

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

Councillor Powers participated in this meeting remotely from 255 Patroon Creek Blvd., Albany, NY 12209.

Mayor Skelly made a motion to move to Executive Session to discuss proposed, pending or current litigation, and Councillor Dillabough seconded the motion.

The vote to adjourn to Executive Session was:

CARRIED, AYES ALL

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

PUBLIC HEARING

1. A public hearing regarding the City's proposed EPA Cleanup Grant application to provide funding to carry out cleanup activities at brownfield sites owned by the city within the City's designated Brownfield Opportunity Area was held. No one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Don McCarthy addressed Council and read a prepared statement. (A copy of his statement follows these minutes.) Mayor Skelly asked what happens next year when expenses increase by \$1 million and suggested the City have a volunteer fire department.

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Mr. McCarthy explained that hazard pay previously split the cost of the extra man in the older contracts. Mayor Skelly said the fire department is cannibalizing the police department. Mr. McCarthy said we want the fire department, police department and DPW staff, and his scenario allows the City to keep all staffing. Councillor Powers asked City Clerk Cathy Jock to email him the documents provided by Mr. McCarthy.

2. Mike Tooley addressed Council and read a prepared statement. (A copy of his statement follows these minutes.)

CONSENT AGENDA

Mayor Skelly moved that the claims as enumerated in General Fund Warrant #20-2022 in the amount of \$1,015,781.98 and Library Fund Warrant #20-2022 in the amount of \$0.00 and Capital Fund Warrant #20-2022 in the amount of \$378,943.58 and Community Development Fund Warrant #20-2022 in the amount of \$9,330.36 and Community Renewal Fund Warrant #20-2022 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Dillabough seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle moved a resolution authorizing the submission of a U.S. EPA Cleanup Grant Application, and Mayor Skelly seconded to wit:

A RESOLUTION AUTHORIZING THE SUBMISSION OF A
2023 U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) CLEANUP
GRANT APPLICATION

WHEREAS, the City of Ogdensburg desires to prepare a Cleanup Grant Application for 30 Main Street, formerly St. Lawrence Foods, Corp., to carry out and perform cleanup activities; and

WHEREAS, the former industrial property was acquired by the city on June 2009 for unpaid real property taxes through the foreclosure process; and

WHEREAS, the property has been the target of vandalism, and is a source of blight on the neighborhood; and

WHEREAS, the City is eligible to apply for up to \$1 million from the U.S. Environmental Protection Agency Brownfield Cleanup Program; and

WHEREAS, in accordance with the Bipartisan Infrastructure Law, cost sharing/matching funds are not required under this competition, and

WHEREAS, this application will promote smart growth principals of infill development that take advantage of, and enhance existing infrastructure and facilities that will attract, create, and sustain future employment opportunities.

NOW THEREFORE BE IT RESOLVED, that the Ogdensburg City Council authorizes the Director of Planning and Development to submit a grant application for the proposed brownfield cleanup at property located at 30 Main Street within the City's designated Brownfield Opportunity Area and EPA Area Wide Planning district.

BE IT FURTHER RESOLVED, if awarded, the City Manager or authorized representative is authorized to enter into any necessary contracts to accept and administer this grant expeditiously.

Councillor Skamperle made a motion to amend the resolution to reflect “up to \$1 million”, and Councillor Rishe seconded the motion. Interim City Manager Andrea Smith said the resolution was read into the record with the correct figure, and she did not believe a motion to amend was necessary. Councillor Skamperle withdrew the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Skelly moved a resolution authorizing the City Manager to enter into a management services agreement for the City water and wastewater facilities with the Development Authority of the North Country, and Councillor Dillabough seconded to wit:

RESOLUTION AUTHORIZING INTERIM CITY MANAGER TO ENTER
INTO A MANAGEMENT SERVICES AGREEMENT WITH
THE DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY

WHEREAS, a management services agreement for the City water and wastewater facilities has been negotiated between the Interim City Manager and the Development Authority of the North Country (DANC), and

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the Interim City Manager to enter into said agreement with the Development Authority of the North Country to provide professional services and management support for the City water and wastewater facilities; and

BE IT FURTHER RESOLVED that funding for this service will come from the Water and Sewer funds.

Public Works Director Shane Brown reviewed the contract details for Council. Councillor Fisher asked why the contract term is five years. Mr. Brown said it is a standard contract term with DANC.

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Councillor Rishe said the term should be three years and made a motion to amend the resolution for a contract term of three years. Councillor Fisher seconded the motion.

Councillor Powers asked if DANC would consider a three-year term if five years is a standard term for DANC. Interim City Manager Andrea Smith asked DANC Chief Operating Officer Carrie Tuttle to address Council. Ms. Tuttle explained contracts are typically five years and noted a shorter-term contract does not work in a municipality's favor. Ms. Tuttle explained there are fixed costs associated that can be spread out over five years. Ms. Tuttle said DANC previously provided the City with a shorter-term comparison, and it was determined there was a savings with using the five-year term. Ms. Tuttle noted the contract contains a termination clause without cause. Ms. Tuttle said DANC can provide a contract with a shorter term, but she does not recommend it. Councillor Rishe said he recommends a three-year contract or no contract. Councillor Rishe said the City may have a change of plans or things may change. Councillor Skamperle asked if Councillor Rishe would rather pay more for a three-year contract. Councillor Rishe said he does not think that is a given, and things may change. Councillor Skamperle said there is a 90-day cancellation clause without cause. Councillor Kennedy suggested Council see the cost analysis breakdown before voting to amend the term of the contract. Councillor Rishe said DANC will present it so it is more expensive because they do not want a three-year contract. Councillor Kennedy questioned why the City would sign up for something without knowing the cost. Councillor Skamperle questioned why the City would sign up for something you know is going to cost more. Councillor Rishe said DANC will present it as costing more. Councillor Fisher said every time a contract is signed, the work does not get done for a year or two, it always costs more money and it never bothers any member of Council. Councillor Skamperle said Councillor Rishe is asking for a shorter contract term with a higher rate. Councillor Rishe said he is proposing to eliminate the last two years of the contract and keep the cost the same for the first three years. Ms. Tuttle said a five-year contract was drafted and reviewed by DANC's management team, and the pricing may change if the City requests a three-year contract. Mayor Skelly said as long as the contract has an exit plan, he is comfortable with the five-year contract.

