

## CITY COUNCIL MEETING

January 26, 2009

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

PRESENT: Mayor Nelson, Councillors Hannan, Flynn,  
Morley, Powers, Sholette and Vaugh

ABSENT: None

### PUBLIC HEARINGS

1. A public hearing regarding an Alcohol Policy Agreement for the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding establishing a Tobacco-Free Policy in City Parks was held. No one being present to speak, the hearing was declared closed.

Mayor Nelson welcomed Wayne Miller, Executive Director of the Ogdensburg Public Library.

### PRESENTATIONS

1. Aaron Jarvis, Tisdell Associates made a presentation to Council on the Lake Street Bridge replacement. Mr. Jarvis summarized the following preliminary studies as the next necessary steps: 1) Topographic survey of the Oswegatchie River. 2) A bedrock/silt assessment. 3) Core samples of the river bottom.

2. Justin Woods, Director of Planning & Development made a Rooftop Highway Presentation to Council. Mr. Woods summarized a report that was presented to Council. (A copy of the report follows these minutes.)

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3. Mayor Nelson announced that for eight consecutive years the City of Ogdensburg has received an Excellence in Equity Award from the New York State Office of Real Property Services. Mayor Nelson congratulated City Assessor Kathy Bateman on a job well done. (A copy of the award follows these minutes.)

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #2-2009 in the amount of \$403,468.44, Library Warrant #2-2009 in the amount of \$24,594.78, Community Development Fund Warrant #2-2009 in the amount of \$16,950.32, Community Renewal Fund Warrant #2-2009 in the amount of \$4,242.00 and AHC Funds Warrant #2-2009 in the amount of \$5,533.00 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. Councillor Hannan moved an ordinance to amend the Administrative Regulations to establish an Alcohol Policy Agreement for the City of Ogdensburg, and Councillor Morley seconded to wit:

ORDINANCE NO. 1 - 2009

AN ORDINANCE TO AMEND THE ADMINISTRATIVE REGULATIONS  
OF THE CITY OF OGDENSBURG TO ESTABLISH  
AN ALCOHOL POLICY AGREEMENT FOR THE CITY OF OGDENSBURG

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
OGDENSBURG, NEW YORK, AS FOLLOWS:

ITEM ONE:

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WHEREAS, through the creation of an alcohol policy agreement, it is the intention of the Ogdensburg City Council, by promoting the safe and responsible use of alcohol at events being held in municipal facilities, to:

- 1) protect our citizens, volunteers, public property and municipal assets,
- 2) attempt to prevent problems that can arise as a result of alcohol consumption, and
- 3) foster an enjoyable environment for all who use our municipal facilities.

WHEREAS, this alcohol policy agreement will state the following objectives:

- 1) ensure that the Recreation staff and the Renters/Users of the facilities are aware of the potential problems and consequences associated with licensed events;
- 2) define the duties and responsibilities of the Recreation staff and the Renters/Users of the facilities regarding licensed events;
- 3) detail enforcement procedures and penalties resulting from non-compliance with the Policy.

ITEM TWO: This ordinance shall take effect ten (10) days after publication of notice that shall give the title and describe the same in summary form.

The vote was:

AYES: Mayor Nelson, Councillors Flynn, Hannan and Vaugh

NAYS: Councillors Morley, Powers and Sholette

APPROVED, 4 TO 3

2. Councillor Morley moved an ordinance to amend Chapter 149, §149-5 of the Ogdensburg Municipal Code to establish a Tobacco-Free Policy in City Parks, and Councillor Vaugh seconded to wit:

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ORDINANCE NO. 2 - 2009

AN ORDINANCE TO AMEND CHAPTER 149, §149-5 OF THE MUNICIPAL CODE OF THE CITY OF OGDENSBURG IN RELATION TO ESTABLISHING A TOBACCO-FREE POLICY IN CITY PARKS

WHEREAS, the Ogdensburg City Council believes that tobacco use in the proximity of children and adults engaging in or watching outdoor recreational activities at City-owned or operated facilities is detrimental to their health and can be offensive to those using such facilities; and

WHEREAS, the Ogdensburg City Council believes the City has an opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free policy, rule enforcement, and adult-peer role modeling on City-owned outdoor recreational facilities; and

WHEREAS, the Ogdensburg City Council believes parents, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

