

CITY COUNCIL MEETING

March 14, 2016

Page 55

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

PRESENT: Mayor Ashley, Councillors Davis, Mitchell,
Morley, Price, Skamperle and Stevenson

ABSENT: None

Mayor Ashley congratulated the Heuvelton Girls Basketball Team on their State Championship. Mayor Ashley said it is quite an accomplishment to become State champions two years in a row and thanked the players, coaches, parents, families and supporters.

PRESENTATION

1. Kevin Feuka, Capital Consultants Architecture and Engineering (C2AE) provided Council with an update on the Wastewater Treatment Plant Capital Improvement Project. Mr. Feuka explained it was determined there is no significant environmental impact. (A copy of his presentation material follows these minutes.)

2. Director of Planning and Development Andrea Smith provided Council with an update on the BOA Designation. (A copy of her presentation material follows these minutes.) City Manager Sarah Purdy suggested Council be mindful of these recommendations when proposals come forward. Ms. Purdy explained if a proposal is inconsistent with our BOA, there may be consequences. Councillor Skamperle asked what those consequences may be and if any reconfiguring of the BOA would be required. Ms. Purdy said no, but the developer may not benefit from all tax breaks offered to those with a proposal that is consistent with our BOA.

PUBLIC HEARING

1. A public hearing regarding an ordinance to sell two City-owned properties (Lincoln Avenue and 11 Rensselaer Avenue) was held. No one being present to speak, the hearing was declared closed.

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #5-2016 in the amount of \$710,533.71 and Library Fund Warrant #5-2016 in the amount of \$21,235.47 and Capital Fund Warrant #5-2016 in the amount of \$22,992.51 and Community Development Fund Warrant #5-2016 in the amount of \$0.00 and Community Renewal Fund Warrant #5-2016 in the amount of \$44,729.28 as audited, be and the same are ordered paid and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Stevenson moved an ordinance to sell City-owned property located at 11 Rensselaer Avenue and Lincoln Avenue, and Councillor Mitchell seconded to wit:

ORDINANCE #2 of 2016
AN ORDINANCE TO OFFER FOR SALE AT PUBLIC AUCTION
CITY-OWNED PROPERTY

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

SECTION ONE:

The following properties shall be offered for sale at public auction by the City of Ogdensburg:

<u>TAX MAP #</u>	<u>LOCATION</u>	<u>MINIMUM PURCHASE PRICE</u>	<u>RESTRICTION(S)</u>
59.022-4-58	Lincoln Avenue (Section of the former railroad bed, between Rensselaer Avenue and King Street, dimensions are approximately 50' x 330' x 30' x 167' x 25' x 165')	\$2,062.	None
59.022-4-59	11 Rensselaer Avenue	\$3,750.	None

SECTION TWO: The City does not guarantee clear property title in the transfer of properties by auction and conveyance will be made by Quit Claim Deed. The City Council reserves the right to reject any or all bids or to withdraw any parcel from sale.

SECTION THREE: This ordinance shall become effective after public notice has been published at least once each week for three weeks in the official City newspaper.

Councillor Skamperle asked if other interested parties can bid on the properties at the public auction. City Manager Sarah Purdy said yes. Councillor Skamperle asked if the property will be tax exempt if purchased by the party who initially expressed an interest. Ms. Purdy said other parcels owned by the interested party are currently tax exempt. Ms. Purdy described the process used to determine the minimum bid on parcels offered for sale by the City. After some discussion, Ms. Purdy said Council could review this procedure in the future.

The vote was:

CARRIED, AYES ALL

CITY COUNCIL MEETING

March 14, 2016

Page 58

2. Councillor Mitchell moved a resolution to call for a public hearing and public notice regarding an Ordinance to amend the Ogdensburg Municipal Code, Chapter 73 entitled “Animals”, and Councillor Stevenson seconded to wit:

RESOLUTION OF CITY COUNCIL INTRODUCING A LOCAL LAW
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED, that a public hearing be held by the Ogdensburg City Council on the proposed changes to the Ogdensburg Municipal Code as requested by the City Clerk, said public hearing to be held on March 28, 2016, at 7:00 pm in the City Council Chambers, City Hall, and

BE IT FURTHER RESOLVED, that the City Clerk is directed to publish notice of said hearing at least seven days before the date of said hearing in the official newspaper of the City of Ogdensburg.

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

The vote was:

CARRIED, AYES ALL

3. Councillor Davis moved a resolution providing public notice and public hearing with regard to the sale of City-owned property located at 801 Washington Street, and Councillor Skamperle seconded to wit:

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

BE IT RESOLVED, that Ordinance No. entitled "An Ordinance to Offer for Sale at Public Auction City-Owned Property " be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid ordinance to be held at the Council Chambers in the City of Ogdensburg, New York, on the 28th day of March, 2016, at 7:00 p.m., and

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

The vote was:

CARRIED, AYES ALL

4. Councillor Skamperle moved a resolution providing for public notice and public hearing with regard to the sale of City-owned property located at 8 Spring Street, and Councillor Morley seconded to wit:

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

BE IT RESOLVED, that Ordinance No. entitled "An Ordinance to Offer for Sale at Public Auction City-Owned Property " be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

CITY COUNCIL MEETING

March 14, 2016

Page 60

BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid ordinance to be held at the Council Chambers in the City of Ogdensburg, New York, on the 28th day of March, 2016, at 7:00 p.m., and

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

Councillor Skamperle said he will not be able to attend the March 28, 2016 Council Meeting and asked if six affirmative votes will be required to sell the parcels. City Manager Sarah Purdy said yes. After some discussion, there was a consensus to hold the Public Hearings at the March 28, 2016 Council Meeting and table the vote on the ordinances if necessary.

