

CITY COUNCIL MEETING

June 25, 2007

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

PRESENT: Mayor Nelson, Councillors Ericksen, Flynn,
LaMacchia, LaRose and Morley

ABSENT: Councillor Hannan

PUBLIC HEARING

1. A public hearing was held regarding an ordinance amending Chapter 143-12 entitled "Squealing of vehicle tires" of the Code of the City of Ogdensburg. No one being present to speak, the hearing was closed.

2. A public hearing was held regarding an ordinance to add a Chapter entitled "Child Protection Act" to the Municipal Code of the City Of Ogdensburg.

Bryan Felitto, 923 Morris Street, addressed Council requesting that Section 4 of the ordinance be amended to require a distance of 1000 feet instead of 200 feet.

Barbara Ward, 521 New York Avenue, addressed Council and advised them that Assembly Bill 6917, requiring that when a sexually violent predator is released, they must return to their county of origin, did not pass.

Bob Brabant, 214 Albany Avenue, addressed Council and agreed with Mr. Felitto that it should be a 1000 foot restriction.

Councillor Matthew Flynn stated that existing residences would be grandfathered in.

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CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in Warrant #12-2007 in the amount of \$1,455,719.42, and Library Warrant #12-2007 in the amount of \$292,436.03 and Community Development Fund Warrant #12-2007 in the amount of \$9,130.28 and Capital Fund Warrant #12-2007 in the amount of \$133,936.74 as audited, be and the same are ordered paid and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Flynn moved a Local Law to amend Chapter 199 of the Code of the City of Ogdensburg by adding a new Section 199-38.1 entitled Transfer of Veterans Tax Exemption on Sale of Qualifying Residential Real Property, and Councillor LaMacchia seconded to wit:

LOCAL LAW #2 OF 2007
A LOCAL LAW TO AMEND CHAPTER 199 OF THE CODE OF THE CITY OF
OGDENSBURG BY ADDING A NEW SECTION 199-38.1 ENTITLED:
Transfer of Veterans Tax Exemption on Sale
of Qualifying Residential Real Property

Section 1.

Chapter 199 of the code of the City of Ogdensburg is hereby amended by adding a new section 199-38.1, as follows:

§ 199-38.1. Transfer of Veterans Exemption

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A. A veteran who sells property located within the City which receives an exemption pursuant to section 458 of the Real Property Tax Law and/or section 199-38 of Chapter 199 of this Code and who purchases property within this City shall be allowed to transfer said exemption from the property sold to the property purchased.

B. The assessor shall transfer and prorate, for the remainder of the fiscal year, the exemption which the veteran received on the property sold to the property purchased. The prorated exemption shall be based upon the date the veteran obtains title to the new property and shall be calculated by multiplying the tax rate or rates for each municipal corporation which levied taxes, or for which taxes were levied, on the appropriate tax roll used for the fiscal year or years during which the transfer occurred times the previously granted exempt amount times the fraction of each fiscal year or years remaining subsequent to the transfer of title.

C. Nothing in this section shall be construed to remove the requirement that any such veteran transferring an exemption pursuant to this section shall reapply for the exemption authorized on or before the following taxable status date, in the event such veteran wishes to receive the exemption in future fiscal years.

Section II: Effective Date. This local law shall take effect on filing with the Secretary of State.

Councillor Matthew Flynn said that the County was discussing this issue tonight. Councillor Morley said he was going to abstain since he is a veteran. Councillor LaRose said he hasn't seen any numbers on how this would effect the City.

The vote was:

AYES: Mayor Nelson, Councillors Ericksen, Flynn, LaMacchia and LaRose

ABSTAIN: Councilor Morley

APPROVED, 5 to 0

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2. Councillor LaMacchia moved an ordinance to amend Chapter 143-12 entitled "Squealing of Vehicle Tires" of the Code of the City of Ogdensburg, and Councillor Morley seconded to wit:

ORDINANCE NO. 4 of 2007

AN ORDINANCE TO AMEND CHAPTER 143 OF THE MUNICIPAL CODE
OF THE CITY OF OGDENSBURG

Be it ordained by the City Council of the City of Ogdensburg as follows:

Section 1: Section 143-12 be and the same is hereby amended to read as follows:

It shall be unlawful for any person to operate any motor vehicle in such a manner as to cause the tires thereon to emit a squealing noise which is so loud that it annoys, injures, or endangers the composure, repose, health, peace or safety of others within the corporate limits of the city or recklessly creates the risk thereof. The squealing noise shall be presumed to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others if the noise is audible at a distance of one-hundred and fifty (150) feet from the place or position from which the noise emanates.