WHEREAS, nationally, the tobacco industry advertises at and sponsors recreational events to foster a connection between tobacco use and recreation; and

WHEREAS, cigarettes, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the City's recreational facilities, and pose a risk to toddlers due to ingestion; and

WHEREAS, the Ogdensburg City Council believes that the prohibition of tobacco use at the City recreational facilities serves to protect the health, safety and welfare of the citizens of our City; and

WHEREAS, the City's Strategic Management Plan has stated goals for a "Safe and Secure Community" and a "Beautiful City"; and

WHEREAS, the St. Lawrence County Public Health Department & Tobacco Free Community Partnership conducted a Community Tobacco Survey of Adult Residents of St. Lawrence County in December 2006; and

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WHEREAS, said survey demonstrated overwhelming support for smoke free public areas, and specifically:

1. 77.9% of SLC Adults surveyed stated that smoking should be restricted or not allowed at all at public outdoor events such as auto show, musical festival, or concerts.
2. 80.2% of SLC Adults surveyed stated that smoking should be restricted or not allowed at all on a public beach.
3. 82.2% of SLC Adults surveyed stated that smoking should be restricted or not allowed at all at a public park.
4. 89.6% of SLC Adults surveyed stated that smoking should be restricted or not allowed at all public playgrounds; and

WHEREAS, the City Recreation and Planning Departments developed a City Tobacco Use Questionnaire that was distributed by the St. Lawrence County Tobacco Free Coalition to people in the parks for recreational activities and at the Seaway Festival during the summer of 2008; and

WHEREAS, the questionnaire results confirmed the Community Tobacco Survey of Adult Residents of St. Lawrence County that demonstrated overwhelming support for smoke free public areas. Specifically:

1. 93% of the respondents to the questionnaire (126 of 136) reported they support a tobacco free policy at park and recreation locations. Of the 126 respondents supporting the tobacco free policy, 30 respondents smoke and 96 do not smoke, showing broad support for the policy from both smokers and non-smokers.
2. 84 respondents to the questionnaire, were city residents (62%).
3. 93% of City resident respondents (78 of the 84) reported they support a tobacco free policy at parks and recreation locations. Of the 78 City residents supporting the tobacco free policy, 18 respondents smoke and 60 do not smoke, showing broad support for the policy from both smokers and non-smokers within the City, and

WHEREAS, the St. Lawrence County Public Health Department & Tobacco Free Community Partnership has agreed to purchase appropriate signage for City parks and recreational facilities; and

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WHEREAS, the City of Ogdensburg Planning Board and Recreation Commission both passed resolutions recommending the adoption of this policy;

NOW, THEREFORE BE IT ORDAINED by the Ogdensburg City Council of the City of Ogdensburg as follows:

Section 1: Section 149-5, entitled "Restrictions", of Chapter 149, entitled "Parks" be and the same is hereby amended to add a new subdivision which shall read as follows:

K. Tobacco. (1) No person shall use any form of tobacco at or on any City-owned or operated recreational facilities, including the restrooms, spectator and concession areas. These facilities also include all City-owned parks, playgrounds, athletic fields, ~~walking/biking trails~~, and beaches.

(2) Said prohibition shall not apply to the use of tobacco products in private boats that are moored in the City marina and at the horseshoe pits during league games.

(3) Enforcement. Appropriate signs shall be posted in the above specified areas notifying the public of the prohibition of tobacco use. In addition to the penalty provided in §149-9, any person found in violation of this policy may be subject to immediate ejection from the park and or recreation facility.

Section 2: Effective Date

This ordinance shall take effect ten (10) days after publication of notice that shall give the title and describe the same in summary form.