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Councillor Skamperle asked if City employees are being trained to operate the plant. Ms. Tuttle said yes, adding it can take up to ten years to complete the training but City employees are progressing. Councillor Skamperle asked if the training takes place at our plant. Ms. Tuttle explained the training is usually off site, adding all training is approved by NYSDEC or NYSDOH.

The vote to amend the resolution was:

AYES: Councillors Fisher and Rishe

NAYS: Mayor Skelly, Councillors Dillabough, Kennedy, Powers and Skamperle

DEFEATED, 2 TO 5

The vote on the resolution was:

AYES: Mayor Skelly, Councillors Dillabough, Fisher, Kennedy, Powers and Skamperle

NAYS: Councillor Rishe

CARRIED, 6 TO 1

3. Councillor Skamperle moved a resolution authorizing the City Manager to enter into a contract with Paradigm Environmental, LLC for Environmental Site Assessment work at 30 Main Street, and Mayor Skelly seconded to wit:

RESOLUTION AUTHORIZING THE INTERIM
CITY MANAGER TO ENTER INTO A CONTRACT WITH
PARADIGM ENVIRONMENTAL, LLC

WHEREAS, the City of Ogdensburg desires to submit a U.S. EPA Cleanup Grant Application for 30 Main Street; and

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WHEREAS, a hazardous building material survey has been completed and has identified both friable and non-friable asbestos containing material, however, Cleanup Grant applicants must have an ASTM E1903-19 Phase II environmental site assessment report(s) or equivalent site investigation report(s) attached to the application; and

WHEREAS, the City of Ogdensburg is the recipient of Environmental Site Assessment funds from the Department of State (contract C1002083) and 30 Main Street is one of four eligible sites for DOS ESA funds; and

WHEREAS, Paradigm Environmental, LLC of Poughkeepsie, NY has been working with the City conducting air monitoring during the city-wide demolition process, is familiar with 30 Main Street and is capable of meeting the EPA deadline.

NOW, THEREFORE BE IT RESOLVED, that the Interim City Manager is authorized to enter into a contract with Paradigm Environmental, LLC, for a sum not to exceed \$29,500 for Environmental Site Assessment work required to submit a 2023 EPS cleanup grant application; and

BE IT FURTHER RESOLVED that expenses for this project will be charged to Department of State Environmental Site Assessment contract number C1002083.

The vote was:

CARRIED, AYES ALL

4. Councillor Skamperle moved a resolution authorizing the Interim City Manager to enter into an agreement with the Development Authority of the North Country for SCADA services associated with the Main Street Pump Station Rehabilitation, and Mayor Skelly seconded to wit:

RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER
TO ENTER INTO A CONTRACT WITH
THE DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY

WHEREAS, the City of Ogdensburg has been awarded a \$1,000,000 Northern Border Regional Commission (NBRC) grant for the renovation of the Main Street Pump Station, and

WHEREAS, the scope of work includes the addition of SCADA (Supervisory Control and Data Acquisition) services that will enable real-time communication between equipment and the waste water treatment plant; and

WHEREAS the Development Authority of the North Country (“Authority”) is able to provide this service through an intermunicipal agreement in accordance with the Northern Border Regional Commission and local procurement policies.

NOW, THEREFORE BE IT RESOLVED that the Interim City Manager is authorized to enter into a contract with the Authority in accordance with the terms of the City’s NBRC Grant Agreement and the Agreement attached hereto, for a sum not to exceed \$52,000, to provide SCADA services at the Main Street Pump Station; and

BE IT FURTHER RESOLVED that expenses for this project will be charged to the Main Street Pump Station Capital Project.

The vote was:

CARRIED, AYES ALL

5. Councillor Skamperle moved a resolution establishing rates for waste receiving, and Councillor Kennedy seconded to wit:

RESOLUTION ESTABLISHING RATES FOR WASTE RECEIVING AT THE
CITY'S WATER POLLUTION CONTROL FACILITY

WHEREAS, the WPCF has been under a consent order from the Department of Environmental Conservation (NYSDEC) since 2017, placing restrictions on waste hauled to the Water Pollution Control Facility (WPCF); and

WHEREAS, that as part of the Capital Improvement project, the City of Ogdensburg has completed the construction of a new waste receiving building at the WPCF; and

WHEREAS, Article XI of Chapter 177 of the City's existing sewer use code pertains to trucked or hauled waste and states that the fee charged to waste haulers will be established by City Council;

NOW, THEREFORE BE IT RESOLVED that the Ogdensburg City Council establish the rate for receiving septage as \$.050/gallon, and leachate at \$.050/gallon.

BE IT FURTHER RESOLVED that in order to ensure compliance with the WPCF's State Pollution Discharge Elimination System (SPDES) permit, any outside or hauled waste entering the WPCF must first complete an application and be issued a permit.

Councillor Fisher asked how the rate of \$0.050 was determined. Public Works Director Shane Brown said the amount was recommended by the Development Authority of the North Country (DANC). Councillor Fisher asked if other places charge more, adding we have a state-of-the-art facility. Mr. Brown said the City wanted to remain competitive. Councillor Skamperle asked if we think more people will bring their waste to the City if the fee is lower. Councillor Rishe said Auburn charges \$0.62, Malone charges \$0.10 and Plattsburgh charges \$0.09. Mr. Brown said no one else in St. Lawrence County can accept waste. Councillor Skamperle said \$0.06 falls in line with most of the other facilities. Mr. Brown said the figure noted for Auburn might be a typographical error, and DANC Chief Operating Officer Carrie Tuttle confirmed that figure was a typo. Councillor Skamperle suggested the City charge \$0.07.