Section 2: This ordinance shall take effect ten (10) days after publication of notice that shall give the title and describe the same in summary form.

Councillor Ericksen said he complained about this years ago and was told that unless a police officer sees a person squealing tires, they cannot issue a ticket. City Attorney Kathy Wears said they should file a complaint; the problem was the previous law said that to be offensive, the person must live within the neighborhood.

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The vote was:

AYES: Mayor Nelson, Councilors Ericksen, Flynn, LaMacchia and LaRose

NAYS: Councillor Morley

APPROVED, 5 to 1

3. Councillor Flynn moved an ordinance to add a Chapter entitled "Child Protection Act" to the Municipal Code of the City of Ogdensburg, and Councillor Morley seconded to wit:

ORDINANCE #5 of 2007
ORDINANCE ADDING CHAPTER 87
ENTITLED "CHILD PROTECTION ACT" TO THE MUNICIPAL CODE
OF THE CITY OF OGDENSBURG

BE IT ORDAINED AND ENACTED by the City Council of the City of Ogdensburg, New York, as follows:

SECTION 1—The following shall be added to the Municipal Code of the City of Ogdensburg as Chapter 87:

Title.

The title of this chapter shall be the "Child Protection Act."

Legislative Findings and Intent.

- A. It is the intent of this chapter to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders are prohibited from establishing temporary or permanent residence.

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- B. The City Council of the City of Ogdensburg finds that one of the highest priorities of local government is the protection of the health and safety of its citizens. This is especially true for children and other vulnerable members of society. The City Council further finds that level 3 convicted sex offenders pose a significant continuing risk to society.
- C. The City Council finds that the protection of the victims and potential victims of sexual offenders in Ogdensburg is a matter of unique local concern not fully and adequately addressed by state law. The City Council finds that the disclosures required and the limitations contained herein will protect the citizens of Ogdensburg and in protecting children who may come into proximity with a sex offender in the scope of employment with the city.
- D. The City Council finds that the City of Ogdensburg agrees with the New York State Division of Criminal Justice Services risk assessment of sex offenders and has made no determination that conflicts with restrictions placed on any particular sex offender or level of sex offenders. Rather, the Council finds that this chapter is remedial in nature and designed to fill certain gaps in state law as well as to provide protections for residents of the City who receive certain services from the City. The Council further finds this chapter to be the most narrowly tailored means of fulfilling its compelling interest in the safety of its citizens. Finally, the Council does not intend for any person to use the information required by this chapter to harm or injure any registrant under the law.

§ ___-2 Definitions.

For purposes of this chapter, the following shall apply unless the context clearly indicates a different meaning:

BACKGROUND SEARCH – A search of the records of the Police Department of the City of Ogdensburg and a search to determine if a person is listed or registered on the New York State Sex Offender Registry.

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CHILD or CHILDREN -- Persons under 18 years of age. The singular and plural shall include one another. If the applicable statute defining a crime against a child refers to a child younger than 18, the younger age shall control.

CONTRACTOR-- shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other party to a city contract, or a bidder in conjunction with the award of a city contract or a proposed party to a city contract.

DCJS -- The New York State Division of Criminal Justice Services

EMPLOYER -- Any individual, partnership, association, corporation, business trust, legal representative or organized group of persons paying wages or any form of compensation to any person for services that directly or indirectly benefit the individual, partnership, association, corporation, business trust, legal representative or organized group of persons.

HIS -- His or her.

MINOR-- Any person under the age of 18 years.

OPD -- The Ogdensburg Police Department.