The vote was:

AYES: Mayor Nelson and Councillor Vaugh

NAYS: Councillors Flynn, Hannan, Morley,  
Powers and Sholette

DEFEATED, 5 TO 2

3. Councillor Vaugh moved a resolution authorizing the City Manager to execute Change Order #1 to the contract with RSI Roofing, Inc. for the CRC building roof repairs and improvements, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER  
TO EXECUTE CHANGE ORDER #1  
TO THE CONTRACT WITH RSI ROOFING, INC.  
FOR THE CRC BUILDING ROOF REPAIRS/IMPROVEMENTS

WHEREAS, the City Council authorized the City Manager to enter into a contract with RSI Roofing, Inc. for the CRC Building Roof Repairs/Improvements for a total sum, including contingency, not to exceed \$249,965.; and

WHEREAS, the City's Director of Public Works and Tisdel Associates recommended more roof replacement than was originally anticipated; and

WHEREAS, the extra work had to be completed as soon as possible so as not to delay completion of the project;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized to execute Change Order #1, at a project cost increase of \$29,811.00, to the existing contract between the City of Ogdensburg and RSI Roofing, Inc., for a total contract sum not to exceed \$249,776.00; and

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BE IT FURTHER RESOLVED, that the additional \$9,811. in contingency funds to pay for this work shall be derived from repayments from CRC rent.

The vote was:

CARRIED, AYES ALL

4. Councillor Powers moved a resolution authorizing the transfer of funds for a new voicemail system, and Councillor Vaugh seconded to wit:

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS

WHEREAS, the City's telephone system is over 10 years old; and

WHEREAS, the City has been experiencing problems in the past couple of weeks with the DOS based voicemail system shutting down intermittently; and

WHEREAS, it is suspected that the hard drive is failing and a new hard drive can no longer be obtained that will work with the BIOS in the system; and

WHEREAS, ADR Telecom has provided a quote for a new windows-based voicemail system;

NOW, THEREFORE BE IT RESOLVED, that the City Comptroller is hereby authorized to transfer \$3,731.00 in funds from the General Fund Contingency to the City Hall Equipment Maintenance Account (A1620.440) to allow for the purchase of a new windows-based voicemail system.

Councillor Morley stated he will abstain because his brother-in-law owns ADR Telecom.



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The vote was:

AYES: Mayor Nelson, Councillors Flynn, Hannan,  
Powers, Sholette and Vaugh

NAYS: None

ABSTAIN: Councillor Morley

APPROVED, 6 TO 0

5. Mayor Nelson moved a resolution supporting the continuation of the Empire Zone, and Councillor Morley seconded to wit:

**RESOLUTION SUPPORTING THE CONTINUATION OF THE  
EMPIRE ZONE PROGRAM, LOCAL ZONE ADMINISTRATORS,  
AND REDUCTION IN THE PROPOSED BENEFIT COST RATIO**

WHEREAS, the economic stability and sustainability of Ogdensburg and the communities that are supported by the Ogdensburg Empire Zone is vital to residents and businesses, and

WHEREAS, The City of Ogdensburg is desirous of a balanced economy comprised of a range of various business, industry, tourism and recreation, and

WHEREAS, the City of Ogdensburg is cognizant of the need for additional commercial growth to attain the goals of economic stability and sustainability, and

WHEREAS, the tax revenue generated by businesses throughout the Greater Ogdensburg area, St. Lawrence County and the State of New York provide much needed relief to the individual taxpayers and their families, and

WHEREAS, the New York State Empire Zone Program has been a proven stimulus in the revitalization and growth of weakened local economies throughout the State, and

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WHEREAS, the New York State Empire Zone Program has been successful in bringing hundreds of thousands of new jobs to its sponsoring counties, and

WHEREAS, the proposed legislative increase in the benefit-cost ratio to 20:1, particularly with its imposition on existing zone businesses will negatively impact Empire Zones in rural economies to the point of exclusion, and

WHEREAS, the Ogdensburg Empire Zone has established an historic benefit-cost ratio in the range of between 6:1 and 7:1, and

WHEREAS, the New York State Empire Zone Program has shown great promise for the economy of St. Lawrence County in the peaked interest of prospective businesses inquiring from outside of New York State, and

WHEREAS, local Zone Administrators, in areas as diverse as the North Country, have a more comprehensive and detailed understanding of the uniqueness of rural counties such as ours, these local Administrative Boards are in the best position to administer local Zones and should continue to do so, and

WHEREAS, the New York State Empire Zone Program has a planned sunset date of June 30, 2011,

NOW, THEREFORE, BE IT RESOLVED that the Ogdensburg City Council, in anticipation of growth, success, and the promise of new job creation within the Empire Zones, hereby requests the State of New York to continue its Empire Zone Stimulus Program beyond 2011 to June 30, 2017 as well as the Local Administrative Boards, and