Councillor Rishe made a motion to amend the resolution to establish the rate for receiving septage at \$.10/gallon and leachate at \$.10/gallon, and Councillor Dillabough seconded the motion.

Councillor Skamperle questioned if setting the rate at \$0.10 will hurt the City. Mr. Brown explained DANC representatives do not want to be involved with the City establishing a rate. Councillor Fisher asked when the City last accepted waste, and Mr. Brown said he believes it was in 2017. Councillor Rishe asked what rate we pay, and Ms. Tuttle said a lot more than \$0.10.

The vote to amend the resolution was:

CARRIED, AYES ALL

The vote on the amended resolution was:

CARRIED, AYES ALL

The amended resolution now reads:

RESOLUTION ESTABLISHING RATES FOR WASTE RECEIVING AT THE
CITY'S WATER POLLUTION CONTROL FACILITY

WHEREAS, the WPCF has been under a consent order from the Department of Environmental Conservation (NYSDEC) since 2017, placing restrictions on waste hauled to the Water Pollution Control Facility (WPCF); and

WHEREAS, that as part of the Capital Improvement project, the City of Ogdensburg has completed the construction of a new waste receiving building at the WPCF; and

WHEREAS, Article XI of Chapter 177 of the City's existing sewer use code pertains to trucked or hauled waste and states that the fee charged to waste haulers will be established by City Council;

NOW, THEREFORE BE IT RESOLVED that the Ogdensburg City Council establish the rate for receiving septage as \$.10/gallon, and leachate at \$.10/gallon.

BE IT FURTHER RESOLVED that in order to ensure compliance with the WPCF's State Pollution Discharge Elimination System (SPDES) permit, any outside or hauled waste entering the WPCF must first complete an application and be issued a permit.

6. Councillor Kennedy moved a resolution introducing a local law and providing for public notice and public hearing to authorize a property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c, and Councillor Skamperle seconded to wit:

RESOLUTION
INTRODUCING LOCAL LAW #___ OF 2022

BE IT RESOLVED that proposed Local Law #__ of the year 2022 entitled:

AMENDMENT to authorize an override of the property tax cap for 2023, be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council, and

BE IT FURTHER RESOLVED, that the City Council hold a Public Hearing on said proposed Local Law at the City Council Chambers at 6:00 pm on November 28, 2022, and

BE IT FURTHER RESOLVED that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of Ogdensburg of said public hearing at least seven days prior thereto.

The vote was:

AYES: Councillors Kennedy, Powers and Skamperle

NAYS: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

DEFEATED, 4 TO 3

7. Councillor Rishe moved a resolution authorizing the City Manager to execute Change Order #10 to the contract for the Wastewater Treatment Plant Capital Improvement Project contract with Jett Industries, Inc., and Councillor Skamperle seconded to wit:

RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO
EXECUTE CHANGE ORDER #10 TO THE CONTRACT WITH JETT
INDUSTRIES, INC. FOR THE WASTEWATER TREATMENT PLANT
CAPITAL IMPROVEMENT PROJECT

WHEREAS, the total capital project budget, including contingency, is \$43,617,468.47; and

WHEREAS, the revisions to the contract work are as follows:

- 1) Removal of contaminated soil associated with the Elizabeth Street Pump Station
- 2) Primary Digester 2 Sludge Pipe Relocation
- 3) Replacement of Blower Valve and Electric Actuator
- 4) Replacement of Control Building Water Heater
- 5) Replacement of Valving and waterline replacements in Digester Complex and Control Building Annex
- 6) New Control Building Damper and Ductwork
- 7) Repurposing of Slide Gate
- 8) Addition of Raw Sludge Pumps Variable Frequency Drives
- 9) Enlargement of Concrete Opening into UV
- 10) CSO Tank Sensor Replacement

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- 11) Final Settling Tank Spalled Concrete Repairs
- 12) Addition of alternate power source for Gravity Thickener Power Feed Source
- 13) Secondary Digester Interior Concrete Wall Repair
- 14) Additional Signal Wiring from Hydraulic Gate to PLC
- 15) Addition of PLC Control Interferences with Equipment
- 16) Additional Power Wiring for Dewatered Sludge Conveyor Slide Gate Actuator

WHEREAS, the City bonded \$49,000,000 for the project and based on the current project budget of \$43,617,468.47, an amount of \$739,194.78 remains available.

NOW, THEREFORE, BE IT RESOLVED that the Interim City Manager is hereby authorized to execute Change Order #10, at a project cost increase of \$328,612.98 to the existing contract between the City of Ogdensburg and Jett Industries, Inc., for a total contract sum not to exceed \$38,788,988.14.

Councillor Fisher noted the funding has already been allocated to the project, and there is no new money involved with the change order.

The vote was:

CARRIED, AYES ALL

8. Councillor Skamperle moved a resolution authorizing the City Manager to execute Change Order #11 to the contract for the Wastewater Treatment Plant Capital Improvement Project contract with Jett Industries, Inc., and Councillor Kennedy seconded to wit:

RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO
EXECUTE CHANGE ORDER #11 TO THE CONTRACT WITH JETT
INDUSTRIES, INC. FOR THE WASTEWATER TREATMENT PLANT
CAPITAL IMPROVEMENT PROJECT

WHEREAS, the total capital project budget, including contingency, is \$43,617,468.47; and

WHEREAS, change order #11 proposes revisions to the work as follows:

1. Addition of Pipe Heat Tracing and Insulation at Disinfection Building
2. Connection of Existing CSO-001 Flow Element to Control Building SCADA
3. Addition of Combined Sewer Overflow Tank Feed Piping Insulation

WHEREAS, following the approval of change order #10, the current available balance of contingency is \$410,581.80.