PARK, PLAYGROUND OR RECREATIONAL AREA – The grounds and buildings thereon, waters therein and any other property necessary for the operation thereof and constituting a part thereof, which is now or may hereafter be maintained, operated and controlled for public park, playground or recreational purposes. Park, playground or recreational area shall include the following locations: Greenbelt as the same is defined in section 149-2 of the Municipal Code of the City of Ogdensburg, Hamilton Street Park, Grove Street Park; Father Martin Park, New York Avenue Park, Lockwood Arena and the associated real property, Maple City Trail, and Park Street Field.

RESIDENCE -- Any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as place of one's domicile, home, or sleeping place of human beings.

REGISTRANT -- Any person required to register under Article 6-C of the Corrections Law, of the State of New York (Sex Offender Registration Act).

REGISTRATION YEAR -- One year from the date of first registration under this chapter.

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RESIDENT -- Any person who lives in the City of Ogdensburg in any apartment or home, has a usual place of abode in the City, is domiciled in the City or temporarily present in the City and staying at a homeless shelter or an extended-stay establishment.

SCHOOL -- A licensed or accredited public, charter, private or religious school that offers instruction to students in kindergarten through any grade up to grade 12.

SCHOOL GROUND -- means any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school.

SEX OFFENDER -- Shall have the same meaning as the term is defined in § 168-a, Subdivision 1, of the Corrections Law of the State of New York.

TEMPORARY RESIDENCE -- Any hotel, motel, rooming house, inn, rooming unit, bed-and-breakfast, residence inn, country inn, motor court, R-V park or motor lodge that lets or provides any space for occupancy by any person. Any place of business that provides services or utilities to motor homes, recreational vehicles, and trucks with campers or any other motor vehicle in which an individual does or may sleep overnight is a "temporary residence" under this chapter.

§ ___-3 Residency Restriction/Prohibition.

- A. After the effective date of this chapter, it shall be unlawful for any level 3 sex offender to establish a permanent or temporary residence within 200 feet of any school ground, park, playground or recreational area.
- B. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school ground, park, playground or other recreational area.

§ ___-4 Park, Playground or Recreational Area Restriction/Prohibition.

- A. After the effective date of this chapter, it shall be unlawful for any Level 3 sex offender to enter stop, sit, or stand within any park, playground or recreational area.

§ ___-5 City Employment.

A. City Employees. Ogdensburg City will conduct a background search of any and all employees that may be alone with a child within the scope of the performance of their duties. No person convicted of a sex offense will be allowed to work alone with or supervise any child.

B. City contractors. All persons or entities that enter into contracts with the City and are the employer of any person that may be alone with a child within the scope of the performance of the contract shall conduct a background search of any and all such employees and compare the background search to any applicable registration information available on the State's website and/or the sex offender hotline maintained by the State of New York. No person convicted of a sex offense will work alone with or supervise any child. Any failure by the contractor to comply is a material breach of the contract and entitles the City to terminate the contract. This subsection includes but is not limited to 501(C)(3) entities and charitable entities. Any person or entity to which this subsection applies shall notify OPD immediately if that person or entity has or obtains any information about any registrant that does not conform with the information the registrant provided to the DCJS.

§ ___-6 Exceptions.

A person residing within 200 feet of a school ground, city park or city playground does not commit a violation of this section if any of the following apply:

- A. The person established the permanent residence prior to effective date of this chapter.
- B. The person was a minor when he/she committed the offense and was not convicted as an adult.
- C. The person is a minor.
- D. The school ground, city park or city playground within 200 feet of the person's permanent residence was opened after the person established permanent residence.
- E. The provisions of this chapter shall not be applicable to persons incarcerated in any facilities owned, maintained and/or operated by Ogdensburg City, St. Lawrence County, or New York State.

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§ ___-7 Liability of City.

Nothing in this chapter creates or shall create a cause of action against the City of Ogdensburg not already authorized under existing law. Without limitation, the City is not liable to any person harmed who claims that conditions under this chapter may have prevented the harm.

§ ___-8 Enforcement.

