

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

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

ABSENT: None

### PUBLIC HEARING

1. A public hearing was held on regarding the Preliminary 2011 Budget for the City of Ogdensburg. (Bill #67)

The following spoke:

Jack McGrath, President of the Ogdensburg Chamber of Commerce, requested that Council reconsider the Chamber's 2011 funding and increase it by \$15,000. Mr. McGrath requested Council take \$5,000. from FISHCAP and \$15,000. from the Joint Economic Fund, and give it to the Chamber.

Doug Loffler, addressed Council regarding the recent changes to the Recreation Director's job duties, reduced recreation budget and lack of non-athletic activities for youth and senior citizens. Mr. Loffler added that the new Recreation Director won't be able to expand recreation activities or promote the Arena with this Recreation budget.

No one else being present to speak, the hearing was declared closed.

### CORRESPONDENCE

1. City Clerk Kathleen Bouchard read a letter from Judge George Silver thanking Council for naming the courtroom after him.

2. City Clerk Kathleen Bouchard read a letter from Barbara O'Keefe, President of the Fort LaPresentation Association, requesting the City allocate \$10,000. to support the Fort's Interpretive/Welcome Center. (A copy of this letter follows these minutes.)

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #21-2010 in the amount of \$342,537.51 and Library Fund Warrant #21-2010 in the amount of \$21,264.08 and Capital Fund Warrant #21-2010 in the amount of \$83,686.90 and Community Development Fund Warrant #21-2010 in the amount of \$665.00 and Community Renewal Fund Warrant #21-2010 in the amount of \$64,121.59 and HOME Fund Warrant #21-2010 in the amount of \$0.00 and AHC Funds Warrant #21-2010 in the amount of \$8,833.00, RESTORE Program Warrant #21-2010 in the amount of \$0.00 and NSP Funds Warrant #21-2010 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Vaugh seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson introduced a resolution to adopt the 2011 Preliminary Budget as amended, and Councillor Morley seconded to wit:

RESOLUTION TO ADOPT THE CITY OF OGDENSBURG'S 2011 BUDGET

THEREFORE BE IT RESOLVED, that the City of Ogdensburg adopts the 2011 Preliminary Budget as amended in the attached schedules,

BE IT FURTHER RESOLVED, that the following rates shall be in effect for 2011:

1. The City Real Property Tax Rate for 2011 shall be

\$ 16.24 per thousand dollars of assessed valuation.

(A copy of the list of the appropriation additions and reductions follows these minutes.)

The vote was:

AYES: Mayor Nelson, Councillors Cilley, Sholette and Vaugh

NAYS: Councillors Morley, Powers and Skamperle

APPROVED, 4 TO 3

\*At this point in the meeting, Councillor Sholette leaves.

2. Mayor Nelson introduced a Local Law to amend Chapter 215 (Sections 39, 40 and 41) of the OMC entitled "Water Rates", and Councillor Vaugh seconded to wit:

**Local Law # 3 of 2010**

§ 215-39 Rates for metered service; meter reading, installation and repair.

A. The following schedule of rates for metered water service is hereby fixed and established effective the first billing date after January 1, 2011, and upon filing with the Secretary of State:

<b>Meter Size (inches)</b>	<b>Water Allowed (gallons)</b>	<b>Minimum Quarterly Rate</b>
5/8	20,323	61.00
3/4	27,166	81.50
1	40,833	122.50
1 1/4	55,000	165.25
1 1/2	68,000	204.00
2	136,000	408.00
3	205,000	615.00
4	273,333	820.00

\$3.00 per 1,000 gallons of water used

B. Meters shall be read and billed monthly or quarterly at the discretion of the City.

C. Meters shall be installed and repaired by the City of Ogdensburg. The cost of such installation and repair for all meters is to be charged to the customer.

§ 215-40. Flat-rate charges.