NOW, THEREFORE, BE IT RESOLVED that the Interim City Manager is hereby authorized to execute Change Order #11, at a project cost increase of \$104,671.00 to the existing contract between the City of Ogdensburg and Jett Industries, Inc., for a total contract sum not to exceed \$38,893,659.14.

Councillor Rishe made a motion to add a final paragraph to the resolution that reads as follows: “BE IT FURTHER RESOLVED that all portions of this change order that are the responsibility of the Village of Heuvelton estimated at 50% will be billed to the Village of Heuvelton.”, and Mayor Skelly seconded the motion.

The vote to amend was:

CARRIED, AYES ALL

The vote on the amended resolution was:

CARRIED, AYES ALL

The amended resolution now reads:

RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO
EXECUTE CHANGE ORDER #11 TO THE CONTRACT WITH JETT
INDUSTRIES, INC. FOR THE WASTEWATER TREATMENT PLANT
CAPITAL IMPROVEMENT PROJECT

WHEREAS, the total capital project budget, including contingency, is \$43,617,468.47; and

WHEREAS, change order #11 proposes revisions to the work as follows:

1. Addition of Pipe Heat Tracing and Insulation at Disinfection Building
2. Connection of Existing CSO-001 Flow Element to Control Building SCADA
3. Addition of Combined Sewer Overflow Tank Feed Piping Insulation

WHEREAS, following the approval of change order #10, the current available balance of contingency is \$410,581.80.

NOW, THEREFORE, BE IT RESOLVED that the Interim City Manager is hereby authorized to execute Change Order #11, at a project cost increase of \$104,671.00 to the existing contract between the City of Ogdensburg and Jett Industries, Inc., for a total contract sum not to exceed \$38,893,659.14; and

BE IT FURTHER RESOLVED that all portions of this change order that are the responsibility of the Village of Heuvelton estimated at 50% will be billed to the Village of Heuvelton.

9. Mayor Skelly moved a resolution to call for a special City Council Meeting on Monday, November 21, 2022 at 6:00 pm at City Hall, City Council Chambers, Ogdensburg, NY, and Councillor Kennedy seconded to wit:

RESOLUTION

BE IT RESOLVED, that there will be a special City Council Meeting held on Monday, November 21, 2022 at 6:00 pm in the City Hall Council Chambers, Ogdensburg, NY, on the following topic:

See attached agenda

AGENDA
Special Council Meeting
Monday, November 21, 2022
6:00 P.M.

Remote attendance for this meeting will be offered via videoconferencing using GoToWebinar.com.

The public will have an opportunity to participate in the meeting remotely in accordance with §AR-17(G) of the Ogdensburg Municipal Code using the following link: <https://attendee.gotowebinar.com/register/7170342380625168> or by calling 1-631-992-3221 and entering Access Code #651-992-922. The public can preregister to attend the meeting by using the link above.

In accordance with New York State Legislation, all meeting material must be made available to the public with the agenda and no less than 24 hours in advance of a meeting. Any correspondence should therefore be submitted to City Clerk Cathy Jock by email at cjock@ogdensburg.org or by mail to 330 Ford Street, Room #4, Ogdensburg, NY 13669 before 4pm on the Wednesday before a regularly scheduled meeting. Any correspondence received after that time will be included in the next regularly scheduled meeting.

- I. Pledge of Allegiance
- II. Call to Order
- III. Executive Session

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1. To discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

IV. Adjournment

Councillor Powers said he may have a personal conflict for the special meeting, but he will update all members of Council.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Rishe said in reviewing the new preliminary budget he discovered the water and sewer budgets have different line items. Councillor Rishe said the public hearing has already been held for the water and sewer budgets, and he believes Council needs to reaccept those two budgets. Councillor Fisher agreed. Interim City Manager Andrea Smith said Councillor Rishe is correct that the water and sewer budgets changed with the new preliminary budget, and Council can call for a new public hearing if so desired. Councillor Rishe said staff amended it, not Council, and he just wanted it to be clear that the numbers are different. Ms. Smith said the original preliminary budget presented to Council did not include the water and sewer budgets, but the new preliminary budget accepted by Council does.

Councillor Rishe made a motion to accept the new water and sewer budgets with the new preliminary budget, and Councillor Fisher seconded the motion.

The vote was:

CARRIED, AYES ALL

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Mayor Skelly asked that the new preliminary budget with the water and sewer budgets be posted on the City website, and Ms. Smith said that has already been done. Councillor Rishe asked if a new public hearing is required. Ms. Smith said Council can hold a second public hearing if so desired.

2. Councillor Skamperle said Council voted earlier not to exceed the tax cap. Interim City Manager Andrea Smith said Council voted not to call for a public hearing regarding a resolution to exceed the tax cap. Ms. Smith said Council will be asked to entertain that resolution again. Councillor Skamperle recommended the resolution be passed just in case an error in calculations is discovered after the budget is passed.

3. Councillor Powers said a \$650 million water infrastructure grant process was announced in April by Governor Hochul and asked if the City applied for any of that funding. Councillor Powers said he would forward the information to Interim City Manager Andrea Smith. Ms. Smith said she will review the information and update Council.

4. Councillor Rishe said he spoke with Senator-Elect Mark Walczyk regarding pilot payments. Councillor Rishe explained Senator-Elect Walczyk indicated he will be more than happy to carry a bill for the City starting in January. Councillor Rishe explained there are different ways to approach the subject, adding the school board adopted a resolution in support.