This chapter shall be enforced by the OPD. The Chief of Police shall cause a copy of this chapter and the Prohibited Area Map to be provided to each registered sex offender who has registered under Megan's Law and who is residing within the city limits.

§ ___-10 Penalties for offenses.

Each violation of this chapter shall be punishable by a fine of \$250 and/or 10 days in jail. The City shall also be entitled to injunctive relief to enforce the provisions of this chapter.

SECTION 2: This ordinance shall take effect ten (10) days after publication of notice that shall give the title and describe the same in summary form.

Councillor Morley moved to amend Section 87-3 Residency Restriction/Prohibition, from 200 feet to 1000 feet. City Attorney Katherine Wears stated to change the ordinance from 200 feet to 1000 feet would be a drastic change and require a new public hearing. Councillor Ericksen suggested that Council pass the ordinance as is tonight, and amend Section 87 at a later date. Councillor Morley's motion to amend died for lack of a second.

After much discussion, Councillor LaRose moved to amend §87.2- Definitions, Park, Playground or Recreational Area to include Montroy Park and Jefferson Avenue Ball park and Councillor Flynn seconded the motion

The vote to amend was:

CARRIED, AYES ALL

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The ordinance as amended now read:

ORDINANCE #5 of 2007
ORDINANCE ADDING CHAPTER 87
ENTITLED "CHILD PROTECTION ACT" TO THE MUNICIPAL CODE
OF THE CITY OF OGDENSBURG

BE IT ORDAINED AND ENACTED by the City Council of the City of Ogdensburg, New York, as follows:

SECTION 1—The following shall be added to the Municipal Code of the City of Ogdensburg as Chapter 87:

Title. The title of this chapter shall be the "Child Protection Act."

Legislative Findings and Intent.

- A. It is the intent of this chapter to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders are prohibited from establishing temporary or permanent residence.
- B. The City Council of the City of Ogdensburg finds that one of the highest priorities of local government is the protection of the health and safety of its citizens. This is especially true for children and other vulnerable members of society. The City Council further finds that level 3 convicted sex offenders pose a significant continuing risk to society.
- C. The City Council finds that the protection of the victims and potential victims of sexual offenders in Ogdensburg is a matter of unique local concern not fully and adequately addressed by state law. The City Council finds that the disclosures required and the limitations contained herein will protect the citizens of Ogdensburg and in protecting children who may come into proximity with a sex offender in the scope of employment with the city.

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- D. The City Council finds that the City of Ogdensburg agrees with the New York State Division of Criminal Justice Services risk assessment of sex offenders and has made no determination that conflicts with restrictions placed on any particular sex offender or level of sex offenders. Rather, the Council finds that this chapter is remedial in nature and designed to fill certain gaps in state law as well as to provide protections for residents of the City who receive certain services from the City. The Council further finds this chapter to be the most narrowly tailored means of fulfilling its compelling interest in the safety of its citizens. Finally, the Council does not intend for any person to use the information required by this chapter to harm or injure any registrant under the law.

§ ___-9 Definitions.

For purposes of this chapter, the following shall apply unless the context clearly indicates a different meaning:

BACKGROUND SEARCH – A search of the records of the Police Department of the City of Ogdensburg and a search to determine if a person is listed or registered on the New York State Sex Offender Registry.

CHILD or CHILDREN -- Persons under 18 years of age. The singular and plural shall include one another. If the applicable statute defining a crime against a child refers to a child younger than 18, the younger age shall control.

CONTRACTOR-- shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other party to a city contract, or a bidder in conjunction with the award of a city contract or a proposed party to a city contract.

DCJS -- The New York State Division of Criminal Justice Services

EMPLOYER -- Any individual, partnership, association, corporation, business trust, legal representative or organized group of persons paying wages or any form of compensation to any person for services that directly or indirectly benefit the individual, partnership, association, corporation, business trust, legal representative or organized group of persons.

HIS -- His or her.

MINOR-- Any person under the age of 18 years.

OPD -- The Ogdensburg Police Department.