The vote was:

CARRIED, AYES ALL

5. Councillor Skamperle moved a resolution authorizing the City Manager to enter into a professional consulting agreement with the Development Authority of the North Country for the Wastewater Treatment Plant facility, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING 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 Wastewater Treatment Plant facility has been negotiated between the City Manager and the Development Authority of the North Country (DANC), and

CITY COUNCIL MEETING

March 14, 2016

Page 61

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

BE IT FURTHER RESOLVED that funding for this service will come from the Sewer Fund.

Mayor Ashley stated that when this proposal was initially presented to Council the Director of Public Works Scott Thornhill indicated there would be an \$85,000. savings. Mr. Thornhill said he never stated there would be a savings, the newspaper reported that figure. Mr. Thornhill explained he advised Council there would be zero impact on the City and described the source of funding for the agreement with DANC. Mayor Ashley asked if this agreement would affect the number of City employees at the plant. Mr. Thornhill said not at this time. Mr. Thornhill explained he received no notice of the retirement of our 3A operator and only 90 days' notice of the retirement of our 4A operator. Mr. Thornhill said we are preparing to offer the exam and our staffing level could potentially return to six employees in the future. Mayor Ashley asked if there are any problems with the union. Mr. Thornhill explained he has had several meetings with the union, and the interactions have been positive. City Manager Sarah Purdy explained our employees were given the opportunity to speak privately with employees of other plants during the recent facility tours. Mayor Ashley asked if this agreement with DANC will cost the City additional money, and Mr. Thornhill said no.

Councillor Morley asked if we have advertised the exam for a 4A operator. City Clerk Kathleen Bouchard explained New York State Civil Service sets the test date. Mrs. Bouchard added we have not advertised for a provisional 4A operator appointment. Ms. Purdy said she is not a supporter of provisional appointments because the individual must pass the exam to keep the position. Mayor Ashley asked if Mr. Adams has now retired. Mr. Thornhill said yes, but he is working part time to assist the City with meeting requirements at the plant.

CITY COUNCIL MEETING

March 14, 2016

Page 62

Mayor Ashley asked if our plant will be staffed forty hours a week under the contract with DANC. Mr. Thornhill said someone will be present at the plant as much as needed, and the City will not pay any overtime. Councillor Morley asked if the City has completed a request for proposals to compare costs, and if we are required to do so. Ms. Purdy said we are not required to seek RFP's because it is a management service by licensed professionals. Mr. Thornhill said he is not aware of any other local companies offering the same services as DANC. Mayor Ashley questioned the term of the agreement. Ms. Purdy said the maximum term is 5 years, but the contract contains a 90 day termination clause. Ms. Purdy cautioned that termination of the contract may force the City to pay for services DANC will initially provide at no additional charge. Mr. Thornhill explained DANC will bring in many services, and infrastructure improvement costs will be spread over five years. Councillor Davis asked for the time frame allowed for DANC to hire an operator to fulfill the contract. Mr. Thornhill said DANC must provide a 4A operator within ninety days. Mayor Ashley asked if the operator will report to Mr. Thornhill. Mr. Thornhill said yes and also to DANC. Councillor Price said the ninety day termination clause provides for prorating and asked if Exhibit B reflects hourly charges. Ms. Purdy said yes, but those fees only apply if we seek additional services.

Councillor Skamperle asked if our employees would also answer to DANC. Mr. Thornhill said a City employee will be the operator of the plant, and DANC will provide the required 4A operator. Mr. Thornhill explained DANC will continue to make recommendations once we hire a 4A operator. Mr. Thornhill said our employees will benefit from the sharing of information daily, and the DANC operator will supplement our staff. Mr. Thornhill explained we will receive recommendations from DANC, but our operator will run the plant. Councillor Morley asked why we should contract with DANC if we plan to hire our own 4A operator. Mr. Thornhill explained our plant is deficient, and our technology is very outdated. Mr. Thornhill said DANC will bring our plant into the 21st century. Mr. Thornhill explained DANC will provide the SCADA system which will allow operators to correct problems from home using their smartphone.

CITY COUNCIL MEETING

March 14, 2016

Page 63

Ms. Purdy reminded Council of the C2AE presentation summarizing our plant's assets and the risks involved with not making needed improvements. Ms. Purdy explained this proposal is one piece of the strategy to get the City through the much needed improvements and overcome our serious staffing and technology hurdles. Councillor Stevenson said touring the various plants was very beneficial in determining that we need DANC's assistance with our plant. Councillor Mitchell asked how there will be no cost to the City if we hire a 4A operator and bring the staffing level back to six in the future. Mr. Thornhill explained the current budget accounts for eight employees at the plant, and he has never eliminated those two vacant positions. Mr. Thornhill said the salaries for those two positions will cover the expense of the DANC contract. Mr. Thornhill added costly required services would be included in the DANC contract, thereby reducing our expenses. Councillor Skamperle said he supports the contract with DANC, but he had hoped to see a savings.

