

CITY COUNCIL MEETING

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

PRESENT: Mayor Ashley, Councillors Davis, Kennedy,
Price, Shaver, Skamperle and Stevenson

ABSENT: None

Mayor Ashley said there was a need for Executive Session to discuss the employment history of a particular person and collective negotiations pursuant to Article 14 of the Civil Service Law, and Councillor Price seconded the motion. City Manager Sarah Purdy asked that Police Chief Andrew Kennedy join Council for the first part of Executive Session.

The vote to adjourn to Executive Session was:

CARRIED, AYES ALL

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

PRESENTATION

1. Ogdensburg Bridge and Port Authority Executive Director Wade Davis introduced the new airport manager, Stephanie Saracco. Mr. Davis provided a brief history of the airport's success and growth. Mr. Davis said the Ogdensburg Bridge and Port Authority Board of Directors has chosen SkyWest Airlines as the next federal government subsidized Essential Air Service for the Ogdensburg and Massena airports. Mr. Davis explained SkyWest Airlines' fifty seat passenger jet will provide travelers access to two major hubs: Dulles and Chicago. Ms. Saracco highlighted the benefits of access to Chicago and Washington, DC. Ms. Saracco said this service will increase the number of visitors to this area.

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Mayor Ashley asked how many flights are planned per week, and Mr. Davis said twelve. Mayor Ashley asked if more security will be required, and Mr. Davis said that will be determined in the future. Councillor Stevenson asked if this service will help increase flight availability, noting lately it has been difficult to get a flight. Mr. Davis said yes and noted the problem is that Cape Air's plane is only a nine passenger plane. Councillor Kennedy asked how the new company's ticket prices will compare. Mr. Davis said SkyWest Airlines' proposal was the lowest of all received, but the final pricing and fees are unknown. Councillor Kennedy said people are concerned about the cost, and Councillor Skamperle agreed. Councillor Skamperle said it will be difficult to sell high priced tickets in Ogdensburg, especially if a flight to Chicago from Syracuse is cheaper. Mr. Davis said the average fare for the Chicago/Dulles combo is \$101. Councillor Skamperle asked if SkyWest Airlines will have their own hanger. Mr. Davis said they will maintain their planes at a Chicago base.

2. Tim Seeler of Seeler Engineering, PC addressed Council regarding PLA agreements. Mr. Seeler provided a background of the company, explained what a PLA is and how to implement a PLA. (A copy of his presentation follows these minutes.) Councillor Skamperle asked for more information regarding the Wicks exemption. Mr. Seeler explained building projects in excess of \$500,000 must follow Wicks Law and coordinate four separate contractors: general, electrical, plumbing and HVAC. Mr. Seeler said a PLA removes this requirement, and there is a significant savings by combining services. Councillor Skamperle asked if Mr. Seeler's company had ever worked with a wastewater treatment plant project, and Mr. Seeler said yes. Councillor Skamperle asked for the amount saved on the St. Lawrence County Jail project by using a PLA, but Mr. Seeler did not have that figure available. Mr. Seeler explained the average savings is 2.5% to 6% in the cost of labor. Councillor Skamperle asked for the cost to do a PLA. Mr. Seeler said the cost is approximately \$21,000 from start to finish.

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Councillor Skamperle said he invited Mr. Seeler to give a presentation to Council, and he believes Council needs to support a PLA. Mayor Ashley said a PLA also allows us to use more local labor. Councillor Davis asked for the turnaround time on the study, and Mr. Seeler said four to five weeks. Councillor Stevenson asked if work would begin after the study was completed, and Mr. Seeler said the project would go to bid after the study. Councillor Stevenson cautioned the City is under consent order to complete the project. Councillor Skamperle said the City could request extra time. City Manager Sarah Purdy said the City would need to negotiate with DEC to get an extension. Ms. Purdy suggested a special meeting to get input from the project engineer and another group regarding all options. Mayor Ashley asked Ms. Purdy to schedule the special meeting.

PUBLIC HEARING

1. A public hearing regarding granting a Cable Television Franchise Renewal Agreement by and between the City of Ogdensburg and Time Warner Cable Northeast LLC, l/k/a Charter Communications was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding a Local Law to authorize a property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c was held. No one being present to speak, the hearing was declared closed.

