

SPECIAL CITY COUNCIL MEETING

January 30, 2017 (Monday)

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

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

ABSENT: Councillor Morley

ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle moved a resolution to amend the negative declaration under State Environmental Quality Review Act (SEQRA) for proposed wastewater treatment improvements, and Councillor Stevenson seconded to wit:

A RESOLUTION TO AMEND THE NEGATIVE DECLARATION UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR PROPOSED WASTEWATER IMPROVEMENTS

WHEREAS, the City of Ogdensburg previously proposed to construct wastewater treatment plant improvements including:

- SCADA system upgrades
- Replacement of existing generator
- Replacement of manual switches with automatic transfer switches
- Raw water pump upgrades
- Replacement of existing main switchgear
- Sludge press replacement
- Digester upgrades
- Connection with Hoosier Magnetics for cooling water utilization at the wastewater treatment plant

WHEREAS said proposed action includes a Type 1 Action as that term is defined in Section 6(A-2) NYCRR Section 617.2(kk) and 617.11;

WHEREAS, the City of Ogdensburg City Council (hereafter referred to as “City Council”), having approval authority over the proposed action, duly declared itself lead agency on January 25, 2016 for a coordinated review among multiple authorizing agencies

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per 6NYCRR Part 617.6(b)(2)(i), and received no objection to this declaration from these agencies within 30 days; and

WHEREAS, the City Council, as lead agency previously made a determination of significance of the proposed action per 6NYCRR Part 617.11; and

WHEREAS, the City Council previously determined that the proposed improvements will not result in a significant environmental impact and passed a negative declaration resolution on March 14, 2016; and

WHEREAS, the City Council has determined that amending the negative declaration in accordance with 6NYCRR Section 617.7(e) is required as changes to the proposed action are being undertaken, as new information has been discovered and circumstances related to the project have arose; and

WHEREAS, the proposed amendment includes the following additions:

- Headworks improvements
- Raw sludge pump replacement
- Replacement of various sludge pumping systems
- Primary clarifier and final settling tank upgrades
- Disinfection improvements
- Gravity thickener improvements
- Rehabilitation of wastewater treatment plant buildings, electrical, heating and ventilating, plumbing and control systems
- Rehabilitation of the Main Street, South Water Street and Psychiatric Center pumping stations within their existing building footprint
- Installation of a new pump station and pipeline to the WWTP within existing right-of-ways for compliance with the City's Long Term Control Plan

WHEREAS, Parts 1, 2, and 3 of a Full Environmental Assessment Form have been prepared for the proposed amended action under criteria outlined in 6NYCRR Part 617.7(c); and

WHEREAS, the City Council finds that the action as amended will not result in significant adverse environmental impacts to:

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- Land
- Water
- Air
- Plants and Animals
- Agricultural Resources
- Aesthetic Resource
- Cultural or Archeological Resources
- Open Space
- Critical Environmental Areas
- Transportation
- Energy
- Noise or Odor
- Public Health
- Community Character

and

WHEREAS, the New York State Department of Environmental Conservation (hereafter “NYSDEC”) and the City are the only involved agencies; and

WHEREAS, the City Council finds, based on the criteria outlined in 6NYCRR Part 617.7(c), that the proposed amended action will not have a significant adverse impact on the environment; and

WHEREAS, the City Council has determined the negative declaration as passed on March 14, 2016 remains valid for the proposed amended action, for the following reasons:

1. The proposed amended action is not located within regulated resources (i.e. state or federally-regulated wetlands).
2. The proposed amended action is not located within a state-regulated view shed.
3. The proposed amended action will not impact local traffic or adversely affect public health or community character.
4. The proposed amended action is anticipated to provide long-term water quality and environmental benefits by improving wastewater treatment at an existing wastewater treatment facility.
5. The proposed amended action will not result in significant adverse environmental impacts.