NOW, THEREFORE, BE IT RESOLVED that the Ogdensburg City Council, in anticipation of growth, success, and the promise of new job creation within the Empire Zones, hereby requests the State of New York to allow individual Empire Zones to determine the benefit-cost ratio best suited to the investment and job creation abilities of the existing and future businesses attracted to their communities based on historic ratios, and

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BE IT FURTHER RESOLVED that the New York State Legislature, in an effort to maintain continuity and a positive momentum, is encouraged to enact legislation before the end of the 2009 Legislative session which will enable the continued existence of the Empire Zone program through June 30, 2017, and

BE IT FURTHER RESOLVED that the Clerk of the City of Ogdensburg is hereby directed to forward this resolution in support of continuing the Empire Zone to New York State Governor David A. Paterson, Senate Majority Leader Malcolm Smith, Senate Minority Leader Dean Skelos, Senator Darrel Aubertine, Senator Joseph Griffo, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canistrari, Assembly Minority Leader James Tedisco, Assemblywoman Diedre Scozzafava, and Assemblywoman Addie J. Russell.

The vote was:

CARRIED, AYES ALL

6. Councillor Powers moved a resolution authorizing City Manager to submit Neighborhood Stabilization Program Application to the New York State Housing Finance Agency, and Councillor Vaugh seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER  
TO SUBMIT A NEIGHBORHOOD STABILIZATION APPLICATION  
TO THE NEW YORK STATE HOUSING FINANCE AGENCY

WHEREAS, the City Council has participated in NYS Division of Housing & Community Renewal (DHCR) Programs for many years; and

WHEREAS, the City is committed to the improvement of housing stock, infrastructure and the addition of housing of the City; and

WHEREAS, the City is committed to the community development and the elimination of blighting influences in the City; and

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WHEREAS, the NSP Program can result in benefits to the city in general and to low/moderate income persons in particular; and

WHEREAS, the City will implement NYS NSP allocation if awarded and will work in cooperation with the St. Lawrence County Housing Council (SLCHC) who will provide HUD certified homebuyer counseling; and

WHEREAS, both the City of Ogdensburg Department of Planning and Development and SLCHC will work in conjunction with the State of New York DHCR to facilitate the most efficient implementation of the New York State's Neighborhood Stabilization Program; and

WHEREAS, NSP funding will be utilized to acquire, rehabilitate foreclosed and abandoned residential properties and re-develop vacant sites;

NOW, THEREFORE, BE IT RESOLVED that the Ogdensburg City Council hereby authorizes the City Manager to submit to the NYS Housing Finance Agency an application for funding in an amount not to exceed \$250,000 under the US Housing and Economic Recovery Act of 2008 (HERA).

The vote was:

CARRIED, AYES ALL

7. Councillor Sholette moved a resolution that adopts the SEQOR determination that the demolition of the Standard Shade Roller buildings will have no significant adverse affect on the environment and agrees to the SHPO requirements for the demolition of those buildings, and Councillor Morley seconded to wit:

RESOLUTION AGREEING TO SHPO REQUIREMENTS  
FOR THE DEMOLITION PROJECT IN THE RESTORE NY PROGRAM &  
ADOPTION OF SEQRA DETERMINATION

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WHEREAS, the Ogdensburg City Council has established a goal of revitalizing and stabilizing aging neighborhoods and vacant commercial/industrial sites within the City; and

WHEREAS, the City Council authorized the City Manager to make application to the RESTORE NY Program for such purposes on September 14, 2007; and

WHEREAS, the Empire State Development Corporation has designated the City to receive \$700 in grant funding for the portion of the grant application as it related to demolishing abandoned buildings at the Shade Roller complex; and

WHEREAS, the City has almost completed pre-demolition/asbestos and hazardous materials surveys; and

WHEREAS the New York State Office of Parks, Recreation and Historic Preservation's Historic Preservation Office (SHPO) required that the City conduct a Phase 1A cultural resources survey; and

WHEREAS, said Phase 1A cultural resources survey has been completed and submitted; and

WHEREAS, SHPO has approved removing the buildings to the level of the existing concrete slabs with the condition that the ground surface of the surrounding buildings are not graded, excavated or disturbed; and

WHEREAS, SHPO requested the City notify any contractors of the reasons for this stipulation to avoid inadvertent impacts to undiscovered cultural resources; and

WHEREAS, SHPO also requested the City agree to conduct a Phase 1B report after the buildings are removed; and

WHEREAS, the City Council is the Lead Agency with regard to such proposed projects pursuant to the New York State Environmental Quality Review Act, and

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WHEREAS, the proposed action is an unlisted action as defined in NYCRR Part 617, and

WHEREAS, upon review of the following Part II questions on the Short Form Environmental Assessment Form, City Council finds (QUESTIONS IN CAPITAL, responses underlined):

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? No.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? No.

