

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

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

ABSENT: Councillor Price

Mayor Ashley said Councillor Price asked to be excused. There was a consensus of Council to excuse Councillor Price.

Mayor Ashley called for a moment of silence in memory of Charles W. Kelly who passed away on Sunday, October 21, 2018. Mayor Ashley said Mr. Kelly was the former publisher of the Ogdensburg Journal.

PRESENTATION

1. Kathleen Wade of the Ogdensburg Historic Preservation Commission presented Betty Steele with the Elizabeth Baxter award. Mrs. Wade noted the award has not been given since 1991 and provided a background of Ms. Steele's accomplishments. Mayor Ashley read a proclamation declaring October 22, 2018 Betty Steele Appreciation Day in the City of Ogdensburg. Jim Reagen presented Ms. Steele with a proclamation from Senator Patricia Ritchie.

City Council adjourned for 15 minutes for refreshments in Room #3. Upon returning, all members of Council were still present.

2. City Manager Sarah Purdy explained the memo she sent to Council regarding the OBPA expansion and described the expansion project. (A copy of her memo follows these minutes.) Ms. Purdy said she recommends prolonging the blasting portion of the project until the end of August and then closing the Paterson Street boat launch for the season after providing public notice.

CITY COUNCIL MEETING

October 22, 2018

Page 253

Ogdensburg Bridge and Port Authority Executive Director Wade Davis explained the benefits of the expansion project. Mr. Davis said they are working on the funding needed for the project, and they need Council to pick an option regarding the closing of the Paterson Street boat launch. Mr. Davis introduced Lex Barker and Katie Wilson from the US Army Corps of Engineers.

Mr. Barker said he has been involved in the project since 2013 and explained the different limit restrictions. Mr. Barker said the 500' limit is the most critical, and the 1000' limit is a precautionary measure. Mr. Barker said the 2500' restriction simply prohibits anyone from being in the water at the time of blasting. Mr. Barker said two public meetings will be held; one providing general information and the other being specific to the blasting process. Ms. Wilson explained the blasting procedure in detail.

Ms. Purdy said one option is to keep the boat launch open providing a 15 minute warning before blasting begins, but this would require police in boats all day. Ms. Purdy said we need to take scheduling requirements, risks and the boating community's interest into consideration. Ms. Purdy explained waiting until August 15th or delaying until after Labor Day creates a time crunch for the Army Corps of Engineers. Ms. Wilson said many extra safety measures would be required if the boat launch were to remain open.

Councillor Skamperle said keeping the boat launch open as far beyond Labor Day as possible is the best option, and he will not support closing the boat launch for the season prior to Labor Day. Councillor Skamperle asked within what radius property owners had been notified. Ms. Wilson explained property owners within 1000' have already received a notice with a pre-site inspection agreement. Ms. Wilson said the agreement protects the property owner and the government. Ms. Wilson explained it will be precision blasting and no damage is anticipated. Ms. Purdy said she is concerned there is a deadline to return the signed agreement, but a public meeting will not be held until the Spring.

CITY COUNCIL MEETING

October 22, 2018

Page 254

Mr. Barker said the pre-inspection agreements are required before that portion of the project can be put out to bid. Ms. Purdy said property owners do not know what the agreement is because there has been no public notification. Mr. Barker said the agreement also contained a cover letter providing an explanation.

Councillor Skamperle asked if there could be potential damage at the boat launch or to other City-owned property. Ms. Wilson said the blast specialist says no, and these are very conservative limits. Ms. Purdy said the City received the notification letter for City-owned property, and it has been forwarded to City Attorney Andy Silver for review. Ms. Purdy said a resolution will be presented to Council for approval. Councillor Skamperle asked who is responsible if damage does occur. Ms. Wilson said if the damage is caused by contractor neglect, the contractor would be liable. Mr. Barker said all contractors have insurance, and all have signed a project partnership agreement to hold the government free of liability. Ms. Purdy said the City has also requested a hold harmless agreement, but Mr. Barker said that would violate federal law. Councillor Skamperle said that language is a very important part of any agreement. Ms. Purdy explained she is very frustrated that the City just learned about this issue because our wastewater treatment plant employees will be affected. Councillor Skamperle noted certain portions of the WWTP are not in good condition. Ms. Wilson said they are trying to get the grid smaller because it is precision drilling. Ms. Wilson explained they will not drill more than required, and the contract with the contractor will contain very specific language. Ms. Wilson said the WWTP will be monitored after the blasts.

