

Amended* AGENDA
Special Council Meeting
Wednesday, January 11, 2012

(This Special Meeting was adjourned until Tuesday, 1/17/12 @ 5:00 p.m.)

I. Call to Order

II. Pledge of Allegiance

III. Executive Session

IV. Public Hearing

1. Public hearing requested by the City Manager in response to the December 19, 2011 Preliminary Resolution to terminate the City Manager's contract.

V. Executive Session

VI. Items for Council Action *

1. Resolution regarding continuing, terminating or otherwise addressing the City Manager's contract. (Council may consider either Resolution 1A, 1B or 1C, in respect to Items for Council Action #1.)
2. Resolution to maintain, extend or terminate the appointment of the Interim City Manager. (Council may consider Resolution 2A, 2B or 2C, in respect to Items for Council Action #2.)
3. Resolution to enter into Settlement Agreement with City Manager Arthur J. Sciorra. (Bill # 3a)

VII. Executive Session

VIII. Adjournment

Business of the City Council
City of Ogdensburg

SUBJECT: FOR AGENDA OF 1-11-12 BILL # 1a

Resolution regarding the
City Manager's contract

DEPT OF ORIGIN: City Council

DATE SUBMITTED: 1-10-12

CLEARANCES: _____

APPROVED AS TO FORM
BY CITY ATTORNEY

EXHIBITS: Resolution

APPROVED BY CITY ADMIN. FOR
SUBMITTAL

EXPENDITURE
REQUIRED:

AMOUNT
BUDGETED: 0

APPROPRIATION
REQUIRED:

SUMMARY STATEMENT

A resolution to immediately terminate the City Manager Arthur Sciorra for cause.

RECOMMENDED ACTION

Approval of Resolution.

MOVED BY: _____

SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON _____

COUNCILLOR ASHLEY _____

COUNCILLOR CILLEY _____

COUNCILLOR HOSMER _____

COUNCILLOR MORLEY _____

COUNCILLOR SKAMPERLE _____

COUNCILLOR STEVENSON _____

**RESOLUTION TO IMMEDIATELY TERMINATE
CITY MANAGER ARTHUR J. SCIORRA FOR CAUSE**

WHEREAS, Section 2 of the 2006 City Manager Employment Agreement between the City of Ogdensburg and Arthur J. Sciorra, the current City Manager, (the "Employment Agreement") states City Manager Sciorra was and is employed to perform the functions and duties specified in the City Charter, the Municipal Code of the City of Ogdensburg and the Administrative Regulations, promulgated pursuant thereto; and

WHEREAS, in relevant part, § C-19 of the City of Ogdensburg City Charter states:

The City Manager shall be the chief executive officer and chief administrative officer of the City and shall:

- (1) Be responsible to the City Council for the administration of all City affairs placed with the City Manager by or under [the] Charter, by action of the City Council or otherwise by law;
- (2) After consulting with the City Council, appoint and, when necessary for the good of the City, suspend or remove any City department head...;
- (3) Direct and supervise the administration of all departments, offices and agencies of the City...;
- (4) See that all laws, provisions of [the] Charter, resolutions, ordinances, local laws and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the City Manager's direction and supervision, are faithfully executed;
- (5) Make other reports as the City Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's discretion and supervision; and
- (6) Recommend to the City Council such measures as deemed necessary or expedient;

and

WHEREAS, under Section 2 of the Employment Agreement City Manager Sciorra was and is required to perform his duties in an efficient and conscientious manner, exercising his discretion, judgment, and authority in the best interest of the City; and

WHEREAS, pursuant to § C-14 of the City Charter, on September 12, 2011 the City Council adopted a resolution directing the City Attorney to investigate and respond to questions the City Council had with respect to the City of Ogdensburg Neighborhood Stabilization Project (the C-14 Report); and

WHEREAS, the City Attorney conducted the requested C-14 investigation, including a review of written internal staff communications and interviews of staff, including the City Manager and prior City Attorney, regarding the 819 Knox Street property, and thereafter submitted a C-14 investigation report to the City Council; and

WHEREAS, the individual members of the City Council reviewed the C-14 Report; and