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: No. The buildings will be demolished only to ground level and ground disturbance will be minimized. Proper site stabilization and erosion control measures will be used on site, and will only be temporarily needed during demolition activities.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: There is no historic value of the existing buildings, which are vacant and dilapidated. Removal of these buildings will improve the aesthetic character of the neighborhood and community. Contractor activity will be limited and monitored to ensure compliance with SHPO requirements and a Phase IB Report will be completed prior to any additional work onsite.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: None known or discovered while investigating this site or working on immediately adjacent sites.

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- C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: The City has a Strategic Management Plan with a vision for an active, mixed-use, revitalized Waterfront and is about to begin updating its Local Water Revitalization Plan. The City also has a pending Brownfield Opportunity Area Grant to study revitalization opportunities on this and other formerly industrial sites.
- C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: This will not be known until the planning initiatives described in C4 are complete. However, it is anticipated that upon receipt and approval of said plans, the City will complete a GEIS for studied and revitalization target areas.
- C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: The City is in the beginning of redefining its waterfront from abandoned, contaminated industrial sites to a new, still to be defined future.
- C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: None anticipated.

NOW, THEREFORE BE IT RESOLVED, for environmental review purposes, that the City Council of the City of Ogdensburg finds this action to have no significant adverse effect on the environment based on the review of the preceding Part II findings of the SEQR Short Environmental Assessment Form; and

BE IT FURTHER RESOLVED, that the City agrees to notify any contractors of the reasons for this stipulation to avoid inadvertent impacts to undiscovered cultural resources; and

BE IT FURTHER RESOLVED, that the City also agrees to conduct a Phase 1B report after the buildings are removed.

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The vote was:

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

NAYS: Councillors Flynn

APPROVED, 6 TO 1

8. Councillor Flynn moved a resolution opposing NYS Department of Taxation and Finance policy of collecting sales tax on certain non-profit organizations, and Councillor Powers seconded to wit:

RESOLUTION

OPPOSING NEW YORK STATE DEPARTMENT OF TAXATION AND  
FINANCE POLICY OF COLLECTING SALES TAX ON CERTAIN NON  
PROFIT, CHARITABLE, EDUCATIONAL, AND RELIGIOUS ORGANIZATIONS

WHEREAS, the New York State Dept. of Taxation and Finance implemented a new policy Sept. 1<sup>st</sup> 2008, that will require certain nonprofit charitable, educational, and religious organizations, armed services posts, and other organizations exempt from sales tax under Tax law sections 1116(a)(4), (5) and (6) to collect and remit sales tax on certain sales, even though the sales are not made from a shop or store, and,

WHEREAS, the above mentioned charitable and non-profit organizations will be required to register to remit sales tax if they sell any utility services; sell any real property; rent or lease any tangible personal property; or sell any tangible personal property by telephone, over the internet, by mail-order catalog, or any other remote means and,



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WHEREAS, this change in policy would require that sales tax be collected, “at any fund-raiser conducted with any degree of regularity, frequency and continuity”. Weekly and monthly events would be considered regular and thus taxable. On-site thrift stores or designated areas at any charitable or non-profit organization where items are regularly sold are subject to sales tax. If a charitable or non-profit organization operates a booth or table at a fair or craft show the sales are subject to sales tax. and,

WHEREAS, charitable and non-profit organizations frequently raise money to support programming that lessens the burden on local and state government, and

WHEREAS, governments at all levels have historically relied on charitable and non-profit organizations to reach out to various groups of people at a significantly less cost than governments could provide similar services,

NOW THEREFORE BE IT RESOLVED that in the interest of good government, the Ogdensburg City Council opposes any attempt by the New York State Dept. of Taxation and Finance to collect sales tax from legitimately registered charitable and non-profit organizations,

BE IT FURTHER RESOLVED that this resolution be forwarded on to our State Senator Aubertine, State Assembly Representatives Russell, Gov. Paterson, and the New York State Dept. of Taxation and Finance.