Mayor Ashley asked where the material removed will be stored. Ms. Wilson said it would first go to a nearby staging area and will be transported to the airport property after it has been de-watered. Mr. Davis said suitable material would remain on the premises.

Councillor Shaver said he understands they want to get the project completed, but boaters will be upset by the loss of the boat launch. Councillor Davis said the boat launch needs to remain open as long as possible. Ms. Wilson said it doesn't look like blasting would begin before August anyhow. Ms. Wilson said the contract could reflect no blasting on weekends or prohibit blasting on certain weekends.

CITY COUNCIL MEETING

October 22, 2018

Page 255

Councillor Davis asked if the boat launch could be open on Sundays if blasting was done six days a week. Ms. Wilson said someone would need to open and close the boat launch if that option was selected.

Ms. Purdy said it appears Council would be agreeable to begin the blasting around August 15th while keeping the boat launch open on weekends. Mr. Barker said the option selected now is not a firm decision. Mr. Barker explained an option needs to be selected now so they can solicit for bids. Mr. Barker said the specifics of the final plan will be discussed at the pre-bid meeting. Mr. Barker said a public meeting will be held in May and then late July or August.

There was a consensus of Council to close the boat launch on weekdays beginning August 15th and keep it open on the weekends.

3. Mark Mashaw from Pinto, Mucenski, Hooper, VanHouse and Company provided Council with the 2017 audit. (A copy of the audit follows these minutes.)

CORRESPONDENCE

1. Deputy City Clerk Cathy Jock read a letter from the residents of 802 Ogden Street and 306, 308, 310, 314, 319 and 323 Madison Avenue regarding the condition of the property located at 315 Madison Avenue. (A copy of the letter follows these minutes.)

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #18-2018 in the amount of \$712,621.56 and Library Fund Warrant #18-2018 in the amount of \$23,588.81 and Capital Fund Warrant #18-2018 in the amount of \$25,974.77 and Community Development Fund Warrant #18-2018 in the amount of \$379.65 and Community Renewal Fund Warrant #18-2018 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

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

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

BE IT RESOLVED, that a public hearing be held by the Ogdensburg City Council for the purpose of considering the application of Time Warner Cable Northeast LLC, for a franchise renewal to provide cable television services through the City of Ogdensburg, 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 approval of the aforesaid to be held at the Council Chambers in the City of Ogdensburg, New York, on Tuesday, the 13th day of November, 2018 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 in summary form.

The vote was:

CARRIED, AYES ALL

2. Mayor Ashley moved a resolution to accept the 2019 Preliminary Budget and direct that the Preliminary Budget be filed with the City Clerk and the Comptroller of the City of Ogdensburg, and Councillor Skamperle seconded to wit:

RESOLUTION TO ACCEPT THE
2019 PRELIMINARY BUDGET

WHEREAS, as required by the City Charter, the City Manager has submitted a preliminary budget for fiscal year 2019 to the City Council on or before November 1, 2018,

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby accepts the preliminary budget and directs that the preliminary budget be filed with the City Clerk and the City Comptroller, and

BE IT FURTHER RESOLVED, and noted, that the preliminary budget is a public record and is available for inspection by the general public at the Office of the City Clerk.

Mayor Ashley distributed a copy of Article XVII of the City Charter entitled "Fiscal Policies" regarding acceptance of the Preliminary Budget to Council for review. Mayor Ashley explained Council needs to accept the Preliminary Budget before changes can be made. City Manager Sarah Purdy said Council is accepting the Preliminary Budget into its hands, not approving it. Ms. Purdy explained Council can then begin deliberations and amend the Preliminary Budget until approving a final budget.

The vote was:

CARRIED, AYES ALL

3. Councillor Davis 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 Mayor Ashley seconded to wit:

RESOLUTION
INTRODUCING LOCAL LAW # OF 2018

BE IT RESOLVED that proposed Local Law #__ of the year 2018 entitled:

AMENDMENT to authorize an override of the property tax cap for 2019, 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 7:00 pm on November 13, 2018, 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.

City Manager Sarah Purdy said the accepted Preliminary Budget does not exceed the tax cap, but every year the City Manager asks for approval to exceed the property tax cap in case of a typographical error that puts the levy over the permitted amount.