WHEREAS, the City Council reviewed and discussed the C-14 Report; and

WHEREAS, the City Council reviewed and discussed the conduct and performance of Mr. Sciorra as City Manager both generally and as reported in the C-14 Report; and

WHEREAS, Section 10(b) of the Employment Agreement acknowledges and confirms the City Manager may be terminated for cause; and

WHEREAS, in relevant part, the Employment Agreement states:

“Cause shall mean proof by substantial persuasive evidence that the employee: (1) is guilty of willful misconduct, habitual neglect of duty, incompetence, conduct incompatible with his duties ...”;

and

WHEREAS, § C-20 of the City Charter states in its entirety as follows:

The Council may remove the City Manager from office in accordance with the following procedures:

A. The City Council shall adopt by an affirmative vote of a majority of all of its members, a preliminary resolution which must state the reasons for removal and may suspend the City Manager from duty for a period not to exceed 45 days. A copy of this resolution shall be delivered promptly to the City Manager.

B. Within 5 days after a copy of the resolution is delivered to the City Manager, he or she may file a written request for a public hearing with the city council. This hearing shall be held at a City Council meeting not earlier than 15 days and no later than 30 days after the request is filed. The City Manager may file with the City Council a written reply not later than five days before the hearings.

C. The City Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all of its members at any time after 5 days from the date when a copy of the preliminary resolution was delivered to the City Manager, if he/she has not requested a public hearing or at any time after the public hearing if he/she requested one.

and

WHEREAS, the City Council adopted a Preliminary Resolution to terminate the City Manager on December 19, 2011; and

WHEREAS, the Preliminary Resolution was delivered to the City Manager on December 21, 2011; and

WHEREAS, on December 23, 2011 the City Manager requested a public hearing pursuant to § C-20 of the City Charter; and

WHEREAS, the City Manager's written reply to the Preliminary Resolution was timely received by the City on January 2, 2012; and

WHEREAS, the individual members of the City Council have had an opportunity to review the City Manager's written reply; and

WHEREAS, the City Manager was notified of the date, time and location of the public hearing by letters dated January 3 and 4, 2012; and

WHEREAS, a public hearing was held on January 11, 2012; and

WHEREAS, the City Manager [did not attend/attended] the public hearing [and made/did not make] a statement to the City Council [and provided the Council with _____]; and

WHEREAS, [no] statements were made at the Public Hearing on behalf of the City Manager [by _____, and _____]; and

WHEREAS, the City Council and its individual members have reviewed and considered the C-14 Report and the conduct and performance of Arthur Sciorra as City Manager; the City Council thereafter adopted a Preliminary Resolution to terminate Mr. Sciorra as the City Manager; and Mr. Sciorra requested and was granted a public hearing in response to the Council's adoption of the Preliminary Resolution; and Mr. Sciorra did submit a written response to the Preliminary Resolution and the City Council and its individual members have reviewed and considered Mr. Sciorra's written response and the information provided at the public hearing.

NOW BE IT RESOLVED that (1) effective immediately the City Council hereby terminates Arthur J. Sciorra for cause in that he willfully, and/or with habitual neglect and/or incompetently failed to direct and supervise the administration of the departments, offices and agencies of the City of Ogdensburg in that with respect 819 Knox Street he identified but failed to timely correct or address the need for a lease with and the payment of rent, fees and/or taxes by the then occupants of 819 Knox Street;

NOW BE IT FURTHER RESOLVED that (2) effective immediately the City Council hereby terminates Arthur J. Sciorra for cause in that he willfully, and/or with habitual neglect and/or incompetently failed to direct and supervise the administration of the departments, offices and agencies of the City in that he took no action and/or inadequate action to insure that his directions and instructions as the chief administrative officer of the City of Ogdensburg were followed by staff; and

NOW BE IT FURTHER RESOLVED that (3) effective immediately the City Council hereby terminates Arthur J. Sciorra for cause in that he willfully and/or with habitual neglect and/or incompetently failed to manage city affairs placed under his control in an efficient and conscientious manner, exercising his discretion, judgment, and authority in the best interest of the City in that he failed to properly and adequately supervise matters related to 819 Knox Street; and