The vote was:

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

NAYS: Councillor Morley

CARRIED, 6 TO 1

6. Councillor Price moved a resolution determining that the City of Ogdensburg Wastewater Treatment Plant Improvement Project will not have a significant effect on the environment, and Councillor Mitchell seconded to wit:

CITY COUNCIL MEETING

March 14, 2016

Page 64

RESOLUTION DETERMINING THAT THE PROPOSED CITY OF
OGDENSBURG WWTP IMPROVEMENTS PROJECT WILL NOT HAVE
A SIGNIFICANT EFFECT ON THE ENVIRONMENT

WHEREAS, the Ogdensburg City Council is considering a proposal to construct improvements to its waste water treatment plant; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in 6 NYCRR Part 617 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, hereafter SEQRA, the City Council must determine whether such proposal may have a "significant effect on the environment" and therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the City Council in determining whether the proposal may have a significant impact upon the environment, a full environmental assessment form (EAF) has been prepared, a copy of which was presented and circulated at the February 22, 2016 and March 14, 2016 meetings of the City Council; and

WHEREAS, pursuant to Part 617, the City Council has examined the EAF in order to make a determination as to the potential environmental significance of the proposal; and

WHEREAS, the New York State Department of Environmental Conservation (hereafter "NYSDEC") and the City of Ogdensburg are the involved agencies as that term is defined in 6 (A2) NYCRR Section 617.2(t); and

WHEREAS, no further review is required under SEQRA;

CITY COUNCIL MEETING

March 14, 2016

Page 65

NOW, THEREFORE, BE IT RESOLVED by the Ogdensburg City Council as follows:

1. Based on its examination of the EAF, the criteria set forth in Sections 617.11 and 617.6 of the regulations, and such further investigation as the City Council has deemed appropriate, no potential significant adverse impacts are known;
2. Consent to proceed with the project will not cause a significant impact on the environment, and the City Council will not require the preparation of an environmental impact statement;
3. A negative declaration is to be prepared; and
4. The Ogdensburg City Clerk is hereby directed to cause to be filed and circulated the negative declaration in accordance with the requirements of SEQRA, a copy of the negative declaration shall be maintained in the Office of the City Clerk in a file that will be readily accessible to the public, and the clerk shall mail copies, return receipt requested, to:

Office of the Commissioner
Department of Environmental
Conservation 625 Broadway
Albany, NY 12233

and,

Environmental Notice Bulletin
NYSDEC - Attn: Jack Nasca
625 Broadway, 4th Floor
Albany, NY 12233-1750

5. All subsequent notices concerning this project shall state that a negative declaration pursuant to SEQRA has been issued.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Skamperle said it appears the snow removal issue on Paterson Street has been resolved. Director of Public Works Scott Thornhill said he asked Mr. Winter to contact him directly if he experienced any issues. Mr. Thornhill explained once snowbanks were established, the snow was thrown to the top of the snowbanks and no longer onto the sidewalks.

NEW BUSINESS

1. Councillor Stevenson congratulated the Ogdensburg Boys & Girls Club on another successful Expo event this past weekend.

ITEMS FOR DISCUSSION

1. Councillor Morley suggested Council review the overnight parking ban. Councillor Morley explained we are using parking ban dates that are set in stone with no regard for the weather conditions. Councillor Morley suggested making the ban flexible when weather conditions permit parking on the street. Councillor Stevenson said there is still a potential for winter weather and suggested we follow City staff recommendations. Councillor Morley suggested a removal of the ban with an understanding that if it snows, residents must remove vehicles from the streets. Mayor Ashley said that option has been implemented in the past and caused great confusion. Councillor Morley said taxpayers are being forced to repair damaged lawns if they have no off street parking.

CITY COUNCIL MEETING

March 14, 2016

Page 67

Councillor Morley said the DPW crews are not scheduled to begin spring cleanup for another three weeks. Director of Public Works Scott Thornhill said his crews have swept the streets three nights this week and will continue to do so while no vehicles are parked on the streets. Councillors Stevenson and Davis suggested we let our Police Department use their discretion, and Mayor Ashley agreed. Councillor Davis said storms could arrive unexpectedly in the middle of the night. Councillor Price agreed and said we should let our Police Department use their discretion. Councillor Skamperle also agreed and said residents can always contact the Police Department if a disabled vehicle must remain on the street after hours. There was a consensus of Council to leave the parking ban as is.

Mayor Ashley said there was a need for Executive Session to discuss a personnel issue and pending litigation, and Councillor Skamperle seconded.

The vote to adjourn to Executive Session was:

CARRIED, AYES ALL

Mayor Ashley asked City Manager Sarah Purdy if there would be any action coming from the Executive Session and she said no.

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