NEW BUSINESS

1. Councillor Powers said a potential source of revenue was identified regarding tax exempt properties in cities. Councillor Powers explained a usage fee may be chargeable for fire, police and DPW services. Councillor Powers asked if there is any way to bill for those services. Councillor Rishe said he is only aware of water and sewer bills. Councillor Skamperle said he believes the idea was looked at in the past.

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2. Councillor Fisher asked if outside user fees are the same as in the past. Interim City Manager Andrea Smith said she will forward the figures to Council. Councillor Rishe asked if the City ever adopted rate fees for the Village of Heuvelton, adding he had questioned if their cheese plant can be classified as an industrial user. Ms. Smith said she did not have that information available that night, but she would update Council. Councillor Rishe said he does not know where we are at with the project and questioned if the amount should be figured into next year's budget. Ms. Smith said she will update Council.

ITEMS FOR DISCUSSION

1. Interim City Manager Andrea Smith provided Council with an update regarding the Environmental Facilities Corporation (EFC) grant, noting the City was awarded \$50,000 to conduct a study. Ms. Smith explained the study will look at the places in the City with increased sewer usage to prevent overflows.

2. Interim City Manager Andrea Smith discussed budget work sessions with Council and recommended that all department heads be present for all work sessions. Ms. Smith suggested Council hold the first budget work session on November 16, 2022 at 6:00 p.m. with a second session to be held on November 22, 2022 at 6:00 p.m. Councillor Rishe asked if the intention was to review the entire budget at one time. Ms. Smith explained she is requesting all department heads be present because Council may have questions pertaining to other departments. Councillor Skamperle asked which portions of the budget Council would focus on at the November 16th session. Councillor Rishe said he would like to begin with revenue, adding he is hopeful to go through each department. Ms. Smith said Council can do that as she is recommending all department heads be present. Councillor Fisher said that is a great idea. Councillor Fisher recommended Council review revenue and general government at the first budget work session and public safety at the second session. Councillor Kennedy recommended splitting up fire, police and DWP. Police Chief Mark Kearns requested that he make his presentation to Council on November 16th because he is already committed to a very heavy workload during the day of November 22nd.

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Ms. Smith said Council will review revenue, general government and police on the November 16th session and decide then what the focus will be on November 22nd.

CITIZEN PARTICIPATION

1. Mike Tooley addressed Council and said while the preliminary budget is in balance, it is in balance with the use of \$750,000 of fund balance. Mr. Tooley explained that based on Council's decision not to hold the public hearing to exceed the tax cap, once Council starts discussions regarding revenue the starting point will be \$400,000 less in revenue.

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

- I. Don McCarthy, I'd like to talk about how understaffing the fire department adversely affects the budget.
 - a. I've worked for the City for the past 35 years
 - b. 34 years at the fire department. 22 of those as Assistant Fire Chief
- II. Last year, as Assistant Chief, I was asked to prepare the fire department budget.
 - a. I was directed to prepare the overtime budget based on 4 man minimum staffing.
 - b. I prepared a preliminary budget and submitted it to the City Manager. (Attachment 1)
 - i. I presented the City Manager several scenarios showing the correlation between staffing levels, overtime and hazard pay costs.
 - ii. To summarize, if the City were to hire 3 additional firefighters, bringing the total staffing to 20, there would have been a savings of approximately \$70,000; this savings most likely would have been offset by the health insurance costs for the new hires.
 - iii. Other factors that had to be taken into consideration at that time were:
 1. There was only one name on the firefighter Civil Service list.
 - a. The candidate was from the Syracuse area and was hoping to get trained as a firefighter with hopes of transferring closer to home.
 2. If we were to provisionally hire and train additional firefighters and they didn't score in the top 3 on the next Civil Service Exam, they would not be able to remain in the position and we would be back to square one.
 3. The SAFER grant application period was opening on January 3, 2022 and the City Manager planned to submit an application to hire additional firefighters through the SAFER program.
 - iv. In the end, the City Manager decided to budget for 17 members and hope for the best with the SAFER grant.
- III. In July of 2022 the City reinstated the 5 man minimum staffing.
 - a. This required an additional \$216,000 in overtime for 2022.
 - b. At this point, it was apparent that increasing the fire department staffing levels would be less costly than paying overtime 24/7.
 - c. We were still hopeful that we may be successful with the SAFER grant application and the SAFER grant **would not** apply to any individuals that were hired prior to the award date.
- IV. The SAFER award period closed on September 30, 2022. FEMA made 118 awards totaling \$360 million. Only 2 SAFER grants were awarded in New York State and unfortunately ours was not one of them.
- V. There is still \$200 million in American Rescue Plan Act funds that were added to this year's SAFER grant. To the best of my knowledge, these funds have not yet been awarded.
- VI. Now we find ourselves in a familiar situation, trying to agree on the best way to balance the budget.
 - a. For the second year in a row, I prepared a spreadsheet showing the correlation between staffing levels, overtime and hazard pay costs. (Attachment 2)
 - b. This time I based the figures on a 5 man minimum staffing.
 - c. The figures show, without a doubt, that the City would save a substantial sum of money by putting on 4 additional firefighters.
 - i. After figuring benefits, I calculate the savings to be over \$200,000 in 2023.
 - ii. And these are not one time savings. They continue through to the end of the contract.
 - d. To go a step further, the City could actually save over \$450,000 a year, if they hired 8 firefighters.

- e. I know the chances of that are slim to none, but it is something that needs to be seriously considered. You need to explore every avenue to reduce expenses.
- f. Other factors that need to be taken into consideration:
 - i. This time around there are several names on the firefighter Civil Service list.
 - ii. It is likely that some of those individuals are already trained.
 - iii. If you are awarded a SAFER grant after hiring personnel, you would be able to increase the staffing level further and completely eliminate hazard pay and drastically reduce overtime without having to pay the salary for the additional personnel.