NOW BE IT FURTHER RESOLVED that (4) effective immediately the City Council hereby terminates Arthur J. Sciorra for cause in that he willfully and/or with habitual neglect and/or incompetently chronically delegated his responsibilities as City Manager and regularly failed to ultimately direct and supervise the administration of all of the departments, offices and agencies of the City of Ogdensburg; and

NOW BE IT FURTHER RESOLVED that (5) effective immediately the City Council hereby terminates Arthur J. Sciorra for cause in that he, in a manner incompatible with his duties as specified in the City Charter, the Municipal Code of the City of Ogdensburg and the Administrative Regulations, promulgated pursuant thereto, and/or the Employment Agreement, provided false and misleading reports to the City Council and/or its members; and

NOW BE IT FURTHER RESOLVED that (6) effective immediately the City Council hereby terminates Arthur J. Sciorra for cause in that he, in a manner incompatible with his duties, as specified in the City Charter, the Municipal Code of the City of Ogdensburg and the Administrative Regulations, promulgated pursuant thereto, and/or the Employment Agreement, provided false and misleading reports to the public and the press concerning his involvement with respect to matters related to 819 Knox Street; and

NOW BE IT FURTHER RESOLVED that the City Clerk is directed to deliver a copy of this Final Resolution of Termination to Mr. Sciorra forthwith.

Business of the City Council
City of Ogdensburg

SUBJECT: FOR AGENDA OF 1-11-12 BILL # 1b

Resolution regarding the
City Manager's contract

DEPT OF ORIGIN: City Council

DATE SUBMITTED: 1-10-12

CLEARANCES: _____

APPROVED AS TO FORM
BY CITY ATTORNEY

EXHIBITS: Resolution

APPROVED BY CITY ADMIN. FOR
SUBMITTAL

EXPENDITURE
REQUIRED:

AMOUNT
BUDGETED: 0

APPROPRIATION
REQUIRED:

SUMMARY STATEMENT

A resolution to immediately rescind the suspension of City Manager Arthur Sciorra.

RECOMMENDED ACTION

Approval of Resolution.

MOVED BY: _____

SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON

COUNCILLOR ASHLEY

COUNCILLOR CILLEY

COUNCILLOR HOSMER

COUNCILLOR MORLEY

COUNCILLOR SKAMPERLE

COUNCILLOR STEVENSON

**RESOLUTION TO IMMEDIATELY RESCIND THE
SUSPENSION OF CITY MANAGER ARTHUR J. SCIORRA**

WHEREAS, Section 2 of the 2006 City Manager Employment Agreement between the City of Ogdensburg and Arthur J. Sciorra, the current City Manager, (the "Employment Agreement") states City Manager Sciorra was and is employed to perform the functions and duties specified in the City Charter, the Municipal Code of the City of Ogdensburg and the Administrative Regulations, promulgated pursuant thereto; and

WHEREAS, in relevant part, § C-19 of the City of Ogdensburg City Charter states:

The City Manager shall be the chief executive officer and chief administrative officer of the City and shall:

(1) Be responsible to the City Council for the administration of all City affairs placed with the City Manager by or under [the] Charter, by action of the City Council or otherwise by law;

(2) After consulting with the City Council, appoint and, when necessary for the good of the City, suspend or remove any City department head...;

(3) Direct and supervise the administration of all departments, offices and agencies of the City...;

(4) See that all laws, provisions of [the] Charter, resolutions, ordinances, local laws and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the City Manager's direction and supervision, are faithfully executed;

(5) Make other reports as the City Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's discretion and supervision; and

(6) Recommend to the City Council such measures as deemed necessary or expedient;

and

WHEREAS, under Section 2 of the Employment Agreement City Manager Sciorra was and is required to perform his duties in an efficient and conscientious manner, exercising his discretion, judgment, and authority in the best interest of the City; and

WHEREAS, pursuant to § C-14 of the City Charter, on September 12, 2011 the City Council adopted a resolution directing the City Attorney to investigate and respond to questions the City Council had with respect to the City of Ogdensburg Neighborhood Stabilization Project (the C-14 Report); and

