

CITY COUNCIL MEETING

July 12, 2010

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Deputy Mayor Morley stated Mayor Nelson is out of town on vacation and will not be attending the meeting.

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

PRESENT: Councillors Cilley, Morley, Powers,
Sholette, Skamperle and Vaugh

ABSENT: Mayor Nelson

PRESENTATION

1. Director of Planning and Development, Justin Woods and John Buckholz addressed Council and provided an overhead presentation regarding an update of the BOA/LWRP program as well as a GIS Demonstration. (A copy of the presentation follows these minutes.)

2. Director of Planning and Development, Justin Woods and Arturs Saburovs addressed Council and provided an overhead presentation regarding an update on the City's energy initiatives. (A copy of the presentation follows these minutes.)

CONSENT AGENDA

Deputy Mayor Morley moved that the claims as enumerated in General Fund Warrant #13-2010 in the amount of \$453,086.27 and Library Fund Warrant #13-2010 in the amount of \$25,949.86 and Capital Fund Warrant #13-2010 in the amount of \$465,155.98 and Community Development Fund Warrant #13-2010 in the amount of \$5,290.81 and Community Renewal Fund Warrant #13-2010 in the amount of \$1,955.00 and HOME Fund Warrant #13-2010 in the amount of \$0.00 and AHC Funds Warrant #13-2010 in the amount of \$0.00 and RESTORE Program Warrant #13-2010 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Powers seconded the motion.

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The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Deputy Mayor Morley moved a resolution to establish a Workplace Violence Prevention Policy, and Councillor Vaugh seconded to wit:

RESOLUTION TO ADD ADMINISTRATIVE REGULATIONS, SECTION #27.2,
ENTITLED "WORKPLACE VIOLENCE PREVENTION POLICY", TO THE
MUNICIPAL CODE OF THE CITY OF OGDENSBURG

BE IT RESOLVED, that the following item is hereby added to the Administrative Regulations:

§ AR-27.2 Workplace Violence Prevention Policy

PURPOSE: The City of Ogdensburg maintains a zero tolerance standard of violence in the workplace. The purpose of this policy is to provide City of Ogdensburg employees guidance that will maintain an environment at and within City of Ogdensburg property and events that is free of violence and the threat of violence.

POLICY: Violent behavior of any kind or threats of violence, either implied or direct, are prohibited at City of Ogdensburg, in properties and at City of Ogdensburg sponsored events. Such conduct by a City of Ogdensburg employee will not be tolerated. An employee who exhibits violent behavior may be subject to criminal prosecution and shall be subject to disciplinary action up to and including dismissal. Violent threats or actions by a non-employee may result in criminal prosecution. City of Ogdensburg will investigate all complaints filed and will also investigate any possible violation of this policy of which we are made aware. Retaliation against a person who makes a complaint regarding violent behavior or threats of violence made to him/her is also prohibited.

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DEFINITIONS: Workplace Violence: Behavior in which an employee, former employee or visitor to a workplace inflicts or threatens to inflict damage to property, serious harm, injury or death to others at the workplace.

Threat: The implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property.

Intimidation: Making others afraid or fearful through threatening behavior.

Zero-tolerance: A standard that establishes that any behavior, implied or actual, that violates the policy will not be tolerated.

Court Order: An order by a Court that specifies and/or restricts the behavior of an individual. Court Orders may be issued in matters involving domestic violence, stalking or harassment, among other types of protective orders, including Temporary Restraining Orders.

PROHIBITED BEHAVIOR: Violence in the workplace may include, but is not limited to the following list of prohibited behaviors directed at or by a co-worker, supervisor or member of the public:

1. Direct threats or physical intimidation.
2. Implications or suggestions of violence.
3. Stalking.
4. Possession of weapons of any kind on City of Ogdensburg property, including parking lots, other exterior premises or while engaged in activities for City of Ogdensburg in other locations, or at City of Ogdensburg -sponsored events, unless such possession or use is a requirement of the job.
5. Assault of any form.
6. Physical restraint, confinement.
7. Dangerous or threatening horseplay.
8. Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment.
9. Blatant or intentional disregard for the safety or well-being of others.
10. Commission of a violent felony or misdemeanor on City of Ogdensburg property.
11. Any other act that a reasonable person would perceive as constituting a threat of violence.