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PARK, PLAYGROUND OR RECREATIONAL AREA – The grounds and buildings thereon, waters therein and any other property necessary for the operation thereof and constituting a part thereof, which is now or may hereafter be maintained, operated and controlled for public park, playground or recreational purposes. Park, playground or recreational area shall include the following locations: Greenbelt as the same is defined in section 149-2 of the Municipal Code of the City of Ogdensburg, Hamilton Street Park, Grove Street Park; Father Martin Park, New York Avenue Park, Lockwood Arena and the associated real property, Maple City Trail, Park Street Field, Montroy Park and Jefferson Avenue Ball park.

RESIDENCE -- Any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as place of one's domicile, home, or sleeping place of human beings.

REGISTRANT -- Any person required to register under Article 6-C of the Corrections Law, of the State of New York (Sex Offender Registration Act).

REGISTRATION YEAR -- One year from the date of first registration under this chapter.

RESIDENT -- Any person who lives in the City of Ogdensburg in any apartment or home, has a usual place of abode in the City, is domiciled in the City or temporarily present in the City and staying at a homeless shelter or an extended-stay establishment.

SCHOOL -- A licensed or accredited public, charter, private or religious school that offers instruction to students in kindergarten through any grade up to grade 12.

SCHOOL GROUND – means any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school.

SEX OFFENDER -- Shall have the same meaning as the term is defined in § 168-a, Subdivision 1, of the Corrections Law of the State of New York.

TEMPORARY RESIDENCE -- Any hotel, motel, rooming house, inn, rooming unit, bed-and-breakfast, residence inn, country inn, motor court, R-V park or motor lodge that lets or provides any space for occupancy by any person. Any place of business that provides services or utilities to motor homes, recreational vehicles, and trucks with campers or any other motor vehicle in which an individual does or may sleep overnight is a "temporary residence" under this chapter.

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§ ___-10 **Residency Restriction/Prohibition.**

- A. After the effective date of this chapter, it shall be unlawful for any level 3 sex offender to establish a permanent or temporary residence within 200 feet of any school ground, park, playground or recreational area.
- B. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school ground, park, playground or other recreational area.

§ ___-11 **Park, Playground or Recreational Area Restriction/Prohibition.**

- A. After the effective date of this chapter, it shall be unlawful for any Level 3 sex offender to enter stop, sit, or stand within any park, playground or recreational area.

§ ___-12 **City Employment.**

- A. **City Employees.** Ogdensburg City will conduct a background search of any and all employees that may be alone with a child within the scope of the performance of their duties. No person convicted of a sex offense will be allowed to work alone with or supervise any child.
- B. **City contractors.** All persons or entities that enter into contracts with the City and are the employer of any person that may be alone with a child within the scope of the performance of the contract shall conduct a background search of any and all such employees and compare the background search to any applicable registration information available on the State's website and/or the sex offender hotline maintained by the State of New York. No person convicted of a sex offence will work alone with or supervise any child. Any failure by the contractor to comply is a material breach of the contract and entitles the City to terminate the contract. This subsection includes but is not limited to 501(C)(3) entities and charitable entities. Any person or entity to which this subsection applies shall notify OPD immediately if that person or entity has or obtains any information about any registrant that does not conform with the information the registrant provided to the DCJS.

§ ___-13 **Exceptions.**

A person residing within 200 feet of a school ground, city park or city playground does not commit a violation of this section if any of the following apply:

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- A. The person established the permanent residence prior to effective date of this chapter.
- B. The person was a minor when he/she committed the offense and was not convicted as an adult.
- C. The person is a minor.
- D. The school ground, city park or city playground within 200 feet of the person's permanent residence was opened after the person established permanent residence.
- E. The provisions of this chapter shall not be applicable to persons incarcerated in any facilities owned, maintained and/or operated by Ogdensburg City, St. Lawrence County, or New York State.

§ ___-14 Liability of City.

Nothing in this chapter creates or shall create a cause of action against the City of Ogdensburg not already authorized under existing law. Without limitation, the City is not liable to any person harmed who claims that conditions under this chapter may have prevented the harm.

§ ___-15 Enforcement.