WHEREAS, the City Attorney conducted the requested C-14 investigation, including a review of written internal staff communications and interviews of staff, including the City Manager and prior City Attorney, regarding the 819 Knox Street property, and thereafter submitted a C-14 investigation report to the City Council; and

WHEREAS, the individual members of the City Council reviewed the C-14 Report; and

WHEREAS, the City Council reviewed and discussed the C-14 Report; and

WHEREAS, the City Council reviewed and discussed the conduct and performance of Mr. Sciorra as City Manager both generally and as reported in the C-14 Report; and

WHEREAS, Section 10(b) of the Employment Agreement acknowledges and confirms the City Manager may be terminated for cause; and

WHEREAS, in relevant part, the Employment Agreement states:

“Cause shall mean proof by substantial persuasive evidence that the employee: (1) is guilty of willful misconduct, habitual neglect of duty, incompetence, conduct incompatible with his duties ...”;

and

WHEREAS, § C-20 of the City Charter states in its entirety as follows:

The Council may remove the City Manager from office in accordance with the following procedures:

A. The City Council shall adopt by an affirmative vote of a majority of all of its members, a preliminary resolution which must state the reasons for removal and may suspend the City Manager from duty for a period not to exceed 45 days. A copy of this resolution shall be delivered promptly to the City Manager.

B. Within 5 days after a copy of the resolution is delivered to the City Manager, he or she may file a written request for a public hearing with the city council. This hearing shall be held at a City Council meeting not earlier than 15 days and no later than 30 days after the request is filed. The City Manager may file with the City Council a written reply not later than five days before the hearings.

C. The City Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all of its members at any time after 5 days from the date when a copy of the preliminary resolution was delivered to the City Manager, if he/she has not requested a public hearing or at any time after the public hearing if he/she requested one.

and

WHEREAS, the City Council adopted a Preliminary Resolution to terminate the City Manager on December 19, 2011; and

WHEREAS, the Preliminary Resolution was delivered to the City Manager on December 21, 2011; and

WHEREAS, on December 23, 2011 the City Manager requested a public hearing pursuant to § C-20 of the City Charter; and

WHEREAS, the City Manager's written reply to the Preliminary Resolution was timely received by the City on January 2, 2012; and

WHEREAS, the individual members of the City Council have had an opportunity to review the City Manager's written reply; and

WHEREAS, the City Manager was notified of the date, time and location of the public hearing by letters dated January 3 and 4, 2012; and

WHEREAS, a public hearing was held on January 11, 2012; and

WHEREAS, the City Manager [did not attend/attended] the public hearing [and made/did not make] a statement to the City Council [and provided the Council with _____]; and

WHEREAS, [no] statements were made at the Public Hearing on behalf of the City Manager [by _____, and _____]; and

WHEREAS, the City Council and its individual members have reviewed and considered the C-14 Report and the conduct and performance of Arthur Sciorra as City Manager; the City Council thereafter adopted a Preliminary Resolution to terminate Mr. Sciorra as the City Manager; and Mr. Sciorra requested and was granted a public hearing in response to the Council's adoption of the Preliminary Resolution; and Mr. Sciorra did submit a written response to the Preliminary Resolution and the City Council and its individual members have reviewed and considered Mr. Sciorra's written response and the information provided at the public hearing.

NOW BE IT RESOLVED that the City Council hereby withdraws and vacates the December 19, 2011 Preliminary Resolution and immediately rescinds Arthur J. Sciorra's suspension as City Manager such that he may immediately resume his obligations and duties as City Manager consistent with and in conformance with the terms of the Employment Agreement and the City Charter, the Municipal Code of the City of Ogdensburg and the Administrative Regulations, promulgated pursuant thereto.

NOW BE IT FURTHER RESOLVED that the City Clerk is directed to deliver a copy of this Resolution to Mr. Sciorra forthwith.

