

CITY COUNCIL MEETING

November 14, 2016

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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

PRESENTATION

1. Director of Planning and Development Andrea Smith made a presentation to Council regarding the EPA Coalition Grant. (A copy of her presentation material follows these minutes.)

PROCLAMATION

1. Mayor Ashley read a proclamation recognizing November 25, 2016 (International Day for the Elimination of Violence Against Women) through December 10, 2016 (Human Rights Day) as Ogdensburg Zonta Club 16 days of Advocacy. Kim Snyder, Zonta President, and other Zonta members joined Mayor Ashley and Council members at the front of Council Chambers while the proclamation was being read. (A copy of the proclamation follows these minutes.)

PUBLIC HEARING

1. A public hearing regarding a proposed ordinance amending Chapter 215, Water, Article I, Rules and Regulations, §215-36, entitled "Penalties for Offenses" of the Code of the City of Ogdensburg.

No one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Kim Snyder, Zonta President, addressed Council regarding “Zonta Says NO to Violence Against Women Campaign”, November 25th through December 10th. Mrs. Snyder thanked the Mayor for the Proclamation and explained the group’s efforts to eliminate violence against women. Mrs. Snyder said orange is the official color of the movement and asked members of our community to wear orange and/or light up their homes and businesses with orange bulbs during those days.

2. Doug Loffler, 311 Paddock Street, addressed Council regarding the budget. Mr. Loffler said he would like to see 1, 3 and 5 year financial plans to show the residents how City officials plan to resolve this very difficult financial situation. Mr. Loffler said he was happy to see there will be no water and sewer increase, but disappointed that the increase of water rates over the years has resulted in a \$350,000 surplus which was transferred to the General Fund. Mr. Loffler said Council has some tough decisions to make.

Mayor Ashley said there was a need for Executive Session to discuss contract negotiations, and Councillor Morley seconded the motion. Upon returning from Executive Session, all members of Council were still present.

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #19-2016 in the amount of \$778,351.24 and Library Fund Warrant #19-2016 in the amount of \$40,972.32 and Capital Fund Warrant #19-2016 in the amount of \$14,079.50 and Community Development Fund Warrant #19-2016 in the amount of \$0.00 and Community Renewal Fund Warrant #19-2016 in the amount of \$32,528.75 as audited, be and the same are ordered paid and Councillor Price seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Morley moved an ordinance amending Chapter 215, Water, Article I, Rules and Regulations, §215-36. entitled “Penalties for Offenses” of the Code of the City of Ogdensburg, and Councillor Stevenson seconded to wit:

ORDINANCE #20 of 2016
AMENDING CHAPTER 215, WATER,
ARTICLE I, RULES AND REGULATIONS,
OF THE MUNICIPAL CODE OF THE CITY OF OGDENSBURG

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

ITEM ONE: That Chapter 215 entitled “Water”, Article I, Rules and Regulations, §215-36. entitled "Penalties for Offenses" is hereby amended to read as follows:

§ 215-36. Penalties for offenses.

Any person violating any of the provisions of these rules and regulations shall be assessed a penalty based upon the following schedule:

- A. First offense, fine not to exceed \$250.00.
- B. Second offense, fine not to exceed \$500.00.
- C. Third or subsequent offenses, fine not to exceed \$1,000.00.

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It is the City's option to require offending parties to relocate their meter to an insulated meter pit on the exterior of their building at their expense after the third or subsequent violation. The property owner will bear the full expense of installation and maintenance of this pit. Furthermore, the pit design and installation shall be approved by the Director of Public Works or his designated representative.

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

The vote was:

CARRIED, AYES ALL

2. Councillor Stevenson moved a resolution to accept the 2017 Preliminary Budget and direct that the Preliminary Budget be filed with the City Clerk and Comptroller of the City of Ogdensburg, and Councillor Mitchell seconded to wit:

RESOLUTION TO ACCEPT THE
2017 PRELIMINARY BUDGET

WHEREAS, as required by the City Charter, the City Manager has submitted a preliminary budget for fiscal year 2017 to the City Council on or before November 1, 2016,

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby accepts the preliminary budget and directs that the preliminary budget be filed with the City Clerk and the City Comptroller, and

BE IT FURTHER RESOLVED, and noted, that the preliminary budget is a public record and is available for inspection by the general public at the Office of the Comptroller.

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Councillor Morley asked if we revert to the preliminary budget if we do not pass an amended budget by December 20th. City Manager Sarah Purdy said yes, but the preliminary budget approval is required before the public hearing can be held. Councillor Morley asked if we can amend the preliminary budget before accepting it. Mayor Ashley read §C61 of the Municipal Code and said Council needs time to work on the budget. Councillor Stevenson said she does not feel comfortable amending the preliminary budget prior to accepting it. Councillor Stevenson explained the preliminary budget is accepted every year and then Council and City staff work to make the cuts. Councillor Morley said the City Manager should have made cuts before presenting the preliminary budget to Council. Ms. Purdy explained she cut \$600,000 from the budget prior to presenting it to Council.

