

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

PRESENT: Mayor Skelly, Councillors Dillabough, Fisher,
Kennedy, Powers, Rishe and Skamperle

ABSENT: None

ITEMS FOR COUNCIL ACTION

1. Councillor Fisher moved a Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c, and Mayor Skelly seconded to wit:

LOCAL LAW #4 of 2020

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, 2021 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, 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

SPECIAL CITY COUNCIL MEETING

December 9, 2020

Page 413

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

2. Councillor Fisher moved a resolution to adopt the Preliminary 2021 Budget, as amended, and Mayor Skelly seconded to wit:

RESOLUTION TO ADOPT
THE CITY OF OGDENSBURG'S 2021 BUDGET

THEREFORE, BE IT RESOLVED, that the City of Ogdensburg adopts the 2021 Preliminary Budget as hereby amended:

SPECIAL CITY COUNCIL MEETING

December 9, 2020

Page 414

FUND	PAGE	ACCOUNT	DESCRIPTION	MODIFICATION
General	B-1	A1001	Real Property Taxes	(\$213,465.00)
General	B-1	A1712	Public Works Services - Weed Removal	(\$4,000.00)
General	B-1	A2260	Airport Security	(\$29,000.00)
General	B-2	A2801	Interfund Revenues	(\$42,912.00)
General	C-5	A1230.860	Health Insurance	(\$22,598.00)
General	C-13	A3625.463	Rescue Squad Support	(\$97,000.00)
General	C-15	N/A	Revenue received from Water/Sewer Funds	(\$3,852.00)
General	C-17	A1620.498	Other Contractual Expenses	(\$50,000.00)
General	C-19	A1931.498	Taxes Written Off	(\$25,000.00)
General	C-21	N/A	Clerk Position	(\$38,709.00)
General	C-22	A8020.110	Salaries	(\$38,709.00)
General	C-22	A8020.830	Social Security Expense	(\$2,961.24)
General	C-22	A8020.860	Health Insurance	(\$33,118.00)
General	D-4	A3120.110	Salaries	(\$47,467.00)
General	D-4	A3120.155	Clothing Allowance	(\$6,000.00)
General	D-4	A3120.160	Health Insurance Buyout	(\$4,000.00)
General	D-4	A3120.220	Office Equipment	(\$25,949.00)
General	D-10	A3410.150	Longevity Incentive	(\$1,000.00)
General	D-13	A3089	Misc State Aid	(\$95,000.00)
General	D-13	N/A	Received from Water/Sewer Funds	(\$5,026.23)
General	E-3	A1490.830	Social Security Expense	(\$160.26)
General	E-5	A1712	Public Works Services - Weed Removal	(\$4,000.00)
General	E-9	N/A	Received from Water/Sewer Funds	(\$14,592.50)
General	F-1	N/A	Ogdensburg Chamber of Commerce	(\$2,500.00)
General	F-1	A6410.498	Other Contractual Expenses	(\$1,500.00)
General	G-2	N/A	Coordinator	(\$11,250.00)
General	G-3	A7020.110	Salaries	(\$11,250.00)
General	G-3	A7020.480	Gasoline	(\$5,000.00)
General	G-3	A7020.830	Social Security Expense	(\$840.18)
General	G-3	A7020.860	Health Insurance	(\$5,649.50)
General	G-5	A7110.860	Health Insurance	(\$36,000.00)
General	H-6	A1990.498	Other Contractual Expenses	(\$488,554.92)
Library	K-4	L7410.600	Principal	(\$75,000.00)
Sewer	J-6	G8110.440	Equipment Maintenance	(\$7,296.00)
Sewer	J-6	G8110.515	Consultants	(\$9,542.00)
Sewer	J-6	G8110.517	Engineering Service	(\$1,926.00)
Sewer	J-6	G8110.519	Code Enforcement Service	(\$2,792.50)
Sewer	J-6	G8110.590	Contingency	(\$24,411.01)
Water	I-6	F8310.440	Equipment Maintenance	(\$7,296.00)
Water	I-6	F8310.515	Consultants	(\$9,341.00)
Water	I-6	F8310.517	Engineering Service	(\$1,926.00)
Water	I-6	F8310.519	Code Enforcement Service	(\$2,792.00)
Water	I-9	N/A	Maintenance Worker	\$20,322.00
Water	I-10	F8340.110	Salaries	\$20,322.00
Water	I-10	F8340.830	Social Security Expense	\$1,554.63
Water	I-10	F8340.860	Health Insurance	\$11,299.00

SPECIAL CITY COUNCIL MEETING

December 9, 2020

Page 415

AND BE IT FURTHER RESOLVED, that the following rates shall be in effect for 2021:

1. The City Real Property Tax Rate for 2021 shall be \$17.87 per thousand dollars of assessed valuation.

Councillor Skamperle said the Fire Department made a substantial offer to the City. Mayor Skelly said it would be great to lower the layoffs from ten to seven if they were willing to negotiate. Councillor Skamperle said the offer from the Fire Department would result in a savings of over \$2 million over the course of several years as opposed to \$600,000 immediately which would then be followed by lawsuits. Councillor Skamperle said there is no way he could vote yes on a budget that will bring on the lawsuits and cost the City millions of dollars. Councillor Rishe asked City Manager Stephen Jellie to provide everyone with a summary of the offer proposed by the Fire Department. Mr. Jellie said what he received was a settlement proposal. Mr. Jellie explained a meeting had been scheduled for that morning at 8:30am but was cancelled by the Fire Department representatives. Mr. Jellie said he had not yet had time to thoroughly review the proposal. Mr. Jellie explained the proposal did not offer a reduction in staff, and a reduction in staff is where the City needs to get to. Mr. Jellie said the proposal offered a reduction in the number of employees on vacation at one time, remove of an EMT stipend and the anticipation that three members would take the retirement incentive offered by the City. Mr. Jellie said he does not believe it was a serious proposal from the Fire Department, but he will look at it. Mr. Jellie said he hopes the union representatives will encourage members to take advantage of the \$20,000 buyout. Mr. Jellie explained there are ten members eligible to retire, and Council is now discussing removing seven positions. Mr. Jellie said it appears no layoffs could be a possibility or at least it may be possible to decrease the number of layoffs. Councillor Kennedy asked if any formal offer was given to the Fire Department. Mr. Jellie explained they were given a proposal pending approval by Council and the Financial Restructuring Board. Councillor Kennedy asked if retirements could be rescinded if the Financial Restructuring Board did not come through with the buyout assistance. Mr. Jellie said yes, noting he would anticipate all retirement notices would be given pending receipt of the buyout. Mr. Jellie explained he would recommend in-house funding even if the Financial Restructuring Board did not provide the funding. Councillor Kennedy asked if the Fire Department was given the proposal in writing, and Mr. Jellie said yes.

SPECIAL CITY COUNCIL MEETING

December 9, 2020

Page 416

Councillor Powers said the Fire Department proposal to the City is an attempt to save the City over \$2 million over time. Councillor Powers said the City Manager was on record asking the Fire Department to come forward, and they made an offer. Councillor Powers said the City Manager didn't take the time to review the offer or communicate with the Fire Department representatives. Councillor Powers said it looks like a solid deal, and it is obvious the City Manager is looking to cut positions and not just save money. Mayor Skelly disagreed. Mr. Jellie said there was some back-and-forth communication with the union representatives. Mr. Jellie said Council is talking about reviving the City, and he is looking for deep cuts. Mr. Jellie said he is happy to keep negotiations going, but the union will need to get serious.

Councillor Skamperle said there is an incredible offer on the table that would save the City millions, and it is wrong to call the offer minimal. Councillor Skamperle said the budget vote should be postponed so there is a chance to accept the offer. Councillor Skamperle explained the public doesn't have the opportunity to address Council on the offer. Councillor Skamperle said a breach of contract will cost the City millions.

Mayor Skelly said Councillor Skamperle had said it would cost the City millions for Sarah Purdy leaving, and it didn't. Mayor Skelly asked if the previous Council was looking for eight positions to be cut at the Fire Department at this time last year. Councillor Skamperle explained that was where the starting point was in negotiations. Mayor Skelly questioned why some Council members are now objecting to the layoff of seven firefighters. Councillor Powers said it was the previous City Manager's job to negotiate, and the meeting scheduled for this morning was cancelled because Mayor Skelly was invited to negotiate. Councillor Fisher said previous City Manager Sarah Purdy kept good notes, and it appears she had proposed eight layoffs at the beginning. Councillor Powers said there were a lot of numbers going around, but it was not Council's job to negotiate. Councillor Fisher said he was trying to get to the bottom of the numbers and questioned if it was eight layoffs at the beginning or at impasse, noting there is a big difference. Councillor Powers said that is how it started. Councillor Skamperle said presentations were given to Council, but Council members were not privy to negotiations because that is not Council's job. Mr. Jellie said the Fire Department made it clear in their letter as well as in a text message that the scheduled meeting was not a negotiation.

SPECIAL CITY COUNCIL MEETING

December 9, 2020

Page 417

Mr. Jellie explained that is why he asked Mayor Skelly to join the meeting. Mr. Jellie said it was a settlement offer. Mr. Jellie said if the union wants negotiations, they must be ready and willing to come to the table and begin negotiations. Mayor Skelly questioned if the union representatives saw his truck parked at City Hall and decided not to come inside. Mayor Skelly questioned if Councillor Powers was negotiating with the union on the side. Mayor Skelly asked Councillor Powers how he knew about the meeting and questioned if he had been in contact with the employees at the Fire Department. Councillor Powers said yes, adding he has talked to all employees over the past year. Councillor Kennedy said a secretary was not needed in the City Manager's office and explained the money should be moved to save another job. Councillor Rishe said the previous secretary made \$58,000 per year, and the previous Council didn't have a problem with that then. Councillor Kennedy said she did not hire the previous secretary. Councillor Kennedy explained it is not responsible to hire a secretary when the City is firing other people.