Business of the City Council
City of Ogdensburg

SUBJECT: FOR AGENDA OF 1-11-12 BILL # 1 c

Resolution regarding the
City Manager's contract

DEPT OF ORIGIN: City Council

DATE SUBMITTED: 1-10-12

CLEARANCES: _____

APPROVED AS TO FORM
BY CITY ATTORNEY

EXHIBITS: Resolution

APPROVED BY CITY ADMIN. FOR
SUBMITTAL

EXPENDITURE
REQUIRED:

AMOUNT
BUDGETED: 0

APPROPRIATION
REQUIRED:

SUMMARY STATEMENT

A resolution to terminate City Manager Arthur Sciorra.

RECOMMENDED ACTION

Approval of Resolution.

MOVED BY: _____

SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON _____

COUNCILLOR ASHLEY _____

COUNCILLOR CILLEY _____

COUNCILLOR HOSMER _____

COUNCILLOR MORLEY _____

COUNCILLOR SKAMPERLE _____

COUNCILLOR STEVENSON _____

RESOLUTION TO TERMINATE CITY MANAGER ARTHUR J. SCIORRA

WHEREAS, Arthur J. Sciorra is the City Manager of the City of Ogdensburg, New York; and

WHEREAS, in 2006 the City of Ogdensburg and Arthur J. Sciorra, the City Manager, entered into the 2006 City Manager Employment Agreement; and

WHEREAS, § C-20 of the City Charter provides that City of Ogdensburg City Council may remove the City Manager from office in accordance with the procedures set forth in § C-20; and

WHEREAS, pursuant to the Charter-mandated procedure, the City Council adopted a Preliminary Resolution to terminate the City Manager on December 19, 2011; and

WHEREAS, thereafter the City Manager filed a written response to the Preliminary Resolution and requested a Public Hearing; and

WHEREAS, on January 11, 2012 the Council held a public hearing with respect to the Preliminary Resolution; and

WHEREAS, during the course of the subject public hearing the City Manager stated he was able and willing to perform his duties under the terms of the Employment Agreement; and

WHEREAS, the City Council has reviewed, discussed and considered the 2011 C-14 investigation report prepared by City Attorney Silver and the City Manager's written response to the C-14 Report and the Preliminary Resolution and all statements made during the Public Hearing.

NOW BE IT RESOLVED that effective immediately the City Council hereby terminates Arthur J. Sciorra as the City of Ogdensburg City Manager, without cause, pursuant to Section C-20 of the City of Ogdensburg Charter and Section 9 of the Employment Agreement;

NOW BE IT FURTHER RESOLVED that the City Clerk is directed to immediately deliver a copy of this Final Resolution of Termination to Mr. Sciorra.

Business of the City Council
City of Ogdensburg

SUBJECT: FOR AGENDA OF 1/11/12 BILL # 2a

Resolution extending the Appointment
of the Acting City Manager

DEPT OF ORIGIN: City Council

DATE SUBMITTED: 1/10/12

CLEARANCES: _____

APPROVED AS TO FORM
BY CITY ATTORNEY

EXHIBITS: Resolution

APPROVED BY CITY ADMIN. FOR
SUBMITTAL

EXPENDITURE
REQUIRED: Est.

AMOUNT
BUDGETED: 0

APPROPRIATION
REQUIRED: Est.

SUMMARY STATEMENT

A resolution to extend the appointment of the Acting City Manager.

RECOMMENDED ACTION

Approval of Resolution.

MOVED BY: _____

SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON _____

COUNCILLOR ASHLEY _____

COUNCILLOR CILLEY _____

COUNCILLOR HOSMER _____

COUNCILLOR MORLEY _____

COUNCILLOR SKAMPERLE _____

COUNCILLOR STEVENSON _____

**RESOLUTION TO EXTEND THE
APPOINTMENT OF THE ACTING CITY MANAGER**

WHEREAS, on December 19, 2011 the City Council passed a Preliminary Resolution to Terminate City Manager Arthur J. Sciorra for cause (“Preliminary Resolution”); and

WHEREAS, by said Preliminary Resolution, City Manager Arthur J. Sciorra was suspended from each and every of his duties and responsibilities as City Manager through and until the date and time that the City Council adopts a final resolution of removal or otherwise resolves the issues addressed and related to the Preliminary Resolution but in no case for a period greater than forty-five (45) days; and

WHEREAS, § C-21(B) of the City Charter for the City of Ogdensburg provides that the Assistant City Manager may serve as Acting City Manager in the City Manager’s absence; and.