The vote was:

CARRIED, AYES ALL

4. Mayor Ashley moved a resolution to establish a public hearing date for the Preliminary 2019 Budget for the City of Ogdensburg, and Councillor Kennedy seconded to wit:

RESOLUTION ESTABLISHING A PUBLIC HEARING
FOR THE 2019 PRELIMINARY BUDGET
OF THE CITY OF OGDENSBURG

BE IT RESOLVED, that the Ogdensburg City Council hereby establishes a public hearing on the Preliminary Budget of the City of Ogdensburg for 2019, said public hearing to be held at 7:00 pm on November 13, 2018 in the City Council Chambers, City Hall, and

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

The vote was:

CARRIED, AYES ALL

5. Councillor Shaver moved a resolution calling for a public hearing on a Local Law to amend Chapter 177 (Sections 5 and 6) of the Ogdensburg Municipal Code entitled Sewer Rates, and Councillor Skamperle seconded to wit:

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

BE IT RESOLVED that proposed Local Law #__ of the year 2018 entitled:

Amendment to the Ogdensburg Municipal Code, Chapter 177 Entitled Sewer Rates be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT RESOLVED, that the City Council hold a Public Hearing on said proposed Local Law at the City Council Chambers, 330 Ford Street, Ogdensburg, NY at 7:00 pm on Tuesday, November 13, 2018, and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication, in the newspaper so designated for the publication of legal notices, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed Local Law in summary form.

The vote was:

CARRIED, AYES ALL

6. Councillor Shaver moved a resolution calling for a public hearing on an ordinance to delete and replace Administrative Regulations of the City of Ogdensburg, Article XII, entitled Sexual Harassment, and Councillor Kennedy seconded to wit:

RESOLUTION INTRODUCING AN ORDINANCE AND
PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED, that Ordinance No. ___ of 2018, entitled an “Ordinance to amend the Administrative Regulations of the City of Ogdensburg to delete and replace Article XII entitled, “Sexual Harassment” be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, 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, NY on the 13th day of November, 2018 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

7. Mayor Ashley moved a resolution authorizing the City Manager to accept United States Department of Agriculture Rural Development (USDA RD) loan and grant funds for Wastewater System Improvements, and Councillor Shaver seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT LOAN AND GRANT FUNDS FOR WASTEWATER SYSTEM IMPROVEMENTS

WHEREAS, on September 27, 2018 the City of Ogdensburg applied to the United States Department of Agriculture Rural Development (USDA RD) for grant and loan funds to undertake capital improvements to the City's Wastewater Treatment Plant, and

WHEREAS, on October 5, 2018 the City received notice that the USDA RD has approved this application,

NOW, THEREFORE, BE IT RESOLVED, by the Ogdensburg City Council that it hereby authorizes the City Manager to accept these funds for the Wastewater Treatment Plant capital improvement project, in a grant amount of \$1,000,100 and a loan amount of up to \$3,890,000, to be repaid over a 38-year period at a 2.375% interest rate, with the debt service payments to be incorporated into the City of Ogdensburg sewer use rates, and be it further

RESOLVED, that the City Manager or her designee is hereby authorized to administer these funds, including executing all necessary documents relating to the administration of this award.

CITY COUNCIL MEETING

October 22, 2018

Page 262

Councillor Skamperle asked what the interest rate will be on the loan. City Manager Sarah Purdy said there is no interest on the loan. Ms. Purdy said DANC has reviewed the options for the City. Ms. Purdy explained approving this resolution allows the process to continue, and nothing will be signed until we know the exact amount of the loan required. Ms. Purdy said we will proceed with the best option for the City. Councillor Skamperle asked if Council will have the opportunity to review the options in advance, and Ms. Purdy said yes. Ms. Purdy explained when the CFA is announced at the end of the year, the final decision on funding can be made. Councillor Skamperle said it appears there is now \$35 million in funding available. Ms. Purdy said yes, we now have knowledge on how to fund the entire project.

Councillor Skamperle said he understands the City Manager's reservations about including labor friendly language in the contract. Councillor Skamperle asked if the apprenticeship language was included, and Ms. Purdy said yes. Councillor Skamperle read aloud language from a contract for a job in Elmira and provided the City Manager with a copy. Councillor Skamperle said that type of language is sufficient rather than a PLA.