3. A public hearing on the Preliminary 2019 Budget for the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

4. A public hearing regarding a Local Law to amend Chapter 177 (Sections 5 and 6) of the Ogdensburg Municipal Code entitled Sewer Rates was held. No one being present to speak, the hearing was declared closed.

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5. A public hearing regarding an Ordinance to delete and replace Administrative Regulations of the City of Ogdensburg, Article VII, entitled Sexual Harassment was held. No one being present to speak, the hearing was declared closed.

CORRESPONDENCE

1. City Clerk Kathleen Bouchard read a letter from Thomas and Deborah Hannan regarding renaming Hamilton Park in memory of Charles W. Kelly. (A copy of the letter follows these minutes.) Mayor Ashley asked that the letter be forwarded to City Historian Julie Madlin and the Historic Commission for consideration.

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #19-2018 in the amount of \$943,640.19 and Library Fund Warrant #19-2018 in the amount of \$46,069.55 and Capital Fund Warrant #19-2018 in the amount of \$9,598.07 and Community Development Fund Warrant #19-2018 in the amount of \$12,236.72 and Community Renewal Fund Warrant #19-2018 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Ashley moved to re-appoint David Lesperance to a three year term on the Ogdensburg Planning Board as an Alternate, term to begin November 14, 2018 and end December 31, 2020, and Councillor Stevenson seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Ashley moved to re-appoint Dale Coats to a five year term on the Board of Assessment and Review, term to begin November 14, 2018 and end December 31, 2023, and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Kennedy moved a resolution granting a Cable Television Franchise Renewal Agreement by and between the City of Ogdensburg and Time Warner Cable Northeast LLC, I/k/a Charter Communications, and Councillor Skamperle seconded to wit:

RESOLUTION AUTHORIZING APPROVAL OF A
FRANCHISE RENEWAL AGREEMENT WITH
TIME WARNER ENTERTAINMENT-ADVANCED/NEWHOUSE
PARTNERSHIP

WHEREAS, an application has been duly made to the Council of the City of Ogdensburg, County of St. Lawrence, New York, by Time Warner Cable Northeast LLC, I/k/a Charter Communications, a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 6005 Fair Lakes Road, East Syracuse, NY 13057, for the approval of a renewal agreement for Time Warner Cable's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

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WHEREAS, a public hearing was held at the City Hall, Ogdensburg, New York on November 13, 2018 at 7:00 p.m. and notice of hearing was published in the Ogdensburg Journal on October 25, 2018. The City Council for the City of Ogdensburg voted to approve the agreement to renew Time Warner Cable's cable television franchise on 13th day of November, 2018.

NOW THEREFORE, the City Council of the City of Ogdensburg finds that:

1. Time Warner Cable Northeast LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable Northeast LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable Northeast LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Council of the City of Ogdensburg hereby grants the cable television franchise of Time Warner Cable Northeast LLC and the City of Ogdensburg for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

BE IT FURTHER RESOLVED that the Council of the City of Ogdensburg hereby confirms acceptance of this Franchise Renewal Agreement.

Mayor Ashley asked how much the City receives from this agreement. City Comptroller Timothy Johnson said approximately \$65,000 to \$70,000 per year.

The vote was:

CARRIED, AYES ALL

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2. Councillor Skamperle moved a Local Law to authorize a property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c, and Councillor Shaver seconded to wit:

LOCAL LAW # 2 of 2018

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Ogdensburg to adopt a budget for the fiscal year commencing January 1, 2019 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The City Council of the City of Ogdensburg, County of St. Lawrence, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2019 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

The vote was:

CARRIED, AYES ALL

3. Councillor Shaver moved a resolution to adopt the City of Ogdensburg 2019 Budget, and Councillor Stevenson seconded to wit:

RESOLUTION TO ADOPT
THE CITY OF OGDENSBURG'S 2019 BUDGET

THEREFORE, BE IT RESOLVED, that the City of Ogdensburg adopts the 2019 Preliminary Budget as hereby amended:

AND BE IT FURTHER RESOLVED, that the following rates shall be in effect for 2019:

1. The City Real Property Tax Rate for 2019 shall be \$19.859780 per thousand dollars of assessed valuation.

The vote was:

CARRIED, AYES ALL

4. Councillor Stevenson moved a Local Law to amend Chapter 177 (Sections 5 and 6) of the Ogdensburg Municipal Code entitled Sewer Rates, and Councillor Kennedy seconded to wit:

Local Law # 3 of 2018

§177-5 Rates for metered premises.