WHEREAS, on December 19, 2011, the City Council passed a Resolution appointing the Assistant City Manager as Acting City Manager for the duration of City Manager Arthur J. Sciorra’s suspension, but in no case for a period greater than forty-five (45) days; and

WHEREAS, on January 11, 2012 the City Council adopted a Final Resolution of Removal, permanently and immediately removing Arthur J. Sciorra from his position as City Manager;

NOW BE IT RESOLVED that the appointment of the Assistant City Manager as Acting City Manager is hereby extended an additional ninety (90) days from the date of this Resolution to and including April 10, 2012, or until the appointment of a City Manager by City Council pursuant to § C-18 of the City Charter, whichever occurs first.

Business of the City Council
City of Ogdensburg

SUBJECT: FOR AGENDA OF 1/11/12 BILL # 2b

Resolution terminating the Appointment
of the Acting City Manager

DEPT OF ORIGIN: City Council

DATE SUBMITTED: 1/10/12

CLEARANCES: _____

APPROVED AS TO FORM
BY CITY ATTORNEY

EXHIBITS: Resolution

APPROVED BY CITY ADMIN. FOR
SUBMITTAL

EXPENDITURE
REQUIRED:

AMOUNT
BUDGETED: 0

APPROPRIATION
REQUIRED:

SUMMARY STATEMENT

A resolution to terminate the appointment of the Acting City Manager.

RECOMMENDED ACTION

Approval of Resolution.

MOVED BY: _____

SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON

COUNCILLOR ASHLEY

COUNCILLOR CILLEY

COUNCILLOR HOSMER

COUNCILLOR MORLEY

COUNCILLOR SKAMPERLE

COUNCILLOR STEVENSON

**RESOLUTION TO TERMINATE THE
APPOINTMENT OF THE ACTING CITY MANAGER**

WHEREAS, on December 19, 2011 the City Council passed a Preliminary Resolution to Terminate City Manager Arthur J. Sciorra for cause (“Preliminary Resolution”); and

WHEREAS, by said Preliminary Resolution, City Manager Arthur J. Sciorra was suspended from each and every of his duties and responsibilities as City Manager through and until the date and time that the City Council adopts a final resolution of removal or otherwise resolves the issues addressed and related to the Preliminary Resolution but in no case for a period greater than forty-five (45) days; and

WHEREAS, § C-21(B) of the City Charter for the City of Ogdensburg provides that the Assistant City Manager may serve as Acting City Manager in the City Manager’s absence; and

WHEREAS, on December 19, 2011, the City Council passed a Resolution appointing the Assistant City Manager as Acting City Manager for the duration of City Manager Arthur J. Sciorra’s suspension, but in no case for a period greater than forty-five (45) days; and

WHEREAS, on January 11, 2012 the City Council adopted a Resolution immediately terminating Arthur J. Sciorra’s suspension as City Manager.

NOW BE IT RESOLVED that, while the City Council wants to take this opportunity to acknowledge, commend and thank Philip Cosmo for his performance, dedication and time as the Acting City Manager, under admittedly difficult and trying circumstances, the appointment of the Assistant City Manager as the Acting City Manager is hereby terminated effective immediately.

Business of the City Council
City of Ogdensburg

SUBJECT: FOR AGENDA OF 1/11/12 BILL # 2c

Resolution extending the Appointment
of the Acting City Manager

DEPT OF ORIGIN: City Council

DATE SUBMITTED: 1/10/12

CLEARANCES: _____

APPROVED AS TO FORM
BY CITY ATTORNEY

EXHIBITS: Resolution

APPROVED BY CITY ADMIN. FOR
SUBMITTAL

EXPENDITURE
REQUIRED: Est.

AMOUNT
BUDGETED: 0

APPROPRIATION
REQUIRED: Est.

SUMMARY STATEMENT

A resolution to extend the appointment of the Acting City Manager.

RECOMMENDED ACTION

Approval of Resolution.