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NOW, THEREFORE, BE IT RESOLVED that the Ogdensburg City Council

1. Based on its examination of the FEAF, 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 environmental impacts are known;
2. Consent to proceed with the amended action will not cause a significant impact on the environment, and the City Council will not require the preparation of an environmental impact statement;
3. The negative declaration as passed on March 14, 2016 remains valid.
4. The Ogdensburg City Clerk is hereby directed to cause to be filed and circulated the amended 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 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  
625 Broadway, 4<sup>th</sup> Floor, Albany, NY 12233-1750

The vote was:

CARRIED, AYES ALL

2. Councillor Stevenson moved a resolution to approve the issuance of a Superseding Bond Ordinance dated 1/30/2017, in the amount of \$39,100,000., for improvements to the Wastewater Treatment Plant, and Councillor Skamperle seconded to wit:

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SUPERSEDING BOND ORDINANCE DATED JANUARY 30, 2017.

AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT AND RELATED FACILITIES IN AND FOR THE CITY OF OGDENSBURG, ST. LAWRENCE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$39,100,000, AND AUTHORIZING THE ISSUANCE OF UP TO \$39,100,000 SERIAL BONDS OF SAID CITY, TO PAY THE COST THEREOF.

WHEREAS, the Common Council adopted a bond ordinance on March 28, 2016 authorizing the issuance of \$5,200,000 bonds to pay the cost of the construction of improvements to the wastewater treatment plant; and

WHEREAS, it is now the desire to modify the scope and amount of financing for the project;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Ogdensburg, St. Lawrence County, New York, as follows:

Section 1. The construction of improvements to the wastewater treatment plant and related facilities in and for the City of Ogdensburg, St. Lawrence County, New York, including incidental improvements and expenses, is hereby authorized at a maximum estimated cost of \$39,100,000.

Section 2. The project has been determined to be a "Type I Action" for purposes of the State Environmental Quality Review Act and the regulations promulgated thereunder ("SEQR") which the City, as lead agency, has satisfied all required steps under SEQR and for which a negative declaration was made.

Section 3. The plan for the financing thereof is by the issuance of up to \$39,100,000 serial bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

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Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said City of Ogdensburg, St. Lawrence County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be charged to all sewer rate customers of said City, a sewer rate sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the City Comptroller shall deem best for the interests of the City.

Section 8. The City Comptroller is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined

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that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This ordinance, which takes effect immediately, supersedes a bond ordinance adopted on March 28, 2016, except to the extent of any encumbrances made thereunder.

Section 13. This ordinance shall be published in summary form in the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

City Manager Sarah Purdy advised that the \$39,100,000. Bond amount is the maximum amount needed for this project. Ms. Purdy explained this project will be completed in phases and as we go through the preliminary designs Council will be presented with alternate plans to review. Ms. Purdy said Council will need to review and make decisions on the alternative upgrades they wish to complete for this project.

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The vote was:

CARRIED, AYES ALL

3. Councillor Price moved a resolution to authorize the City Manager to sign a Legal Services Agreement with Andrew W. Silver, Attorney at Law, of Silver & Collins, for various legal matters related to the Ogdensburg Waste Water Treatment System Improvement Project, and Councillor Stevenson seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER  
TO SIGN A LEGAL SERVICES AGREEMENT BETWEEN THE CITY  
AND ANDREW W. SILVER, ATTORNEY AT LAW, OF SILVER & COLLINS

WHEREAS, the City intends to undertake a project known as the Ogdensburg Waste Water Treatment System Improvement Project, in an improvement district located in the City, under the provisions of the City Code and NYS Local Finance Law; and

WHEREAS, the City wishes to attain the Attorney in connection with various legal matters related to said improvement district, excluding bond-related or financing matters; and

NOW, THEREFORE, BE IT RESOLVED that the City Manager, Sarah Purdy, is hereby authorized and directed to sign the attached Legal Services Agreement.

BE IT FURTHER RESOLVED that the funds to pay for this work will be appropriated in the WWTP Capital Fund Project, once established.

The vote was:

CARRIED, AYES ALL

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