Price seconded to wit:

LOCAL LAW #3 OF 2016

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 January 1, 2017 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.

CITY COUNCIL MEETING

October 11, 2016

Page 228

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 January 1, 2017 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.

City Manager Sarah Purdy explained the amount by which the City stayed under the tax cap in 2016 can be carried over to 2017 which should prevent us from exceeding the tax cap. Ms. Purdy said having \$157,276 to work with is much more than anticipated. Ms. Purdy cautioned, however, that fringe benefits from the General Fund alone will increase by \$250,000 so we will still need to find about \$100,000 in cuts. Ms. Purdy explained sales tax revenue is not coming in as anticipated so our expectations for 2017 should be lowered. Ms. Purdy said she was not involved in the development of the 2016 budget so she is not aware of any assumptions that were made, but if the 2016 budget overruns like the 2015 budget did, our fund balance will be even lower. Ms. Purdy explained everyone would like to keep tax increases at a minimum but cautioned we are facing some challenges and passing the override should be done just to be safe.

CITY COUNCIL MEETING

October 11, 2016

Mayor Ashley said Council has passed the override for the past five years as a safety measure. Ms. Purdy also cautioned the budget is being developed by two different people this year. Ms. Purdy said she discovered two errors in the 2016 budget and again recommended Council override the tax cap as a safety measure. Mayor Ashley explained if we approve this local law it simply means we are able to exceed the tax cap if necessary, but this is not a vote to increase taxes. Councillor Stevenson asked if Ms. Purdy could clarify the assumption regarding the assessment increases in the Proctor Avenue area. Ms. Purdy explained although the tax base was increased by \$1.65 million, the amount of tax revenue realized by the City is only \$37,000. Councillor Stevenson asked if the balance of the collected tax money goes to St. Lawrence County and the school district, and Ms. Purdy said yes.

Councillor Stevenson said she has not supported the tax override in the past but will this year. Councillor Stevenson explained the City is fiscally challenged this year, and we need to be able to increase taxes as needed. Councillor Morley said Council has always voted on this matter after reviewing the preliminary budget, and he believes we can keep any increase under the tax cap. Ms. Purdy explained the tax cap legislation process in detail. Ms. Purdy noted the tax cap override must be approved before the release of the preliminary budget because if Council does not adopt a budget by December 20, 2016, the preliminary budget is passed automatically. Ms. Purdy explained if the tax cap override has not been approved, the preliminary budget could not exceed the tax cap. Councillor Morley said Council has never failed to pass a budget. Mayor Ashley said overriding the tax cap is just a safety net and if Council does not like the budget, we simply vote no. Councillor Price said he does not agree with the tax cap legislation because it restricts local government but agreed we may need to exceed the tax cap this year. Councillor Price said it is a prudent move to pass the tax cap override so we can work without worry to fix the budget. Mayor Ashley agreed. Councillor Morley said we need to find the most fiscally sound budget. Councillor Price said Council isn't trying to exceed the tax cap and if we don't allow it to happen, it won't. Councillor Stevenson said she does not want to see taxes go any higher, but after review of the fund balance and sales tax revenue, taxes may need to be increased accordingly. Councillor Stevenson said Council will examine the budget in the same manner as previous years.

CITY COUNCIL MEETING

October 11, 2016

Page 230

Councillor Skamperle said no one wants to see taxes increase and recommended we see what happens at budget time. Councillor Skamperle said he will support overriding the tax cap but also intends to support cutting the budget. Councillor Davis agreed. Councillor Mitchell said Council is just voting on an insurance policy of sorts tonight, and he intends to support the override. Ms. Purdy added she is trying to get the budget to Council earlier than usual.

The vote was:

AYES: Mayor Ashley, Councillors Davis, Mitchell, Price, Skamperle and Stevenson

NAYS: Councillor Morley

CARRIED, 6 TO 1

OLD BUSINESS

1. Mayor Ashley congratulated Police Chief Andrew Kennedy and his department for their success with the recent coffee hour. Mayor Ashley said the event showed a positive relationship between the police department and the public and recommended other departments consider the same type of event.

2. Councillor Skamperle thanked Director of Planning and Development Andrea Smith for her work and dedication to the Zombie grant program and receipt of \$150,000 for the City. Ms. Smith said Code Enforcement Officer Gregg Mallette and Technical Specialist Jennifer Ashley were instrumental in the process.

3. Councillor Price thanked the police and fire departments for their expertise and quick response to a gas leak at Ogdensburg Free Academy recently.