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Domestic Violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as co-workers. For the purposes of this document, “domestic violence” is defined as abuse committed against an adult or fully emancipated minor. Abuse is the intentional reckless attempt to cause bodily injury, sexual assault, threatening behavior, harassment, or stalking, or making annoying phone calls to a person who is in any of the following relationships:

- Spouse or former spouse;
- Domestic partner or former domestic partner;
- Cohabitant or former cohabitant and or other household members;
- A person with whom the victim is having, or has had, a dating or engagement relationship;
- A person with whom the victim has a child.

The City of Ogdensburg recognizes that domestic violence may occur in relationships regardless of the marital status, age, race, or sexual orientation of the parties.

REPORTING ACTS OR THREATS OF VIOLENCE:

An employee who:

1. is the victim of violence, or
2. believes they have been threatened with violence, or
3. witnesses an act or threat of violence towards anyone else shall take the following steps:

- If an emergency exists and the situation is one of immediate danger, the employee shall contact the local police officials by dialing 9-1-1, and may take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area.

- If the situation is not one of immediate danger, the employee shall report the incident to the appropriate supervisor or manager as soon as possible and complete the City of Ogdensburg Workplace Violence Incident Report Form.

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PROCEDURES- FUTURE VIOLENCE: Employees who have reason to believe they, or others, may be victimized by a violent act sometime in the future, at the workplace or as a direct result of their employment with City of Ogdensburg shall inform their supervisor by immediately completing a Workplace Violence Incident Report Form so appropriate action may be taken. The supervisor shall inform the City Manager, the Personnel Aide and the local law enforcement officials.

Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy of the signed order to their supervisor. The supervisor shall provide copies to the City Manager, the Personnel Aide and local police.

INCIDENT INVESTIGATION: Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The employee's supervisor will cause to be initiated an investigation into potential violation of work rules/policies. Simultaneously, the City Manager will refer the matter to local police for their review of potential violation of civil and/or criminal law.

Procedures for investigating incidents of workplace violence include:

- Visiting the scene of an incident as soon as possible.
- Interviewing injured and threatened employees and witnesses.
- Examining the workplace for security risk factors associated with the incident, including any reports of inappropriate behavior by the perpetrator.
- Determining the cause of the incident.
- Taking mitigating action to prevent the incident from recurring. – Recording the findings and mitigating actions taken.

In appropriate circumstances, the City Manager will inform the reporting individual of the results of the investigation. To the extent possible, the City Manager will maintain the confidentiality of the reporting employee and the investigation but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety. Company will not tolerate retaliation against any employee who reports workplace violence.

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MITIGATING MEASURES: Incidents which threaten the security of employees shall be mitigated as soon as possible following their discovery. Mitigating actions include:

- Notification of law enforcement authorities when a potential criminal act has occurred.
- Provision of emergency medical care in the event of any violent act upon an employee.
- Post-event trauma counseling for those employees desiring such assistance.
- Assurance that incidents are handled in accordance with the Workplace Violence Prevention policy.
- Requesting City of Ogdensburg's attorney file a restraining order as appropriate.

TRAINING AND INSTRUCTION: City of Ogdensburg Personnel Aide shall be responsible for ensuring that all employees, including managers and department heads, are provided training and instruction on general workplace security practices. The City Manager shall be responsible for ensuring that all employees and department heads, are provided training and instructions on job specific workplace security practices.

Training and instruction shall be provided as follows:

- To all current employees when the policy is first implemented.
- To all newly hired employees, department heads or employees given new job assignments for which specific workplace security training for that job assignment has not previously been provided.
- To affected employees whenever management is made aware of a new or previously unrecognized hazard.