Councillor Skamperle made a motion to table the resolution until the next Council meeting on December 14, 2020, and Councillor Powers seconded the motion.

The vote to amend the resolution was:

AYES: Councillors Kennedy, Powers and Skamperle

NAYS: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

DEFEATED, 3 TO 4

Councillor Kennedy made a motion to move the City Manager's secretary salary in the budget to save a position at the Fire Department, and Councillor Skamperle seconded the motion.

The vote to amend the resolution was:

AYES: Councillors Kennedy, Powers and Skamperle

NAYS: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

DEFEATED, 3 TO 4

SPECIAL CITY COUNCIL MEETING

December 9, 2020

Page 418

The vote on the resolution was:

AYES: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

NAYS: Councillors Kennedy, Powers and Skamperle

CARRIED, 4 TO 3

3. Councillor Powers moved a Local Law to allow for the changes to the Ogdensburg Municipal Code, Section 177 entitled Sewer Rates as dictated by the adoption of the 2021 budget, and Councillor Dillabough seconded to wit:

Local Law #5 of 2020

§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, 2021:

Meter Size (inches)	Water Allowed (gallons)	Minimum Quarterly Charge
5/8	16,300	\$110.75
3/4	21,800	\$148.00
1	32,700	\$221.50
1 1/4	43,600	\$295.50
1 1/2	54,500	\$369.50
2	109,000	\$738.50
3	163,600	\$1,107.50
4	218,100	\$1,477.00

\$6.79 per 1,000 gallons of water used

SPECIAL CITY COUNCIL MEETING

December 9, 2020

Page 419

§ 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, 2021:

- | | |
|---|----------|
| A. Single-family residence, per year: | \$443. |
| B. Multifamily residence for each family unit or each tenant, per year: | \$443. |
| C. Combination residential/commercial for each individual unit, per year: | \$443. |
| D. Apartment houses, for each individual unit: | \$443. |
| E. Rooming houses (private homes with additional rooms to rent or commercial rooming houses): | |
| (1) Minimum annual rent: | \$443. |
| (2) Additional rooms to hire (annual rent): | \$110.75 |

The vote was:

CARRIED, AYES ALL

Councillor Kennedy as for confirmation that the sewer rates were changing from \$430.00 to \$443.00 per year and the water rates were changing from \$375.00 to \$386.25. City Manager Stephen Jellied said the figures were correct. Councillor Rishe said the Wastewater Treatment Plant project and the repayment of the loans for that project will cause an increase in rates. Mayor Skelly said Councillor Rishe has reached out to all of our State representatives and has worked tirelessly to obtain additional grant funding for the project. Mayor Skelly said repayment will take forty years, noting it is a substantial debt. Mayor Skelly said the Project Labor Agreement (PLA) cost the City \$10 million. Councillor Kennedy asked for the projected sewer rates for the residents from Heuvelton. Councillor Kennedy said she was curious how their rate compared to a City resident's rate. Mr. Jellie said the cost to Heuvelton residents is projected to be 20% higher than City residents. Mr. Jellie explained he will also look at a twenty-year projection for the rate schedule and is hoping to provide that data to Council in early 2021. Mr. Jellie noted Lisbon is in the very early stages of a feasibility study request to use our Wastewater Treatment Plant as well which may lead to another revenue source for the City.

SPECIAL CITY COUNCIL MEETING

December 9, 2020

Page 420

Councillor Skamperle said there is a \$40 million zero percent bond for the Wastewater Treatment Plant Project which is being paid as construction progresses. Councillor Skamperle explained there is also a \$15 million grant which is part of the \$40 million bond so the City will actually be paying \$25 million. Councillor Skamperle said Mayor Skelly just stated the PLA cost the City \$10 million and questioned how he came up with that figure. Mayor Skelly said lowering the number of contractors on the project increased the price because there was less competition. Councillor Skamperle asked Mayor Skelly to specifically answer the question. Councillor Fisher suggested the Development Authority of the North Country (DANC) make another presentation to Council. Councillor Skamperle said Mayor Skelly needs to answer the question he had asked. Councillor Fisher suggested Council move on. Councillor Fisher said he was told by the auditors that the \$1.4 million annual payments will begin and run for forty years. Councillor Fisher said the City is also paying on debt on bonds from 2002. Councillor Skamperle said there will be Federal and State money in on the payment. Councillor Rishe disagreed and said all grant money had already been taken into consideration. Councillor Skamperle said the funding is at zero percent, and Councillor Rishe said the City has to pay on the principle. Councillor Fisher said he spoke with the auditors at the Audit Committee meeting. Councillor Rishe said the Moody's rating does not include the new debt. Mayor Skelly said the decisions regarding the Wastewater Treatment Plant were made prior to the current Council, and the fund balance was being used. Mayor Skelly said sewer rates will continue to rise, and if fund balance is used the City will be bankrupt. Mayor Skelly said the City Manager and the accountant have been doing an amazing job running the numbers.

