

SPECIAL CITY COUNCIL MEETING

June 17, 2009

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

PRESENT: Mayor Nelson, Councillors Flynn,
Morley and Sholette

ABSENT: Councillors Hannan, Powers and Vaugh

Mayor Nelson stated there is a need for Council to adjourn to Executive Session to discuss a legal matter with the City Attorney and moved to amend the agenda, Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

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

ITEMS FOR COUNCIL ACTION

1. Councillor Morley introduced a resolution calling for a public hearing regarding a local law pertaining to §1223(b) of the New York State Tax Law, and Councillor Flynn seconded to wit:

A RESOLUTION CALLING FOR A PUBLIC HEARING REGARDING
A LOCAL LAW PERTAINING TO CITY SALES TAX,
IN PARTICULAR SECTION 1223(b) OF THE TAX LAW OF THE
STATE OF NEW YORK

BE IT RESOLVED, that the City Council shall hold a public hearing pertaining to City Sales Tax under Section 1223(b) of the Tax Law of the State of New York to be held at the Council Chambers in the City of Ogdensburg, New York, on the 26th day of June, 2009 at 7:00 p.m.; and

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BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the newspaper so designated by the City Council of the City of Ogdensburg for legal and public notices at least seven (7) days before the hearing date of a notice setting forth the time and place and describing the proposed local law in summary form.

The vote was:

CARRIED, AYES ALL

2. Councillor Sholette introduced a resolution to request a waiver from St. Lawrence County under §1223(b) of New York State Tax Law, and Councillor Morley seconded to wit:

RESOLUTION TO REQUEST WAIVER FROM
ST. LAWRENCE COUNTY UNDER SECTION 1223 (b)
OF THE TAX LAW OF THE STATE OF NEW YORK

WHEREAS, the City of Ogdensburg and the County of St. Lawrence are parties to a sales tax agreement (“Agreement”) covering the period commencing December 1, 2000 and ending November 30, 2010; and

WHEREAS, the parties are in the process of renegotiating a successor agreement pursuant to the terms of the Agreement; and

WHEREAS, the agreement provides in part that: “In the event a renegotiated agreement or such other agreement is not reached on or before December 1, 2009, then the City may notify the County pursuant thereto of its intention to adopt legislation instituting a city sales tax in an amount otherwise permitted by law, said tax to become effective as of December 1, 2010”; and

WHEREAS, subsequent to the parties execution of the Agreement, Section 1223(b) of the Tax Law was enacted; and

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WHEREAS, it is possible that the City and the County may not reach agreement as to the terms of a successor sales tax agreement despite the diligent and good faith efforts of each; and

WHEREAS, Section 1223(b) of the Tax law may require that the City impose sales tax legislation on or prior to June 30, 2009, and give notice thereof to the County, for any City sales tax to become effective as of December 1, 2010, unless the 6 month notice period called for by Section 1223(b) is waived by the County; and

WHEREAS, the City, in an effort to comply with Section 1223(b), has prepared a proposed local sales tax law and set a public hearing to review same on June 26, 2009, at 7pm; and

WHEREAS, the City understands that the June 26, 2009 public hearing and the immediate imposition of the proposed local sales tax law, will not be necessary if the City receives a waiver pursuant to Section 1223(b) from the County prior to June 26, 2009; and

WHEREAS, the City desires to obtain a waiver of the 6 month notice provision of 1223(b) in order to avoid having to impose sales tax legislation on or prior to June 30, 2009, so as to give the City and the County additional time to negotiate the terms of a successor sales tax agreement; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Ogdensburg hereby respectfully requests that the County of St. Lawrence waive, in writing, the notice provisions of 1223(b) of the Tax Law of the State of New York and any other applicable statute, which would require the City to impose sales tax legislation and give notice thereof to the County, prior to December 1, 2009 in order for any City Sales Tax Legislation to become effective as of December 1, 2010.

The vote was:

CARRIED, AYES ALL

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