CITY COUNCIL MEETING

October 11, 2016

Page 231

NEW BUSINESS

1. Councillor Mitchell asked for an update on the ice at the Lockwood Arena. Recreation Director Matt Curatolo said everything is running fine, and the ice is complete. Mr. Curatolo explained Friday's warm weather made it difficult to finish the ice so the weekend rentals were cancelled.

2. Councillor Stevenson thanked everyone for their assistance in allowing her to teleconference for the meeting while she attends a realtors' conference in Italy. Councillor Stevenson said she is passing along information about the City's development potential while she is there.

ITEMS FOR DISCUSSION

1. Councillor Skamperle moved a resolution authorizing the City Manager to submit an application for up to 80% of the total estimated project cost of \$1,590,600 through the 2016 NYSDOT Transportation Alternatives Program (TAP) grant application for the conversion of the Black Bridge Railroad trestle bridge, and Councillor Price seconded to wit:

A RESOLUTION TO AUTHORIZE THE SUBMISSION OF AN 2016 TRANSPORTATION ALTERNATIVES PROGRAM (TAP) APPLICATION

WHEREAS, the City of Ogdensburg desires to prepare a 2016 New York State Department of Transportation TAP Funding Application to convert the abandoned Black Bridge Railroad Trestle Bridge into a pedestrian and bicyclist extension to the existing Maple City Trail; and

WHEREAS, this project was included in the City's 2016 Parks Trails and Open Space (PTOS Plan) 2016 CFA application; and

CITY COUNCIL MEETING

October 11, 2016

Page 232

WHEREAS, this application furthers the goals and objectives of the City's LWRP, BOA, Oswegatchie Blueway Trail Plan, and 2005 Waterfront Revitalization Action Plan; and

WHEREAS, the total conversion and trail extension project budget is estimated at \$1,590,600 of which 80% of eligible costs are reimbursable under this TAP grant program resulting in a local cost share of \$318,120.

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Manager is hereby authorized to submit a 2016 NYSDOT TAP Grant Application in an amount not to exceed \$1,590,600.00, and if received, to enter into any necessary contracts to administer this grant.

City Manager Sarah Purdy said the City just received confirmation today about this exciting possibility. Ms. Purdy said because of time constraints, Council can approve the resolution tonight granting permission to apply or schedule a special meeting and obtain more information before voting.

Director of Planning and Development Andrea Smith said she was able to attend the final webinar today making the City eligible to apply. Ms. Smith explained the due date is October 24, 2016, and there is no public hearing requirement for this grant application. Ms. Smith explained the City is seeking the grant to convert the old railroad bed to a walking bridge on the Maple City Trail. Ms. Smith said the pre-application is encouraged, and if submitted by October 14, 2016 the State will provide feedback before the actual application is submitted.

Ms. Smith explained the proposed project in detail and estimated to cost to be \$1.6 million. Ms. Smith said the grant would fund 80%, and the City's share would be approximately \$318,000. Ms. Smith explained the City's contribution can be satisfied through the cost of any easements, in-kind services, cash, the donation value of the bridge right-of-way or CHIPS funding. Ms. Smith said this project has been identified by the City since the 90's and has been included in several plans over the years.

CITY COUNCIL MEETING

October 11, 2016

Page 233

Mayor Ashley stated the City's cost could be minimal. Ms. Smith said the City would be responsible for staff time and maybe very little cash. Councillor Morley said when this project was visited in the past, there was an issue obtaining a right-of-way from the farmer who owns the adjacent property. Ms. Smith explained a new plan has been developed, and St. Mary's Cemetery is willing to allow an easement. Councillor Morley asked if St. Mary's owns the land immediately adjacent to the railway, and Ms. Smith said yes. Councillor Davis asked when the bridge was last inspected. Ms. Smith said it was determined structurally sound for pedestrians in 2008.

Councillor Morley asked if the City is obligated to complete the project if awarded the funding, and Ms. Smith said yes. Councillor Morley asked if the City should secure the rights-of-way prior to application. Ms. Smith explained she intends to discuss the rights-of-way during the pre-application interview and to reach out to St. Lawrence County again before filing the final application. Ms. Smith said the appraised value of the bridge in 2008 was \$240,000, and she does not anticipate a significant decrease. Councillor Morley cautioned the City has no fund balance to participate in this project. Ms. Smith explained we are not obligated to name the source of our matching funds at the time of application so several options for funding can be reviewed in the future.

The vote was:

CARRIED, AYES ALL

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