This chapter shall be enforced by the OPD. The Chief of Police shall cause a copy of this chapter and the Prohibited Area Map to be provided to each registered sex offender who has registered under Megan's Law and who is residing within the city limits.

§ ___-16 Penalties for offenses.

Each violation of this chapter shall be punishable by a fine of \$250 and/or 10 days in jail. The City shall also be entitled to injunctive relief to enforce the provisions of this chapter.

SECTION 2: 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 on ordinance as amended was:

CARRIED, AYES ALL

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4. Councillor LaRose moved a resolution to authorize the City Manager to enter into a Professional Services Agreement with Johnson Controls, Inc. for a detailed energy evaluation study, and Councillor Ericksen seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH JOHNSON CONTROLS, INC. FOR A DETAILED ENERGY EVALUATION STUDY

WHEREAS, the Director of Public Works has recommended that the City of Ogdensburg retain the professional services of Johnson Controls, Inc. of Syracuse, NY, for a detailed energy evaluation study of City of Ogdensburg premises to determine energy consumption and to identify energy conservation measures;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to enter into a professional services agreement with Johnson Controls, Inc. of Syracuse, NY, for a detailed energy evaluation study of City of Ogdensburg premises to determine energy consumption and to identify energy conservation measures, to include an energy usage evaluation study of actual utility bills and other relevant utility records, pursuant to their proposal which by this reference is made a part of this resolution, at a total cost not to exceed Seventy-Nine Thousand Two Hundred Dollars (\$79,200.00)

BE IT FURTHER RESOLVED, that the City of Ogdensburg will have no obligation to pay for this study if:

(1) Johnson Controls, Inc. and the City of Ogdensburg enter into an Implementation Agreement within sixty (60) days after delivery to the City of the report described under Section 1 of the Project Development Agreement. The costs for the study will be transferred to the total cost of the Implementation Control and be subject to the payment terms outlined in that contract; or

(2) The project fails to conform to New York State Energy Law, Article 9;
or

(3) The project fails to meet the following criteria:

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(a) The total financial benefits to the City meet or exceeds all costs (principal, interest, service) incurred by the City during the term of the

BE IT FURTHER RESOLVED, that if the conditions set forth in paragraph (1) above do not occur and Johnson Controls, Inc. meets the criteria listed in paragraphs (2) and (3), the City agrees to pay Johnson Controls, Inc. the sum of Seventy-Nine Thousand Two Hundred Dollars (\$79,200.00) within 90 days after acceptance by the City of the energy evaluation study of City of Ogdensburg premises, with the funds derived from Unappropriated Fund Balance in the General Fund.

The vote was:

CARRIED, AYES ALL

5. Councillor Morley moved a resolution to support the efforts of the St. Lawrence Valley Sportsmen's Club in their efforts to restock Walleye fishing stock in the Oswegatchie and St. Lawrence River by restricting fishing along the Oswegatchie River, from the Trafalgar Power Dam to the north side of the Twin Bridges, from March 16 through opening day of walleye season (1st Saturday in May), and Councillor Ericksen seconded to wit:

**RESOLUTION SUPPORTING THE ST. LAWRENCE VALLEY
SPORTSMEN'S CLUB EFFORTS TO PROTECT SPAWNING WALLEYE
ALONG THE OSWEGATCHIE RIVER**

WHEREAS, the St. Lawrence Valley Sportsmen's Club has established and maintained a Walleye Restocking Group for over twenty years in hopes of replenishing the Walleye fishing stock in the Oswegatchie and St. Lawrence River, and

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WHEREAS, the Regional Office of the New York State Department of Environmental Conservation (NYSDEC) has been involved in assisting this working group, and

WHEREAS, the New York State Department of Environmental Conservation has advised that a DEC fishing regulation change is a lengthy, two year process requiring DEC public hearings and public comment, and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ogdensburg, New York strongly supports the efforts of the St. Lawrence Valley Sportsmen's Club in their effort to restock Walleye fishing stock in the Oswegatchie and St. Lawrence River, and

BE IT FURTHER RESOLVED that these steps should include restricting fishing along the Oswegatchie River, from the Trafalgar Power Dam to the north side of the Twin Bridges, from March 16 through opening day of walleye season (1st Saturday in May), and

BE IT FURTHER RESOLVED that the City Clerk forward a certified copy of this resolution to Mr. Frank Flack, New York State Department of Environmental Conservation Region 6 Fishing Manager.