The vote was:

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

NAYS: Councillors Vaugh

APPROVED, 6 TO 1

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### OLD BUSINESS

1. Councillor Morley asked Director of Public Works, Kit Smith if the snow removal budget for 2008 has been finalized. Mr. Smith reported that Comptroller, Philip Cosmo has not closed out the 2008 books.

2. Councillor Morley requested a report from City Manager Arthur Sciorra for the 2008 travel expenses of Mr. Sciorra, City Planner Justin Woods and City Council.

3. Councillor Sholette has requested better communication between the City Manager and Council. Councillor Sholette stated that Council never received a copy of the City's wish list that was part of the county stimulus package. Councillor Sholette added that he has recently received a copy of the county stimulus package list with revised projects that could start in 90 days and questioned who identified those projects. Councillor Sholette stated water meters were on the revised list yet this Council has not discussed installing water meters.

Planning Director, Justin Woods said he gave the revised list to the county highway department and will give this information to the City Manager. City Manager Arthur Sciorra stated that a lot of preliminary discussion is going on, and we are not near funding any of the projects. Mayor Nelson stated that any information from the County to the City (original and revised lists) needs to come to the City Manager and Council.

4. Councillor Hannan requested Council confirm the language that will be on the signs regarding smoking in City parks. There was a consensus of Council that the signs will read "Please refrain from smoking" at the main entrance to all City parks.

5. Councillor Powers asked City Manager, Arthur Sciorra if he has received any response from his memo to Mr. Sharpe, of American Communities. Mr. Sciorra reported that he has not, and he will notify Council when he does.

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6. Councillor Flynn stated that he received complaints regarding snow banks blocking handicap accessibility to the City Hall building. Director of Public Works, Kit Smith stated City Hall is plowed first.

### NEW BUSINESS

1. Councillor Morley asked the Executive Director of the Ogdensburg Public Library, Wayne Miller about the availability of tax forms at the library. Mr. Miller explained how tax forms are provided to the public at the library.

2. Councillor Morley stated that due to the poor economy he thinks that only the Mayor, City Manager and the Planner should attend the upcoming NYCOM Convention.

3. Councillor Flynn remarked how busy the Lockwood Civic Center has been for public skating, adding that the showers appeared to have been used.

4. Mayor Nelson requested that Philip Cosmo, City Comptroller give a presentation on the recent school tax issue.

Mr. Cosmo said that contrary to a local TV station, the City is not going bankrupt. Mr. Cosmo stated that in 2008 we had several large entities not paying us which restricts our paying, and we have to concentrate on our payroll and vendors. Mr. Cosmo added that we also don't owe the school district 1.4 million in taxes as we just received a school tax warrant for \$865,000 in taxes that haven't been collected yet. Mr. Cosmo advised that he was unsure why an entity stated on TV that they may have to increase their tax rate because we owe them money as this has nothing to do with us.

### ITEMS FOR DISCUSSION

1. Councillor Sholette stated that a single mother with two children recently called Housing Assistance Coordinator, Mark Jacobs about her broken furnace. Mr. Sholette stated that Mr. Jacobs responded quickly and helped her. Councillor Sholette thanked him for responding so quickly.

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Mayor Nelson moved to adjourn to Executive Session and Councillor Vaugh seconded the motion. The Mayor stated there may be Council action following this session regarding negotiations.

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

Mayor Nelson introduced a resolution authorizing the signing of the labor contract with the Police Benevolent Association, and Councillor Vaugh seconded to wit:

RESOLUTION AUTHORIZING  
THE CITY MANAGER TO EXECUTE A LABOR CONTRACT  
WITH THE OGDENSBURG PBA FOR THE YEAR 2009

WHEREAS, the Ogdensburg PBA has ratified a tentative agreement which has been reached with the City Management negotiating team, and

WHEREAS, said agreement provides for execution of a labor contract between the City of Ogdensburg and the Ogdensburg Police Benevolent Association for the year 2009, and

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute a labor contract incorporating the terms of the tentative agreement.

The vote was:

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

NAYS: Councillor Hannan

APPROVED, 6 TO 1

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