Workplace security training and instruction includes, but is not limited to, the following:

- Preventive measures to reduce the threat of workplace violence, including procedures for reporting workplace security hazards.
- Methods to diffuse hostile or threatening situations.
- Escape routes.
- Explanation of this Workplace Violence Prevention Policy.

In addition, specific instructions shall be provided to all employees regarding workplace security hazards unique to their job assignment.

Councillor Skamperle stated he wanted #4 removed. Section #4 read:

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4. Possession of weapons of any kind on City of Ogdensburg property, including parking lots, other exterior premises or while engaged in activities for City of Ogdensburg in other locations, or at City of Ogdensburg -sponsored events, unless such possession or use is a requirement of the job.

Councillor Skamperle moved to amend the resolution by removing item number four, and Councillor Sholette seconded the motion.

The vote to amend the resolution was:

APPROVED, 4 TO 2

Councillor Powers stated #4 should be tied into #9, which read:

9. Blatant or intentional disregard for the safety or well-being of others.

After much discussion amongst Council, Councillor Cilley moved to refer this policy back to its originate source and the City Attorney, to modify it by tying number four in with number nine, and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Deputy Mayor Morley moved a resolution calling for a public hearing and public notice regarding an ordinance amending Chapter 209 of the Code of the City of Ogdensburg, and Councillor Vaugh seconded to wit:

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

BE IT RESOLVED, that Ordinance No. 8 of 2010, entitled, Ordinance Amending Chapter 209 entitled "Vehicles and Traffic"; Section 209-48, Schedule XI entitled "Parking Prohibited at All Times" of the Code of the City of Ogdensburg be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

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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 9th day of August, 2010 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:

AYES: Deputy Mayor Morley, Councillors Powers, Sholette,
Skamperle and Vaugh

NAYS: Councillor Cilley

APPROVED, 5 TO 1

3. Councillor Vaugh moved a resolution authorizing the submission of a grant application with NYS OPRHP, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING THE SUBMISSION OF A JOINT GRANT APPLICATION WITH THE NYS OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION (NYS OPRHP) TO THE DEPARTMENT OF THE INTERIOR, US FISH AND WILDLIFE SERVICE UNDER THE BOATING INFRASTRUCTURE GRANT PROGRAM

WHEREAS, the City has completed a Master Plan and seeks to attract more transient boater traffic to the City and the Visitor Center; and

WHEREAS, the Master Plan calls for adding a marine fuel station and for marina expansion to accommodate additional transient boaters; and

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WHEREAS, there is a shortage of transient boat slips in the Ogdensburg Municipal Marina, and

WHEREAS, the City received a \$50,000 Environmental Protection Fund Grant from the New York State Office of Parks, Recreation and Historic Preservation for the purpose of constructing 20 new transient boat slips; and

WHEREAS, the City has pledged a \$50,000 match to the EPF Grant; and

WHEREAS, there are no marine refueling stations in Ogdensburg; and

WHEREAS, boaters must travel to either Morristown or Massena to refuel their boats, often bypassing Ogdensburg; and

WHEREAS, a marine refueling station will enhance the planned expansion of the marina and attract more transient boat traffic and visitors to the City; and

WHEREAS, the Boating Infrastructure Grant Program provides federal funds for up to 75% of boating infrastructure, including for transient boat slips and marine refueling stations;

NOW, THEREFORE BE IT RESOLVED, that the City Manager is hereby authorized to submit a joint application with the NYS OPRHP to the Boating Infrastructure Grant Program for funding to cover 75% of the costs of constructing 20 transient boat slips and a marine refueling station and, upon approval of said request, to enter into and execute a project agreement with the Department of the Interior for such financial assistance to the City of Ogdensburg.

Councillor Cilley moved to amend the resolution by removing the number of transient slips (20) from the resolution, and Councillor Vaugh seconded the motion.