The following rates for sewer rents are hereby fixed and established to every lot, parcel of land, building or other premises now or hereafter being charged at a metered rate for sewer service within the City of Ogdensburg, New York, effective the first billing date after January 1, 2019:

Meter Size (inches)	Water Allowed (gallons)	Minimum Quarterly Charge
5/8	16,340	\$104.25
3/4	21,905	\$139.75
1	33,268	\$212.25
1 1/4	43,770	\$279.25
1 1/2	54,977	\$350.75
2	109,365	\$697.75
3	164,067	\$1,046.75
4	218,652	\$1,395.00

\$6.38 per 1,000 gallons of water used

§ 177-6 Flat rates within the corporation limits of the City.

The following schedule of rates for sewer rents is hereby fixed and established for every lot, parcel of land, building or premises now or hereafter being charged at a flat rate for sewer service within the City of Ogdensburg, New York, effective the first billing date after January 1, 2019:

- | | |
|---|----------|
| A. Single-family residence, per year: | \$417. |
| B. Multifamily residence for each family unit or each tenant, per year: | \$417. |
| C. Combination residential/commercial for each individual unit, per year: | \$417. |
| D. Apartment houses, for each individual unit: | \$417. |
| E. Rooming houses (private homes with additional rooms to rent or commercial rooming houses): | |
| (1) Minimum annual rent: | \$417. |
| (2) Additional rooms to hire (annual rent): | \$104.25 |

The vote was:

CARRIED, AYES ALL

5. Councillor Davis moved an Ordinance to delete and replace Administrative Regulations of the Ogdensburg Municipal Code, Article XII, entitled Sexual Harassment, and Councillor Stevenson seconded to wit:

ORDINANCE #16 - 2018
ORDINANCE TO AMEND THE ADMINISTRATIVE REGULATIONS
ARTICLE XII, ENTITLED "SEXUAL HARASSMENT"
OF THE CODE OF THE CITY OF OGDENSBURG

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

ITEM ONE: That Article XII of the Administrative Regulations of the Code of the City of Ogdensburg entitled Sexual Harassment shall be deleted in its entirety and replaced with the following:

ARTICLE XII
SEXUAL HARASSMENT

- AR- 71. HARASSMENT PROHIBITED.
- AR- 72. SEXUAL HARASSMENT DEFINED.
- AR- 73. RESPONSIBILITIES OF CITY EMPLOYEES.
- AR- 74. RESPONSIBILITIES OF THE CITY.

§AR-71 HARASSMENT PROHIBITED.

The City of Ogdensburg is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the City of Ogdensburg's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the appropriate designee as outlined in Policy, Section 3 below. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

- A. The City of Ogdensburg's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the City. In the remainder of this document, the term "employees" refers to this collective group and the term "city" refers to the City of Ogdensburg.
- B. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

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- C. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The City will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the City who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform their direct supervisor, department head, Safety Committee Chair or City Manager. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
- D. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the City to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including department heads and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
- E. The City will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The City will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including department heads and supervisors, are required to cooperate with any internal investigation of sexual harassment.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

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- F. All employees are encouraged to report any harassment or behaviors that violate this policy. The City will provide all employees a complaint form for employees to report harassment and file complaints.
- G. Department heads and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the City Manager.
- H. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

§AR- 72. SEXUAL HARASSMENT DEFINED.