Councillor Morley moved to amend this resolution to read "in and along" the Oswegatchie River and Councillor Flynn seconded the motion.

The vote to amend was:

CARRIED, AYES ALL

The resolution as amended now read:

RESOLUTION SUPPORTING THE ST. LAWRENCE VALLEY
SPORTSMEN'S CLUB EFFORTS TO PROTECT SPAWNING WALLEYE
ALONG THE OSWEGATCHIE RIVER

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WHEREAS, the St. Lawrence Valley Sportsmen's Club has established and maintained a Walleye Restocking Group for over twenty years in hopes of replenishing the Walleye fishing stock in the Oswegatchie and St. Lawrence River, and

WHEREAS, the Regional Office of the New York State Department of Environmental Conservation (NYSDEC) has been involved in assisting this working group, and

WHEREAS, the New York State Department of Environmental Conservation has advised that a DEC fishing regulation change is a lengthy, two year process requiring DEC public hearings and public comment, and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ogdensburg, New York strongly supports the efforts of the St. Lawrence Valley Sportsmen's Club in their effort to restock Walleye fishing stock in the Oswegatchie and St. Lawrence River, and

BE IT FURTHER RESOLVED that these steps should include restricting fishing in and along the Oswegatchie River, from the Trafalgar Power Dam to the north side of the Twin Bridges, from March 16 through opening day of walleye season (1st Saturday in May), and

BE IT FURTHER RESOLVED that the City Clerk forward a certified copy of this resolution to Mr. Frank Flack, New York State Department of Environmental Conservation Region 6 Fishing Manager.

The vote on the resolution as amended was:

CARRIED, AYES ALL

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6. Councillor LaMacchia moved a resolution to authorize the City Manager to submit a grant request to the NYS Office of Parks, Recreation and Historic Preservation for the installation of transient docking Facilities at the Ogdensburg Marina, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER
TO SUBMIT A GRANT REQUEST
TO THE NYS OFFICE OF PARKS, RECREATION
AND HISTORIC PRESERVATION FOR THE INSTALLATION OF
TRANSIENT DOCKING FACILITIES AT THE OGDENSBURG MARINA

WHEREAS, the New York state Office of Parks, Recreation and Historic Preservation has announced that matching grant funds will be made available from the Environmental Protection Fund and Land Water Conservation Fund for parks development, and

WHEREAS, the City of Ogdensburg is desirous of installing transient docking along the northwest shoreline of the marina on the St. Lawrence River, and

WHEREAS, this facility will enable the city to accommodate transient watercraft that cannot enter the marina area, and

WHEREAS, this facility will provide public access to the new Visitor Center from the St. Lawrence River, and

WHEREAS, the required match from the City of Ogdensburg will be a combination of administrative expenses, force account labor, in-kind services and cash,

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NOW, THEREFORE, BE IT RESOLVED that the Arthur J. Sciorra as City Manager of the City of Ogdensburg, is hereby authorized and directed to file an application for funds from the NYS Office of Parks, Recreation and Historic Preservation in accordance with the provision of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$100,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Ogdensburg for this St. Lawrence River Marina Project.

The vote was:

CARRIED, AYES ALL

7. Councillor Flynn moved a resolution to authorize the City Manager to submit a grant application to the NYS Office of Parks, Recreation & Historic Preservation in an amount not to exceed \$99,000 to replace and upgrade lighting in and around the Greenbelt Park and upon approval of said request, to execute a project agreement, and Councillor LaMacchia seconded to wit:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION UNDER TITLE 9 OF THE ENVIRONMENTAL PROTECTION ACT OF 1993

WHEREAS, the State of New York established the Environmental Protection Fund in 1993, and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has announced that matching grant funds will be made available from the Environmental Protection Fund and Land Water Conservation Fund for parks development, and