The vote to amend the resolution was:

APPROVED, 5 TO 1

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The resolution as amended now read:

RESOLUTION AUTHORIZING THE SUBMISSION OF A JOINT GRANT APPLICATION WITH THE NYS OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION (NYS OPRHP) TO THE DEPARTMENT OF THE INTERIOR, US FISH AND WILDLIFE SERVICE UNDER THE BOATING INFRASTRUCTURE GRANT PROGRAM

WHEREAS, the City has completed a Master Plan and seeks to attract more transient boater traffic to the City and the Visitor Center; and

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NOW, THEREFORE BE IT RESOLVED, that the City Manager is hereby authorized to submit a joint application with the NYS OPRHP to the Boating Infrastructure Grant Program for funding to cover 75% of the costs of constructing 20 transient boat slips and a marine refueling station and, upon approval of said request, to enter into and execute a project agreement with the Department of the Interior for such financial assistance to the City of Ogdensburg.

The vote was:

APPROVED, 4 TO 2

4. Councillor Vaughn moved a resolution to support For La Presentation Association's grant application to construct a link to the Maple City Trail, and Councillor Sholette seconded to wit:

RESOLUTION SUPPORTING FORT LA PRESENTATION ASSOCIATION'S
GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF PARKS,
RECREATION AND HISTORIC PRESERVATION FOR THE PURPOSE
OF CONSTRUCTING A LINK TO THE CITY OF OGDENSBURG'S
MAPLE CITY TRAIL

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has announced that grant funds will be made available from the NYS Environmental Protection Fund; and

WHEREAS, the City has a popular 2.2-mile-long recreation trail along the St. Lawrence and Oswegatchie Rivers called the Maple City Trail; and

WHEREAS, the City has a trail linkage plan that connects to and extends the Maple City Trail System west along the Southern shore of the St. Lawrence River; and

WHEREAS, the Fort La Presentation Association has plans to reconstruct the historic fort and maintain public access trails on its property that could achieve a component of the trail linkage plan along the southern shore of the St. Lawrence River;

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NOW, THEREFORE, BE IT RESOLVED, that the City Manager, Arthur J. Sciorra, is hereby authorized and directed to draft a letter of support for Fort La Presentation Association's request for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of the Park Development and Planning Program, in an amount not to exceed \$400,000.; and

BE IT FURTHER RESOLVED that upon approval of said request, the City Manager will enter into and execute a project agreement with the Association to loan the Association the reimbursable funds for the project and other such management assistance as may be necessary to complete this Maple City Trail Extension project.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Deputy Mayor Morley stated the Seaway Festival Committee needs volunteers to help sell buttons before the fireworks. Councillor Sholette stated Council will be selling buttons on Friday night at the corner of Caroline and Washington Streets.
2. Councillor Skamperle said the City received a letter from Brian Fischer, Commissioner of New York State Correctional Services, stating the Ogdensburg Correctional Facility has been taken off the closure list. Councillor Skamperle congratulated the Ogdensburg Correctional Facility Task Force, senators, assembly and people of Ogdensburg for their grass route efforts, which paid off.
3. Councillor Skamperle stated he requested a list of City-owned property at the last meeting and has not yet received it.

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4. Councillor Skamperle asked Director of Public Works, Kit Smith if he has reviewed the blocked culvert pipe at the marina and if removing some of the blockage would allow more water flow. Mr. Smith stated when he looked at it a couple of years ago the cost to have the blockage removed was around \$10,000. Mr. Smith added to remove the blockage now we would need a DEC and Army Corps of Engineers permit and an engineering study.

5. Councillor Skamperle stated Council received a memo from Comptroller, Philip Cosmo regarding pilot payments. City Manager, Arthur Sciorra explained that the State has its own rules regarding what pilots it will pay, and will not pay pilots on the City's property.

6. Councillor Skamperle stated residents have asked him if the Maple City Trail extension through the cemetery and down highway 812 is going to happen. Mr. Sciorra stated we have reviewed two approaches; either rehabilitating the bridge at a cost of a million dollars or more, or going west to connect it through the Black Lake Road. Mr. Sciorra added that the City is exploring easements on the Notre Dame property, but there is not enough money to do this project right now.

7. Councillor Powers stated Mr. Sciorra has done a great job with the cheese plant and thanked him for the update regarding Alliance Energy.