- A. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.
- B. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:
 - 1. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
 - 2. Such conduct is made either explicitly or implicitly a term or condition of employment; or
 - 3. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

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4. A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

C. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

D. Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

E. Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

1. Physical acts of a sexual nature, such as:
 - a. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - b. Rape, sexual battery, molestation or attempts to commit these assaults.
2. Unwanted sexual advances or propositions, such as:

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- a. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - b. Subtle or obvious pressure for unwelcome sexual activities.
3. Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
4. Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
5. Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - a. Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
6. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - a. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - b. Sabotaging an individual's work;
 - c. Bullying, yelling, name-calling.

F. Who can be a target of sexual harassment?

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Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

G. Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

§AR- 73. RESPONSIBILITIES OF CITY EMPLOYEES.

Reporting Sexual Harassment

- A. Preventing sexual harassment is everyone's responsibility. The City cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to their direct supervisor, department head, Safety Committee Chair or City Manager. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to their direct supervisor, department head, Safety Committee Chair or City Manager.
- B. Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

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- C. Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.
- D. If you feel conduct is of a criminal nature, please notify the Police Department, see section H. Contact the Local Police Department.

§AR- 74. RESPONSIBILITIES OF THE CITY.

A. Retaliation

1. Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).
2. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:
 - a. made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
 - b. testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
 - c. opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or department head of harassment;
 - d. reported that another employee has been sexually harassed;
or
 - e. encouraged a fellow employee to report harassment.
3. Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful.

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However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

B. Supervisory Responsibilities

1. All supervisors and department heads who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Safety Committee Chair and City Manager.
2. In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and department heads will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.
3. Supervisors and department heads will also be subject to discipline for engaging in any retaliation.

C. Complaint and Investigation of Sexual Harassment

1. All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.
2. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

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3. Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The City will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.
4. While the process may vary from case to case, investigations should be done in accordance with the following steps:
 - a. Upon receipt of complaint, the direct supervisor, department head, Safety Committee Chair and/or City Manager will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
 - b. If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
 - c. Request and review all relevant documents, including all electronic communications.
 - d. Interview all parties involved, including any relevant witnesses;
 - e. Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - i. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - ii. A list of names of those interviewed, along with a detailed summary of their statements;
 - iii. A timeline of events;
 - iv. A summary of prior relevant incidents, reported or unreported; and

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- v. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- f. Keep the written documentation and associated documents in a secure and confidential location.
- g. Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- h. Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

D. Legal Protections And External Remedies

1. Sexual harassment is not only prohibited by the City but is also prohibited by state, federal, and, where applicable, local law.
2. Aside from the internal process at the City, employees may also choose to pursue legal remedies with the governmental entities named in the following sections. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.
3. In addition to those outlined below, employees in certain industries may have additional legal protections.

E. State Human Rights Law (HRL)

1. The Human Rights Law (HRL), codified as N.Y. Executive Law, Art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

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2. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.
3. Complaining internally to the City does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.
4. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.
5. DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.
6. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.
7. Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

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F. Civil Rights Act of 1964

1. The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.
2. The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.
3. An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.
4. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

G. Local Protections

1. Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

H. Contact the Local Police Department

1. If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department at (315) 393-1555.

The vote was:

CARRIED, AYES ALL

6. Mayor Ashley moved a resolution to establish the Ogdensburg Journal and Watertown Daily Times as the official newspapers for the City of Ogdensburg, and Councillor Stevenson seconded to wit:

RESOLUTION DESIGNATING THE
2019 OFFICIAL NEWSPAPERS

BE IT RESOLVED, that the Ogdensburg City Council hereby designates the following newspapers as official newspapers for the publication of local law notices and other matters required by law to be published by the City of Ogdensburg for 2019:

Ogdensburg Journal

Watertown Daily Times

The vote was:

CARRIED, AYES ALL

7. Mayor Ashley moved a resolution designating the official City bank depositories for 2019, and Councillor Price seconded to wit:

RESOLUTION
DESIGNATING THE
2019 OFFICIAL BANK DEPOSITORIES

BE IT RESOLVED, that Community Bank NA, NBT Bank NA, Upstate National Bank, Key Bank of Northern New York NA, and NYCLASS through Public Trust Advisors, LLC be designated as official depositories of City Funds for 2019.