VII. I understand the optics of hiring additional firefighters when the City is facing layoffs in other departments.

- a. The reality is, if you don't hire additional firefighters, you will most likely find yourselves in a position where you will need to make deeper cuts to balance the budget.
- b. Take the \$450,000 savings and use it to maintain staffing in other departments.

VIII. The proposed 2023 overtime budget for the fire department is \$567,508

- i. According to my calculations, to maintain the 5 man minimum, and I recommend that you do, you will need to spend \$760,402 in overtime.(Attachment 3)
- ii. The 2023 budgeted amount is actually \$192,894 below the guaranteed minimum it will cost to maintain a 5 man staffing level with a 4 man shift. And that total doesn't take into account any additional overtime that is paid throughout the year.

IX.

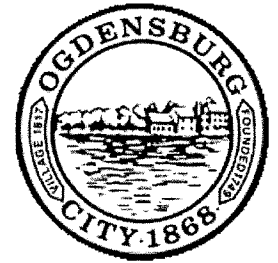
- a. The perception is that firemen are greedy.
- b. In reality, by not hiring additional firefighters, the City is requiring the remaining members to each work an average of 931.5 hours overtime per year. That works out to \$47,525 in overtime per person.
- c. In addition, by not hiring additional firefighters, the City will pay each member \$12,480 in hazard pay.
- d. If you hire 4 additional firefighters, each member can expect to make \$31,000 less in 2023 than they would if you don't hire additional firefighters.
- e. If you hire 8 additional firefighters, each member can expect to make \$57,000 less in 2023 than they would if you don't hire additional firefighters.

X. It seems to me that if the firemen were greedy, they wouldn't be urging the City to hire more firefighters. They would just take the money and run.

XI. The firemen have said time and time again, they'd choose more personnel over more money.

- a. Unfortunately, that is not their decision to make, it's yours.

CITY OF OGDENSBURG, NEW YORK



CENTRAL FIRE STATION • 718 FORD STREET • OGDENSBURG, NEW YORK 13669

DEPARTMENT OF FIRE / EMS / CODES
Phone (315) 393-2321
Fax (315) 394-1413

September 27, 2021

2022 FIRE DEPARTMENT BUDGET ITEMS:

- **A3410.110/120/140 Salaries**
I have figured the salary line considering several scenarios. Each scenario takes into consideration the basic salary, the amount of estimated overtime that will be created due to the number of personnel, and the amount of hazard pay due.
- **.120 Overtime** and **.140 Time Accrual Payouts** lines are practically the same item. The .140 line may be time that was accrued from prior years that was cashed out, or it may be time that was banked in the current year but deferred to a later pay period. In December of each year, overtime accruals in excess of 200 hours are paid down per the CBA. (Article 14c.) This year, that amount will be approximately \$100,000.
- **.130 Sick Leave Incentive** will be approximately \$8,000 using historical data.
- **.160 Health Insurance Buyout** will be \$16,000 if 4 members again take the buyout.
- **.240 Specialized Equipment** consists of turnout gear, firefighting tools and equipment. A complete set of turnout gear costs approx. \$3,500. We will need to purchase a minimum of 3 sets of turnout gear in 2022 to replace damaged/outdated gear. If we were to hire any additional firefighters, this line would need to be adjusted accordingly. \$20,000 is a good starting point.
- **.370 Lease Expense.** See lease agreements.
- **.410 Travel.** This has been used mainly for CEO recertification. With just one CEO remaining, this line can be reduced to \$500.
- **.420 Office Expense.** \$500 is needed for office supplies, log books etc.
- **.421 Medical Expense.** This includes firefighter physicals and EMS equipment and supplies. I believe the City has teamed up with CHMC to provide our annual physicals. This cost associated with the physicals has been approximately \$150 per employee. A reduced budget amount of \$5000 is requested.
- **.440 Equipment Maintenance.** This includes all of our vehicles and equipment. This has historically been approx. \$15,000. With an aging fleet, I would recommend maintaining at least this same budget for 2022.
- **.450 Building Maintenance.** If we are going to move forward with the dispatch remodel, a budget of \$20,000 will be needed for 2022.
- **.460 Heat Lights & Power.** Historically \$11,000 has been an accurate estimate.
- **.480 Gasoline.** This budget item can be reduced to \$4,000 for 2022.
- **.490 Materials and Supplies.** Hopefully the worst of COVID is behind us. Our purchases were far less in 2021 than 2020 and we hope to continue that trend in 2022. I would recommend a budget of \$3000.
- **.510 Professional Training.** Most costs associated with training is covered under the overtime line. CEO's and Fire Investigator's seminars are the most common professional training fee items. In an effort the move forward with the professional

development of the members of the fire department, I would recommend a training budget of \$3000.

- **.550 Uniform & Clothing Allowance.** The new uniform design will require us to supply all members with complete uniforms and badges. The initial cost of this change will be approximately \$7500.
- Personnel
 - o 16 Assumes the retirement of (1) Assistant Chief and (1) Firefighter
 - o 17 Assumes the retirement of (1) Assistant Chief
 - o 18 Includes all members on the current roster
 - o 20 Assumes the retirement of (1) Assistant Chief and hiring (3) Firefighters
- Overtime is based on 4 man minimum.
- Longevity and raises have been included in all figures.