8. Councillor Sholette asked Mr. Sciorra if had a chance to review the RFP the City of Syracuse put out for the one-dollar home redevelopment program. Mr. Sciorra stated he has not had a chance to review it.

9. Councillor Sholette stated a few meetings ago he brought up the account established for the ball field at Jefferson Park. Councillor Sholette added Council received an update on the work done at the park, and asked if any of the members of the leagues were contacted by the Recreation Director to ask what they would like to see

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done. Mr. Sciorra stated he will follow up on this and update Council on any discussions and improvements.

10. Councillor Sholette stated an individual spoke at the last meeting and asked if there has been any discussion with Bruyere-Chadwick Realty about their move. City Manager, Arthur Sciorra stated he spoke with Allison Chadwick who has every intension of moving her business to the soon to be vacated Center For Sight building.

11. Deputy Mayor Morley asked Fire Chief Steven Badlam if the vermin problem at 907 Main Street has been resolved. Mr. Badlam stated the property has been cleaned. Deputy Mayor Morley also asked if the property owner of 1 Spruce Street, that burnt five years ago, will be pushed to finish the job. Mr. Badlam stated the demolition permit is still active at this point, and the owner has been asked to comply.

NEW BUSINESS

1. Councillor Skamperle asked about the possibility of a porta-potty or tying into the sewer system for an outhouse along the Maple City Trail system. Mr. Sciorra stated when the City applies for trail expansion additional funds, it could be looked at.

2. Councillor Skamperle asked if better transient boat parking signage could be installed at the marina as some of them are using the old boat launch to park their boats while at the concession, making it difficult for other boaters to launch their boats. Mr. Sciorra stated he will review this and update Council.

3. Councillor Skamperle stated a woman on Jefferson Avenue advised him that she is trying to sell her property, but the City is prohibiting her with restrictions on the property. Mr. Sciorra stated she would like the City to put water and sewer services on the property.

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Director of Planning and Development, Justin Woods advised that this property was sold to her cheap, with deed restrictions. Director of Public Works, Kit Smith stated we could provide sewer services if she had a pumping station installed as the elevations are substantially lower than anything in the area. Mr. Smith stated water is also feasible as long as she has the appropriate cover due to a large amount of rock in that area. Mr. Smith added that she would be responsible for the blasting to put in a lateral water line. Mr. Smith explained that he told her there were alternatives for water accessibility, but the main stumbling block was the sanitary water. Councillor Skamperle would like these alternatives presented to Council. Mr. Smith added that the City has an infrastructure right-of-way through the center of this property which is also a deed restriction.

4. Councillor Cilley asked if a gentleman in a red construction truck, parked in the Greenbelt area in the evening was a City employee. Mr. Smith stated the gentleman is not a City employee and is just looking at the river.

ITEMS FOR DISCUSSION

1. Councillor Powers congratulated the Ogdensburg Police, in conjunction with the DEA, on the job they are doing with the Medusa Program. Councillor Powers stated the articles in the Journal written by Matthew Curatolo have exposed the crime in our City and wishes them continued success in conjunction with the DEA, Federal, State and County agencies.

2. Councillor Skamperle asked if the City has an employee cell phone usage policy. Mr. Sciorra stated no. Councillor Skamperle requested that one be created as he received a complaint that a lifeguard was texting rather than watching children at the City pool. Councillor Cilley stated this complaint should be passed on to the pool director who will deal with it immediately. Mr. Sciorra stated he will also look into this and get back to Council.

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3. Councillor Sholette stated a carp tournament was recently held in the City, and the event organizers said the carp fishing at the Shade Roller property was wonderful. Councillor Sholette added that only certain areas in the City were designated for fishing this year, but they will expand to other areas next year. Councillor Sholette stated the organizers thanked the City for their cooperation and a job well done on the property. Deputy Mayor Morley stated a DPW worker has made the City internationally known by bringing people from Europe to the City, and word is getting out about carp fishing in Ogdensburg.

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