The vote was:

CARRIED, AYES ALL

8. Councillor Price moved a resolution designating the 2019 City Council Meeting Dates, and Councillor Stevenson seconded to wit:

2019 CITY COUNCIL MEETING DATES

BE IT RESOLVED, that the regular City Council meetings for the City of Ogdensburg, shall be on the second and fourth Mondays, of each month except July, August and December, and unless such date is a legal holiday, in which event the meeting will be held on the next business day. The dates of these meetings are listed below:

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January	14, 28
February	11, 25
March	11, 25
April	8, 22
May	13, 28
June	10, 24
July	8
August	12
September	9, 23
October	15, 28
November	12, 25
December	2, 9

Councillor Price suggested Council only meet once per month and begin meetings at 6:30 p.m. Councillor Stevenson said she is concerned there are a number of large projects going on right now. Councillor Stevenson explained if a Department Head or Council member were not available for the one meeting per month, their input and information would be missed. Councillor Stevenson suggested an evaluation of that possibility throughout the upcoming year and perhaps make the adjustment the following year. Mayor Ashley suggested light meetings be cancelled but the schedule remain the same.

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Councillor Stevenson said an effort could be made to combine meetings and see if it could be feasible for the following year. Councillor Skamperle and Councillor Kennedy agreed. Councillor Shaver said he believes two meetings are best. City Manager Sarah Purdy said a change will be made to the process of selling City-owned property in the upcoming year which could streamline the process and allow the consolidation of meetings.

The vote was:

CARRIED, AYES ALL

9. Councillor Shaver moved a resolution adopting “Assessment of Fair Housing: St. Lawrence County 2017”, and Councillor Skamperle seconded to wit:

RESOLUTION ADOPTING THE “ASSESSMENT OF FAIR HOUSING:
ST. LAWRENCE COUNTY 2017”

WHEREAS, the City of Ogdensburg and St. Lawrence County regularly apply for and are awarded Community Development Block Grant funding to administer a variety of community and economic development projects that principally benefit low to moderate income households throughout the City and County; and

WHEREAS, as a condition of receiving Federal funds, the US Department of Housing and Urban Development (HUD) requires local communities to certify that they affirmatively further fair housing, and this obligation requires the grantee to conduct an assessment of fair housing in the community, take appropriate actions to overcome the effects of identified impediments, and maintain records concerning the local analysis and activities; and

WHEREAS, the last Analysis of Impediments was conducted in 2010, which relied on 2000 Census Data and no longer accurately reflects current population demographics or housing conditions in the City and County; and

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WHEREAS, the Fair Housing Task Force of the County responded to the need to assess progress on fair housing issues, raised funds from outside donors, including the City of Ogdensburg, contracted with CNY Fair Housing in 2016 to do an independent assessment, worked on data collection and analysis, conducted meetings with stakeholders, reviewed and revised the draft “Assessment” report prepared by CNY Fair Housing staff; and

WHEREAS, the Assessment of Fair Housing: St. Lawrence County, 2017, identifies short and long term strategies to educate the public about housing discrimination, and short and long term strategies to improve the quality of affordable housing throughout the County; and

WHEREAS, the City intends to use this plan to help guide the implementation of housing projects that principally benefit low to moderate income households in Ogdensburg.

NOW, THEREFORE, BE IT RESOLVED that the Ogdensburg City Council adopts the “Assessment of Fair Housing: St. Lawrence County 2017” and directs that the report be published on the City’s website for public review.

The vote was:

CARRIED, AYES ALL

10. Councillor Price moved a resolution authorizing the City Manager to sign the USACE Right of Entry (ROE) Agreements for City owned facilities within 1000’ to USACE/OPBA dredging project, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO SIGN USACE RIGHT
OF ENTRY AGREEMENTS

WHEREAS, the City of Ogdensburg has received a Right of Entry (ROE) agreement for city-owned facilities within 1000’ of the proposed “precision blasting area” in conjunction with the proposed Terminal Expansion and Harbor Deepening Project; and

WHEREAS, the city-owned facilities within the blasting area include:

<u>Parcel ID #</u>	<u>Street Address</u>	<u>Description</u>
48.063-2-2.21	Paterson Street	Paterson Street Boat Launch
48.063-1-3.11	Railroad Street	Waste Water Treatment Plant
48.071-5-47.1	100 Paterson St	Former Newell Building
48.071-3-15.1	101 Paterson Street	Boat Launch Overflow Parking Area

WHEREAS, combined sewer outfall number 001 (CSO-001) is also within the precision blasting area, and has been included in the pre-blast survey inspection list for City-facilities.