The following schedule of rates for flat-rate service is hereby fixed and established effective the first billing date after January 1, 2011 and upon filing with the Secretary of State:

<b>Type of Use</b>	<b>Rate</b>
Single-family residence, per year	\$244.00
Multi-family residence for each family unit or each tenant, per year	244.00
Rooming houses; private homes with additional rooms to rent or commercial rooming houses	
Minimum annual rent	244.00
Annual rooms to hire (annual rent)	61.00

Commercial or office units in a commercial/residential mixed structure (where metering is determined impractical by City Engineer), per commercial or office unit per year. 244.00

§ 215-41. Miscellaneous charges

The following schedule of rates is hereby fixed and established for the period effective the first billing after January 1, 2011, and upon filing with the Secretary of State:

Type	Rate
Fire protection for unoccupied metered or unmetered premises or where service is shut off and/or meter is removed by DPW employees. If this type of service is performed by other than DPW personnel the property owner is not entitled to the fire protection rate.	\$122.00
Fire hydrant on private property	242.00
Swimming pools (filling of), per occasion	81.00
Circus (in advance), per day	81.00
Service disconnect or seal by the City, per occasion	34.00
Service reconnection by the City, per occasion	34.00
Water service turn/off, per occasion	30.00
Annual rooms to hire (annual rent)	61.00

The vote was:

AYES: Mayor Nelson, Councillor Cilley, Morley,  
Powers and Vaugh

NAYS: Councillor Skamperle

APPROVED, 5 TO 1

3. Mayor Nelson moved a resolution urging the Governor of the State of New York and the members of the New York State Senate and New York State Assembly to reform the cost drivers that lead to high property taxes in New York, and Councillor Morley seconded to wit:

Resolution  
A Property Tax Cap Must Include Mandate Relief

WHEREAS the level of property taxation throughout New York has reached dangerously high levels;  
and

WHEREAS New York leads the nation in property taxes simply because we lead the nation in imposing inefficient state mandates on our local governments; and

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WHEREAS two of the largest components of every municipal budget over which local officials have little control – pension payments and health insurance costs – are increasing at exorbitant rates; and

WHEREAS in the case of pension costs, bills from the State Retirement System will increase by an average of 40% in both 2011 and 2012; and

WHEREAS state laws pertaining to the collective bargaining of contracts between municipalities and employee unions, particularly those pertaining to firefighters and police officers, do not allow local officials to reasonably control the costs such contracts impose on property taxpayers; and

WHEREAS as a solution to New York's property tax crisis, the Governor of New York and the New York State Legislature will, in 2011, consider enactment of legislation imposing a cap on the annual growth in property taxes; and

WHEREAS a property tax cap will only work if it is simultaneously accompanied by a repeal of current state mandates that require local governments to increase spending and property taxes; and

WHEREAS a property tax cap without repeal of costly state mandates will, by definition, lead to drastic cuts in essential local services and dramatic layoffs of municipal employees;

NOW, THEREFORE, BE IT RESOLVED by the Ogdensburg City Council, that the Governor of the State of New York and the members of the New York State Senate and New York State Assembly must reform the cost drivers that lead to high property taxes in New York – including pension benefits, health insurance costs and the collective bargaining process – as the central element of any effort to provide overdue property tax relief to the residents and businesses of New York.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, Senators, Members of Assembly and the New York State Conference of Mayors.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson brought a resolution to establish a Workplace Violence Prevention Policy back to the table for action (this resolution was originally introduced at 7/12/10 Council Meeting; was not acted on), and Councillor Vaughn 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 in City of Ogdensburg buildings and properties, or while engaged in activities for City of Ogdensburg in other locations, or 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.

**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.

**Deadly weapon:** Any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles.

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**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 deadly weapons in City of Ogdensburg buildings, 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.
- 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 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 department 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.

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- 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.

**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 Police Department.

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 the 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 *the 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. The City 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 Police Department 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 can support this policy in reference to bullying, but not to ban weapons. Councillor Skamperle said he will vote no on the resolution.

The vote was:

AYES: Mayor Nelson, Councillor Cilley, Morley, Powers and Vaughn

NAYS: Councillor Skamperle

APPROVED, 5 TO 1

OLD BUSINESS

1. Councillor Vaugh advised Council that he will be out of the City for the next Council Meeting.

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