The vote was:

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

NAYS: Councillor Morley

CARRIED, 6 TO 1

3. Councillor Mitchell moved a resolution to establish a public hearing date for the Preliminary 2017 Budget for the City of Ogdensburg, and Councillor Stevenson seconded to wit:

RESOLUTION
ESTABLISHING A PUBLIC HEARING
FOR THE 2017 PRELIMINARY BUDGET
OF THE CITY OF OGDENSBURG

BE IT RESOLVED, that the Ogdensburg City Council hereby establishes a public hearing on the Preliminary Budget of the City of Ogdensburg for 2017, said public hearing to be held at 7:00 pm on December 5, 2016 in the City Council Chambers, City Hall, and

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

Councillor Mitchell said there seems to be a misunderstanding by the public on the budget process. Councillor Mitchell confirmed Council will not be passing any section of the budget tonight and explained the budget is passed as a whole after all amendments have been made.

The vote was:

CARRIED, AYES ALL

4. Councillor Skamperle moved a resolution authorizing the City Manager to submit a FY2017 EPA Assessment Coalition Grant Application on behalf of the St. Lawrence County Coalition, and Councillor Price seconded to wit:

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RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT BROWNFIELD
ASSESSMENT COALITION GRANT APPLICATION
TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY

WHEREAS, the City of Ogdensburg desires to continue an effort to assess the threat of brownfields in our community and across St. Lawrence County to further redevelopment efforts; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) has issued a notification of funding availability under the FY2017 Brownfield Assessment Coalition Grant application where coalitions, consisting of three or more eligible entities may apply for up to \$600,000 in hazardous and petroleum assessment funds; and

WHEREAS, the City of Ogdensburg is an eligible applicant who will act has the lead in the submission of this coalition application on behalf of St. Lawrence County and the Industrial Development Agency (SLCIDA); and

WHEREAS, this coalition grant does not require matching funds, but leveraging of funds, including subsequent cleanup funding is encouraged; and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized and directed to submit a 2017 EPA Brownfield Assessment Coalition Grant application up to the maximum amount of \$600,000 to the U.S. Environmental Protection Agency for hazardous and petroleum related environmental assessment and, upon approval of said request, to enter into and execute a project agreement with U.S. Environmental Protection Agency.

The vote was:

CARRIED, AYES ALL

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5. Mayor Ashley moved a resolution authorizing the City Manager to execute a Memorandum of Agreement with Cerebral Palsy Association of the North Country, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE CITY AND
CEREBRAL PALSY ASSOCIATION OF THE NORTH COUNTRY

WHEREAS, Cerebral Palsy Association of the North Country (“CP”) is the owner of 102 Ford Street, Tax Map Parcel 48.078-9-14; and

WHEREAS, CP has received site plan approval to rehabilitate and convert the 15,000 SF building into medical offices consistent with the Business (B) Zoning District; and

WHEREAS, said rehabilitation proposes the removal of the existing canopy structure along the Ford Street façade of the existing building which is a fixture to the building and therefore, “owned” by the corresponding building owner, but which also encroaches upon City property; and

WHEREAS, CP requests authorization to demolish the existing structure and replace with a new structure which would also encroach onto City property; and

WHEREAS, CP agrees to be responsible for the long term maintenance of the replacement “eyebrow”, and shall also be the responsible party for repairing any damage to City property throughout the term of this agreement as it pertains to the removal of the existing canopy structure;

NOW, THEREFORE BE IT RESOLVED, that the Ogdensburg City Council hereby authorizes the City Manager to execute the attached Memorandum of Agreement with the Cerebral Palsy Association of the North Country for the purpose of granting site access to demolish and replace the canopy at 102 Ford Street.

Councillor Morley asked if Cerebral Palsy will provide liability coverage for the project. Director of Planning and Development Andrea Smith said yes and the City will be listed as an additional insured on the policy.

The vote was:

CARRIED, AYES ALL

6. Councillor Morley moved a resolution to authorize the City Manager to execute a labor contract with the Police Supervisory Unit for 2017-2019, and Councillor Skamperle seconded to wit:

RESOLUTION TO AUTHORIZE
THE CITY MANAGER TO EXECUTE A LABOR CONTRACT
WITH THE POLICE SUPERVISORY UNIT FOR 2017-2019

WHEREAS, a tentative labor contract has been negotiated between the City Manager and representatives of the Police Supervisory Unit for 2017 through 2019, and

WHEREAS, said agreement has been authorized by the membership of the Police Supervisory Unit,

NOW THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute said labor contract with the Police Supervisory Unit, as negotiated in the tentative agreement.