NOW, THEREFORE BE IT RESOLVED, that the Ogdensburg City Manager, or her designee, is authorized to sign said Right of Entry agreements, authorizing the United States Army Corps of Engineers contractor to perform pre-blast surveys of these facilities to ensure no damage is incurred as a result of the Terminal Expansion and Harbor Deepening construction project.

The vote was:

CARRIED, AYES ALL

11. Mayor Ashley moved a resolution in support of SkyWest Airlines providing Essential Air Service (EAS) to the Ogdensburg International Airport, and Councillor Stevenson seconded to wit:

RESOLUTION IN SUPPORT OF
SKYWEST AIRLINES' ESSENTIAL AIR SERVICE PROPOSAL

WHEREAS, the United States Department of Transportation has solicited proposals for Essential Air Service to the Ogdensburg International Airport and to the Massena Airport, and

WHEREAS, the Ogdensburg Bridge and Port Authority strongly recommends that the United States Department of Transportation select SkyWest Airlines' inseparable proposal to provide Essential Air Services to the Ogdensburg International Airport and to the Massena Airport, for a two-year term effective on or about April 1, 2019, and

WHEREAS, this service will provide direct air service from both airports to Chicago, IL and to Washington DC, both of which are large destination travel hubs currently unavailable in the regional market, and

WHEREAS, this proposal is the least expensive of the four EAS proposals submitted,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Ogdensburg hereby supports SkyWest Airlines as the provider for Essential Air Services to the Ogdensburg International Airport and to the Massena Airport, and

BE IT FURTHER RESOLVED, that the City Clerk forward copies of this resolution to the Chairman of the Ogdensburg Bridge and Port Authority, Mr. Michael Martin of the United State Department of Transportation, Congresswoman Elise Stefanik, Senator Charles Schumer and Senator Kirsten Gillibrand.

Councillor Skamperle said it will be nice to have access to two major hubs but he was worried about the cost. Councillor Skamperle noted Council was advised the average fare would be \$101. Councillor Stevenson said the larger plane will make people feel more secure.

The vote was:

CARRIED, AYES ALL

12. Mayor Ashley moved a resolution to ratify Labor Contract with the CSEA Salaried Unit, and Councillor Kennedy seconded to wit:

RESOLUTION TO RATIFY LABOR CONTRACT WITH THE
CSEA SALARIED UNIT FOR 2019

WHEREAS, on November 2, 2018 the City Manager executed the attached Tentative Labor Agreement for 2019 with the CSEA Salaried Unit, and

WHEREAS, said Tentative Agreement was ratified by membership vote of the CSEA Salaried Unit on November 7, 2018,

NOW, THEREFORE, BE IT RESOLVED that the Ogdensburg City Council hereby ratifies the terms of said Tentative Agreement and authorizes the City Manager to execute a new labor contract with the CSEA Salaried Unit for 2019, and

BE IT FURTHER RESOLVED, that the City Comptroller is authorized to transfer \$20,600 from the Contingency Accounts in the General, Water and Sewer Funds in the 2019 Budget to fulfill the terms of the Labor Agreement for 2019.

The vote was:

CARRIED, AYES ALL

ITEMS FOR DISCUSSION

1. Mayor Ashley said effective November 7, 2018 St. Lawrence County now administers all civil service responsibilities for the City. Mayor Ashley thanked the members of the Ogdensburg Civil Service Commission for their years of service: Kevin McDonough (served since 1996), Donnie Pirie (served since 2009) and Fred Bean, Jr. (served since 2017).

2. Mayor Ashley said the Light Up the Night Santa Parade will be held on Saturday, November 17, 2018, beginning at 6:00 p.m. at OFA and ending at the Dobisky Center for visits with Santa. Mayor Ashley said the parade grows every year, and everyone is hoping for nice weather.

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