2022

Personnel	Salary	Overtime	Hazard Pay	Total
16	1,115,199	301,650	199,680	1,616,529
17	1,180,291	260,767	180,960	1,622,018
18	1,261,347	219,884	162,240	1,643,471
20	1,289,998	138,118	124,800	1,552,916

2023

Personnel	Salary	Overtime	Hazard Pay	Total
16	1,156,955	310,520	199,680	1,667,155
17	1,225,126	268,251	180,960	1,674,337
18	1,308,900	225,982	162,240	1,697,122
20	1,356,376	141,445	124,800	1,622,621

2024

Personnel	Salary	Overtime	Hazard Pay	Total
16	1,198,047	319,659	199,680	1,717,386
17	1,268,576	275,962	180,960	1,725,498
18	1,355,163	232,266	162,240	1,749,669
20	1,422,740	144,872	124,800	1,692,412

2025

Personnel	Salary	Overtime	Hazard Pay	Total
16	1,236,483	327,723	199,680	1,763,886
17	1,309,103	282,766	180,960	1,772,829
18	1,398,186	237,810	162,240	1,798,236
20	1,486,766	147,896	124,800	1,759,462

November 14, 2022

2023 FIRE DEPARTMENT SALARY PROJECTIONS:

- 17 Assumes the current roster of (1) Chief*, (4) Captains and (12) Firefighters.
- 21 Assumes the current roster plus the hiring of (4) additional Firefighters.
- 25 Assumes the current roster plus the hiring of (8) additional Firefighters.
- Overtime in all columns includes \$70,000 for accrued leave requests.
- * Assistant Chief in 2022.

- Overtime is based on 5 man minimum. (Effective 7/1/2022)
- Longevity and raises have been included in all figures.
- Chief's salary is budgeted at \$104,025.

2022

Personnel Including Ass't Chief	Salary	Overtime	Hazard Pay	Benefits	Total
17	1,165,471	518,197	199,680	--	1,883,348
21	1,311,747	338,118	124,800	+86,000	1,688,665

2023

Personnel Including Fire Chief	Salary	Overtime	Hazard Pay	Benefits	Total
17	1,236,058	830,402	199,680	--	2,266,157
21	1,387,454	453,040	124,800	+94,600	2,059,894
25	1,538,850	70,000**	0	+189,200	1,798,050

2024

Personnel Including Fire Chief	Salary	Overtime	Hazard Pay	Benefits	Total
17	1,282,614	861,700	199,680	--	2,343,994
21	1,463,742	474,167	124,800	+104,060	2,166,769
25	1,644,870	70,000**	0	+208,120	1,922,990

2025

Personnel Including Fire Chief	Salary	Overtime	Hazard Pay	Benefits	Total
17	1,321,446	887,782	199,680	--	2,408,908
21	1,533,162	493,440	124,800	+114,466	2,265,868
25	1,744,878	70,000**	0	+228,932	2,043,810

** - Would require an agreement that only 1 member could be off on vacation or holiday/comp. at a time.

2023 Fire Department Staffing Levels

365 days/year X 24 hours/ day = 8760 hours per year.

Each member (platoon) works an average of 2190 hours/year.

It takes 4 members (8760 hours) to cover 24/7/365 with a staffing level of 1.

16 members can cover 24/7/365 with a staffing level of 4.

To increase the staffing level to 5, you will need to call in overtime personnel to cover 8760 hours.

The average hourly overtime rate in 2023 will be \$51.02/ hour.

8760 x \$51.02 = \$446,935.20. This amount is certain!

Each member is entitled to the following time off:

- 96 hours holiday leave
- 130 hours vacation
- 110 hours compensatory time.
 - o 2190 hours worked per year. Receive pay for 2080 hours and receive the additional 110 hours in compensatory time off.

This totals 336 hours of accrued time off that must be used in the calendar year.

336 x 16 (members) = 5376 hours

5376 x \$51.02 = \$274,283.52. This amount is certain!

Each member is entitled to 48 hours of personal leave per year.

48 x 16 (members) = 768 hours

768 x \$51.02 = \$39,183.36. This amount is probable.