City Manager Sarah Purdy provided Council with the highlights of the contract, specifically the 2% increase in salary for each year and the \$100 annual stipend for special assignments.

The vote was:

CARRIED, AYES ALL

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7. Councillor Stevenson moved a resolution to authorize the City Manager to execute a labor contract with the United Public Service Employees Union (Police Benevolent Association) for 2017-2019, and Councillor Morley seconded to wit:

RESOLUTION TO AUTHORIZE
THE CITY MANAGER TO EXECUTE A LABOR CONTRACT
WITH THE UNITED PUBLIC SERVICE EMPLOYEES UNION
(POLICE BENEVOLENT ASSOCIATION) FOR 2017-2019

WHEREAS, a tentative labor contract has been negotiated between the City Manager and representatives of the United Public Service Employees Union (Police Benevolent Association) for 2017 through 2019, and

WHEREAS, said agreement has been authorized by the membership of the United Public Service Employees Union (Police Benevolent Association),

NOW THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute said labor contract with the United Public Service Employees Union (Police Benevolent Association), as negotiated in the tentative agreement.

City Manager Sarah Purdy provided Council with the highlights of the contract, specifically the 2% increase in salary for each year, the \$100 annual stipend increase for special assignments and the \$250 uniform allowance increase.

The vote was:

CARRIED, AYES ALL

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8. Mayor Ashley moved a resolution to authorize the City Manager to establish a new three-year Labor Contract with the IAFF Local 1799, and Councillor Price seconded to wit:

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A LABOR CONTRACT WITH IAFF LOCAL 1799 FOR 2017-2019**

WHEREAS, an agreement has been reached on a tentative labor contract with the IAFF Local 1799 and the City Manager for 2017 through 2019, and,

WHEREAS, the membership of the IAFF unit has voted to ratify the tentative agreement,

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute a labor contract with the IAFF that incorporates the terms negotiated in the tentative agreement.

City Manager Sarah Purdy provided Council with the highlights of the contract, specifically the 2% increase in salary for each year and an increase in the EMT stipulation.

The vote was:

CARRIED, AYES ALL

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OLD BUSINESS

1. Councillor Morley said other communities bag their raked leaves and asked why we are the only local community that cannot use paper bags. Mayor Ashley said he spoke with Department of Environmental Conservation officials last year and was advised plastic bags are prohibited in our landfill and there is no easy way to determine the contents of the brown paper bags. Director of Public Works Scott Thornhill said our landfill is a registered landfill, and if we do not comply with DEC requirements we could lose our landfill. Councillor Morley asked if we have any other low lands that could be used as landfills, and Mr. Thornhill said not at this time.

2. Councillor Morley said he did not receive an update from the City Manager this past week. City Manager Sarah Purdy said there was no update this week, and she will notify Council in the future if an update will not be sent.

3. Councillor Stevenson asked if flag etiquette at all facilities could be discussed with City Staff. Ms. Purdy said she would address it at the next staff meeting.

4. Councillor Skamperle asked for an update on the Co-gen plant. Councillor Skamperle explained the permit applications were submitted but no response has been received from the State. Councillor Skamperle said the lease with the State and the contract for steam to the St. Lawrence Psychiatric Center and the prison both expire in October 2018. Councillor Skamperle said there are two available plans: 1) lease the land, produce energy and provide cheap power to anyone in the industrial plant; or 2) lease the land to produce energy and steam. Councillor Skamperle explained if nothing happens in the next six months we could lose this plant. Councillor Skamperle suggested involving our local representatives so we can move forward before the contract expires. Ms. Purdy said there were 3 to 5 firms the State was interested in, and the next step is Requests for Proposals. Ms. Purdy explained she will talk to State representatives and update Council.

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NEW BUSINESS

1. Mayor Ashley congratulated the Ogdensburg Free Academy football team on their success in being ranked in the top four of New York State and wished them luck in the semi-finals.

ITEMS FOR DISCUSSION

1. Director of Public Works Scott Thornhill discussed the City's energy opportunities. Mr. Thornhill explained we can stay with the consortium or withdraw. Mr. Thornhill said we have signed our second purchase power agreement with New Energy Equity but National Grid made the expansion unfavorable. Mr. Thornhill explained the solar power companies have raised questions regarding National Grid's reluctance to support solar power while other power companies welcome it. Mr. Thornhill said New Energy Equity is looking at other property in Clayton because they are fearful there will not be any expansion at our landfill. Councillor Morley asked if there is any penalty to withdraw from the Tri-County consortium. Mr. Thornhill said no. Councillor Morley asked what the delay is with National Grid. Mr. Thornhill explained part of it is a financial issue because the National Grid cost to connect to the Ogdensburg substation can cost between \$600,000 and \$1,000,000. Mr. Thornhill said they want large amounts of money to update the infrastructure because they do not believe our system can produce the desired amount of energy.

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