MOVED BY: _____

SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON _____

COUNCILLOR ASHLEY _____

COUNCILLOR CILLEY _____

COUNCILLOR HOSMER _____

COUNCILLOR MORLEY _____

COUNCILLOR SKAMPERLE _____

COUNCILLOR STEVENSON _____

**RESOLUTION TO EXTEND THE
APPOINTMENT OF THE ACTING CITY MANAGER**

WHEREAS, Philip Cosmo was the Assistant City Manager of the City of Ogdensburg, New York on December 19, 2011; and

WHEREAS, on December 19, 2011 the City Council passed a Preliminary Resolution to Terminate the City Manager, Arthur J. Sciorra, for cause (“Preliminary Resolution”); and

WHEREAS, pursuant to the Preliminary Resolution, City Manager Arthur J. Sciorra was suspended from each and every one of his duties and responsibilities as City Manager through and until such date and time that the City Council adopts a final resolution of removal or otherwise resolves the issues addressed and related to the Preliminary Resolution, but in no case for a period greater than forty-five (45) days; and

WHEREAS, Section C-21(B) of the City Charter for the City of Ogdensburg provides that the Assistant City Manager may serve as Acting City Manager in the City Manager’s absence; and

WHEREAS, on December 19, 2011, the City Council passed a Resolution appointing Assistant City Manager Philip Cosmo as Acting City Manager for the duration of City Manager Arthur J. Sciorra’s suspension, but in no case for a period greater than forty-five (45) days; and

WHEREAS, on January 17, 2012 the City Council adopted a Final Resolution of Removal, permanently and immediately removing Arthur J. Sciorra from his position as City Manager;

NOW BE IT RESOLVED that the appointment of Philip Cosmo as the Acting City Manager is hereby extended an additional ninety (90) days from the date of this Resolution to and including April 16, 2012, or until the appointment of a City Manager by City Council pursuant to § C-18 of the City Charter, whichever occurs first.

Business of the City Council
City of Ogdensburg

SUBJECT: Resolution to authorize the Acting City Manager to execute a Settlement Agreement
FOR AGENDA OF: 1/11/2012
BILL #: 3a
DEPT. OF ORIGIN: City Council
DATE SUBMITTED: 1/11/2012
EXHIBITS: resolution

APPROVED AS TO FORM BY CITY ATTORNEY

APPROVED BY CITY MANAGER FOR SUBMITTAL

EXPENDITURE REQUIRED:	AMOUNT BUDGETED:	APPROPRIATION REQUIRED:
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SUMMARY STATEMENT

This resolution is to authorize the Acting City Manager to enter into a Settlement Agreement with Arthur J. Sciorra.

RECOMMENDED ACTION

Approval of Resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON	_____	COUNCILLOR ASHLEY	_____
COUNCILLOR CILLEY	_____	COUNCILLOR HOSMER	_____
COUNCILLOR MORLEY	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

**RESOLUTION AUTHORIZING THE ACTING CITY MANAGER
TO EXECUTE A SETTLEMENT AGREEMENT WITH ARTHUR J. SCIORRA**

WHEREAS, Arthur J. Sciorra is the City Manager of the City of Ogdensburg, New York; and

WHEREAS, on December 7, 2011 Arthur J. Sciorra filed two (2) Notice of Claim with the City of Ogdensburg alleging, respectively, a breach of contract by the City of Ogdensburg and the defamation of Arthur J. Sciorra by representatives of the City of Ogdensburg; and

WHEREAS, on December 19, 2011 the City Council of the City of Ogdensburg adopted a Preliminary Resolution to Terminate Arthur J. Sciorra as the City Manager of the City of Ogdensburg, New York, for cause; and

WHEREAS, on each of December 16, 2011 and on or about January 3, 2012 Arthur J. Sciorra filed an amended and expanded breach of contract Notice of Claim with the City of Ogdensburg; and

WHEREAS, both the City of Ogdensburg and Arthur J. Sciorra recognize the benefits to each of resolving the on-going above-described dispute; and

WHEREAS, the attached proposed settlement agreement has been agreed to by Arthur J. Sciorra.

NOW THEREFORE, BE IT RESOLVED, that the Acting City Manager is hereby authorized to execute the attached Settlement Agreement.