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WHEREAS, the City of Ogdensburg desires to replace and upgrade lighting in and around the Greenbelt Park to enhance the aesthetic significance, as well as to provide safe walkable pathways for pedestrians and appropriate street lighting for vehicular traffic for residents and visitors, alike, and

WHEREAS, the required match from the City of Ogdensburg will be a combination of administrative expenses, force account labor, in-kind services and cash,

NOW, THEREFORE, BE IT RESLOVED that Arthur J, Sciorra, as City Manager of the City of Ogdensburg, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$99,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this City of Ogdensburg for the proposed replacement historic period lighting for the Greenbelt Park System.

The vote was:

CARRIED, AYES ALL

8. Mayor Nelson moved a resolution calling for a public hearing and public notice on a proposed ordinance amending Chapter 157, Article II, entitled "Street Festivals" of the Code of the City of Ogdensburg, and Councillor Morley seconded to wit:

RESOLUTION OF CITY COUNCIL INTRODUCING AN ORDINANCE AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED, that Ordinance No. 6 of 2007, entitled, Ordinance Amending Chapter 157, Article II entitled "Street Festivals" of the Code of the City of Ogdensburg be and it is hereby introduced before the City Council of the City of Ogdensburg, New York, and

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BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid Ordinance to be held at the Council Chambers in the City of Ogdensburg, New York, on the 9th day of July, 2007 at 7:00 p.m., and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the official newspaper at least seven (7) days before the hearing date of a notice setting forth the time and place and describing the proposed ordinance in summary form.

The vote was:

CARRIED, AYES ALL

At this point in the meeting, Mayor Nelson moved to adjourn to Executive Session and Councillor Ericksen seconded the motion.

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

9. Councillor LaRose moved a resolution authorizing the City Manager to enter into a contract to purchase property located at 20 Lake Street from Helen Montgomery for a sum not to exceed \$30,000, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER
TO PURCHASE PROPERTY LOCATED AT 20 LAKE STREET

WHEREAS, the City of Ogdensburg wishes to improve the general aesthetic quality of the community; and

WHEREAS, the property located at 20 Lake Street is deteriorated to the point that it has created a blighted condition on the surrounding neighborhood; and

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WHEREAS, the adjacent structures are or have been demolished as a part of a neighborhood improvement and community development project; and

WHEREAS, Helen Montgomery is willing to sell the property to the City for \$30,000.00, as is; and

WHEREAS, the Community Development fund has available capital to acquire the property;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is authorized to enter into a contract to purchase the property at 20 Lake Street from Helen Montgomery for a price not to exceed \$30,000.; and

BE IT FUTHER RESOLVED, that the seller shall be responsible for the customary closing costs and shall be obligated to present an abstract of title to the subject property showing title acceptable to the City Attorney; and

BE IT FURTHER RESOLVED that funds to pay for such property acquisition shall be derived from Community Development—Miscellaneous Revenue.

Councillor LaMacchia asked if this resolution is approved tonight, how soon can we proceed with the building's demolition. City Attorney Kathy Wears said the closing could take six to eight weeks, but we could possibly do a pre-closing occupancy agreement.

The vote was:

CARRIED, AYES ALL

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OLD BUSINESS

1. Councillor Morley said that last fall there was some discussion of changing Trafalgar Park to Baltradis Park and asked for an update. City Manager Arthur Sciorra said the Ogdensburg Historic Commission has made no recommendation to change the name. He added that he will check into it and get back to Council.

NEW BUSINESS

1. Mayor Nelson said Tim Irvine, Director of Parks and Recreation, is retiring at the end of the week and congratulated him on behalf of the Council and citizens of Ogdensburg for a fine job and his many years of service.

2. Councillor Morley asked how many applications and resumes have been received for the Director of Parks & Recreation position. City Manager Arthur Sciorra stated we have received about thirty applications.

ITEMS FOR DISCUSSION

1. Council process to review the Charter Review Commission's Report

Mayor Nelson explained the process to review Charter Review Commission's Report. After much discussion, there was a consensus of the Council to review the report at the August 13th meeting.

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