4. Councillor Rishe moved a Local Law to allow for the changes in the Ogdensburg Municipal Code, Section 215 (Sections 39, 40 and 41) entitled Water Rates as dictated by the adoption of the 2021 budget, and Councillor Fisher seconded to wit:

Local Law #6 of 2020

§ 215-39. Rates for metered service; meter reading, installation and repair. [Last amended 11-13-2017 by L.L. No. 6-2017]

A. The following schedule of rates for metered water service is hereby fixed and established effective the first billing date after January 1, 2021, and upon filing with the Secretary of State:

Meter Size	Water Allowed	Minimum Quarterly
5/8	20,200	\$ 96.50
3/4	27,000	\$128.75
1	40,500	\$197.00
1 1/4	54,100	\$257.50
1 1/2	67,600	\$322.00
2	135,200	\$643.75
3	202,900	\$965.50
4	270,500	

\$4.77 per 1,000 gallons of water used

B. Meters shall be read and billed monthly or quarterly at the discretion of the City.

C. Meters shall be installed and repaired by the City of Ogdensburg. The cost of such installation and repair for all meters is to be charged to the customer.

§ 215-40. Flat-rate charges. [Last amended 11-13-2017 by L.L. No. 6-2017]

The following schedule of rates for flat-rate service is hereby fixed and established effective the first billing date after January 1, 2021, and upon filing with the Secretary of State:

A. Single-family residence, per year: \$386.25.

B. Multifamily residence for each family unit or each tenant, per year: \$386.25.

C. Rooming houses (private homes with additional rooms to rent or commercial rooming houses):

(1) Minimum annual rent: \$386.25.

(2) Additional rooms to hire (annual rent): \$96.50.

SPECIAL CITY COUNCIL MEETING

December 9, 2020

Page 422

D. Commercial or office units in a commercial/residential mixed structure (where metering is determined impractical by the City Engineer), per commercial or office unit per year: \$386.25.

§ 215-41. Miscellaneous charges. [Last amended 04-25-2016 by L.L. No. 2-2016]

The following schedule of rates is hereby fixed and established for the period effective the first billing after April 24, 2021, and upon filing with the Secretary of State:

Type	Rate
Fire protection for unoccupied metered or unmetered premises or where service is shut off and/or meter is removed by DPW employees. If this type of service is performed by other than DPW personnel, the property owner is not entitled to the fire protection rate.	\$197.00
Fire hydrant on private property	\$386.25
Swimming pools (filling of), per occasion	\$128.75
Circus (in advance), per day	\$128.75
Service disconnect or seal by the City, per occasion	\$ 53.50
Service reconnection by the City, per occasion	\$ 53.50
Water service turn on or off, per occasion regular work hours	\$ 53.50
Water service turn on or off, per occasion after work hours	\$190.50
Annual rooms to hire (annual rent)	\$ 96.50

The vote was:

AYES: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

NAYS: Councillors Kennedy, Powers and Skamperle

CARRIED, 4 TO 3

5. Councillor Fisher moved a resolution to accept the 2019 audit, and Councillor Dillabough seconded to wit:

RESOLUTION TO ACCEPT THE
2019 AUDIT

WHEREAS, the City Charter requires an independent annual audit of all City accounts, and

WHEREAS, the 2019 audit has been completed by Pinto, Mucenski, Hooper, VanHouse & Co. and was presented to the Audit Committee on November 17, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby accepts the 2019 audit.

Councillor Rishe it was a clean audit, and the auditors did a great job. Councillor Rishe said he has spoken with City Manager Stephen Jellie about concerns raised about the length of time required to do the audit. Mr. Jellie said the City will have the audit next year around June or July. Councillor Powers said that is the normal time frame, and he suspects the delay this year was due to COVID-19. Councillor Fisher suggested reaching out to the State Comptroller's office to request a forensic audit in 2021 as Councillor Powers had previously suggested. Councillor Powers said the request has already been formalized in writing.

The vote was:

CARRIED, AYES ALL

SPECIAL CITY COUNCIL MEETING

December 9, 2020

Page 424

Councillor Rishe said there is still an opportunity for the union to open the contract and negotiate. Councillor Rishe said everyone is open minded, and he would like everyone to work together.

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