The vote was:

CARRIED, AYES ALL

8. Councillor Skamperle moved a resolution authorizing the submission of a United States Department of Agriculture – Rural Development pre-development planning grant application for the maximum amount of \$30,000, and Councillor Kennedy seconded to wit:

CITY COUNCIL MEETING

October 22, 2018

Page 263

A RESOLUTION AUTHORIZING THE SUBMISSION OF A UNITED STATES
DEPARTMENT OF AGRICULTURE - RURAL DEVELOPMENT
PREDEVELOPMENT PLANNING GRANT APPLICATION

WHEREAS, the City of Ogdensburg desires to prepare a United States Department of Agriculture - Rural Development (i.e. USDA-RD) Predevelopment Planning Grant Application to perform an engineering study of the drinking water system; and

WHEREAS, the USDA-RD Predevelopment Planning Grant (i.e. PPG) program has been identified as an eligible funding source for this project; and

WHEREAS, the City is eligible to apply for up to \$30,000 from USDA-RD to fund the study of the City's drinking water treatment, distribution and storage system.

THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council authorizes the submission of a USDA-RD PPG Application seeking maximum funds from PPG not to exceed a total request of \$30,000.

BE IT FURTHER RESOLVED, that the City authorizes a local match of 25% of the project cost as required by USDA-RD to be allocated from budget line F8320.515.

BE IT FURTHER RESOLVED, that the City Manager or her assigned designee, is hereby authorized to submit a PPG grant application, and if received, to enter into any necessary contracts to administer said grants.

Councillor Skamperle asked if a study needed to be done to expand the City's water system outside the City limits, and Ms. Purdy said yes. Ms. Purdy added this is the first step in that process. Councillor Skamperle asked if there was a match for this grant, and Ms. Purdy said the match amount was included in the consultants line in the Preliminary Budget.

CITY COUNCIL MEETING

October 22, 2018

Page 264

Public Works Director Scott Thornhill said this will be a comprehensive study of our water system including hazardous mitigation services. Councillor Skamperle asked who will perform the study. Mr. Thornhill said GHD, noting Charles Prior and Michael Tamblin of GHD have done a great job on our other projects and are familiar with the standards.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Davis asked for an update on the burned out trailer on Linden Street. Public Works Director Scott Thornhill said the first step is to remove the tree from the structure. Mr. Thornhill said that project is included in the DPW scope of work, but we must work through the proper course of action. City Manager Sarah Purdy said the status of the property will be reviewed at the next property meeting.

NEW BUSINESS

1. Councillor Davis asked for an update on the old Garn's property. Director of Planning and Development Andrea Smith said nothing can be done with that property at this time because the grants have not yet been closed out. Ms. Smith said the same applies to 420 Lafayette Street. Ms. Smith said the property group will meet and make recommendations to Council once the grants are closed out. Councillor Davis asked if there was an idea of a timeframe, and Ms. Smith said not at this time. City Manager Sarah Purdy suggested the interested party contact Ms. Smith to discuss the property.

CITY COUNCIL MEETING

October 22, 2018

Page 265

2. Councillor Skamperle said the Wounded Warriors are seeking assistance from the City for their carp tournament next August in the form of space along the waterfront. Councillor Skamperle suggested the Diamond property and said he will provide City Manager Sarah Purdy with the information.

ITEMS FOR DISCUSSION

1. City Manager Sarah Purdy asked Council to reschedule the December 3, 2018 Council meeting because of a conflict with the Town of Prescott's meeting regarding the ferry discussion. Ms. Purdy explained Council cancelled last year's first December meeting and asked if Council wished to cancel or reschedule the December 3, 2018 Council meeting. Councillor Shaver said he would like some time to review the budget. Councillor Skamperle suggested rescheduling the meeting for now, and Councillor Kennedy agreed. Ms. Purdy said City Clerk Kathleen Bouchard will send a poll to Council with options.

Mayor Ashley said there was a need for Executive Session to discuss collective negotiations pursuant to Article 14 of the Civil Service Law and the employment history of a particular person. Councillor Skamperle made a motion to move to the Budget Work Session and then to Executive Session, and Mayor Ashley seconded the motion. Mayor Ashley said there would be no action from Executive Session.

The vote to move to the Budget Work Session and then adjourn to Executive Session was:

CARRIED, AYES ALL

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