\$446,935.20 + \$274,283.52 + \$39,183.36 = \$760,402.08

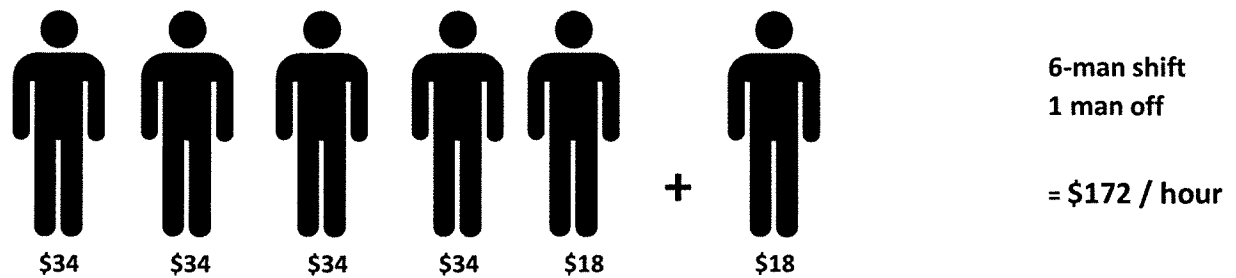
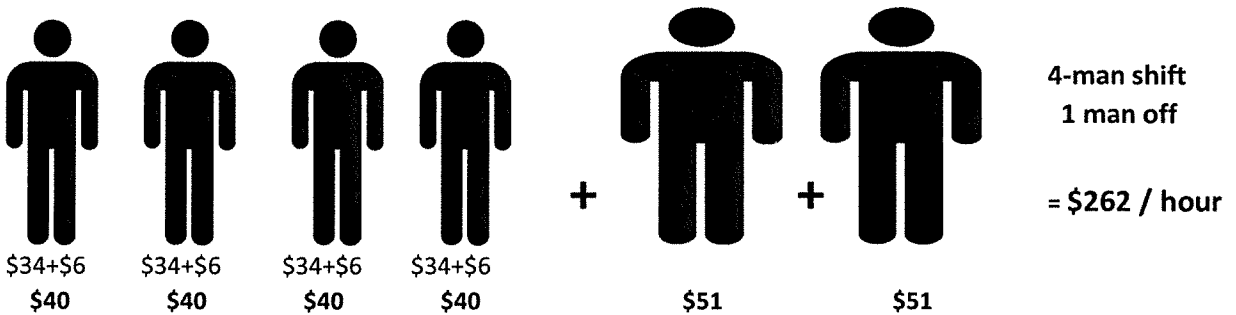
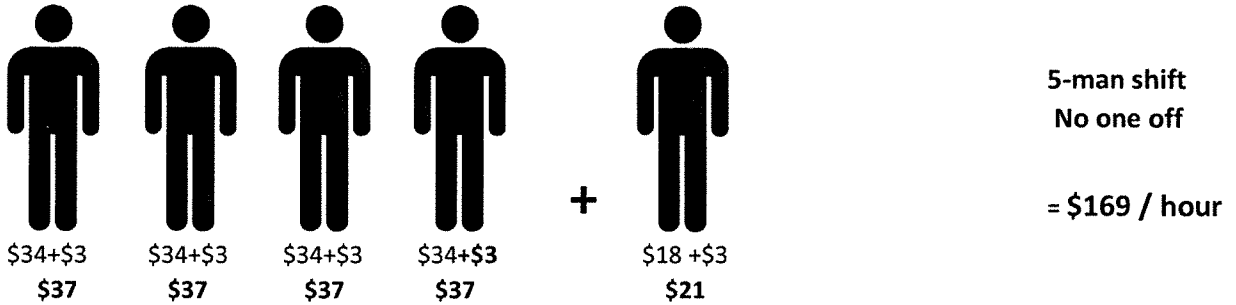
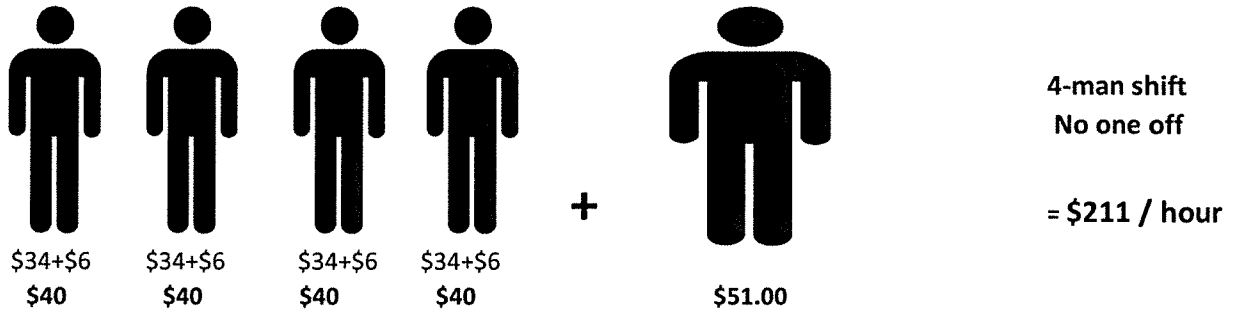
This should be your starting point.

\$760,402.08 (minimum needed) - Assumes \$0 regular overtime

- \$567,508 (budgeted)

= \$192,894.08 (shortfall)

FIRE DEPARTMENT STAFFING 4-5-6 MAN SHIFTS



2023 Fire Department Staffing Levels

5 man shifts

Each member is entitled to the following time off:

- 96 hours holiday leave
- 130 hours vacation
- 110 hours compensatory time.
 - o 2190 hours worked per year. Receive pay for 2080 hours and receive the additional 110 hours in compensatory time off.

This totals 336 hours of accrued time off that must be used in the calendar year.

$$336 \times 20 \text{ (members)} = 6720 \text{ hours}$$

$$\underline{6720 \times \$51.02 = \$342,854.40. \text{ This amount is certain!}}$$

Each member is entitled to 48 hours of personal leave per year.

$$48 \times 20 \text{ (members)} = 960 \text{ hours}$$

$$\underline{960 \times \$51.02 = \$48,979.20. \text{ This amount is probable.}}$$

$$\underline{\$342,854.40 + \$48,979.20 = \$391,833.60}$$

$$6720 + 960 = 7680$$

7680 hours of overtime will be needed to cover scheduled time off

COMMENTS TO CITY COUNCIL

NOVEMBER 14, 2022

Good evening, I am Michael Tooley, I live at 214 Hamilton Street, and as a citizen I thank you for the opportunity to speak with you this evening.

First, I thank Ms. Smith for presenting to the City Council last Thursday a more responsible proposal for the city's 2023 budget than that presented to you on November 1. While I hope it is not the 2023 budget ultimately adopted by the City Council, it provides a good starting point for further discussion.

I also thank Ms. Smith for making her 2023 budget proposal available to the public before the meeting.

I will wait until the public hearing to offer follow-up to the suggestions I offered in my letter to Ms. Smith last week. One comment: I think when scheduling department presentations you should invite the fire chief to make another presentation because the numbers in the fire department budget in the accepted preliminary 2023 city budget do not agree with those in the chief's October 17 presentation. In his presentation, when comparing the cost in 2023 of a 17-employee roster to a 21-employee roster, the chief estimates total compensation and fringe benefits of a 17-employee roster totals \$3,942,560. The total compensation and fringe benefits in the accepted preliminary 2023 city budget, which I believe is for a roster of 17 employees, is \$3,438,512. The difference between the chief's numbers and the city's numbers is slightly more than \$500,000.

I remind the City Council that during the chief's October 17 presentation the city manager emphasized that the estimated costs in the chief's handout were developed with the help of the city comptroller, and that these numbers were "solid". Well, if the preliminary 2023 city budget presented last Thursday provides updated numbers, then I think the chief's estimated costs for a 17-employee roster and a 21-employee roster may need to be revised, and another presentation made.

Thank you.