

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

PRESENT: Mayor Nelson, Councillors Morley,
Skamperle and Vaugh

ABSENT: Councillors Cilley, Powers and Sholette

PUBLIC HEARING

1. A public hearing to amend Chapter 97 of the Ogdensburg Municipal Code entitled Fire Prevention and Building Codes Administration was held. No one being present to speak, the hearing was declared closed.

2. A public hearing on a proposed ordinance amending Chapter 73, Animals, Article II, Dog Licensing and Control, §73-9.(A) entitled "Impoundment Fees" of the Code of the City of Ogdensburg was held.

James McCoy, 1305 Knox Street, asked if the SPCA had been notified of the proposed change. City Clerk, Kathleen Bouchard said they hadn't.

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

3. A public hearing on a proposed ordinance amending Chapter 157, Peddling and Soliciting, §157-12.(A) entitled "License fees" of the Code of the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. John Mart, a 28 year retiree of the Police Department stated the City changed his health insurance benefits. Mr. Mart also said that he's not represented by the PSU or PBA attorney and he's been waiting for a phone call from the City Manager.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #16-2011 in the amount of \$448,847.51 and Library Fund Warrant #16-2011 in the amount of \$22,260.33 and Capital Fund Warrant #16-2011 in the amount of \$13,489.99 and Community Development Fund Warrant #16-2011 in the amount of \$8,756.29 and Community Renewal Fund Warrant #16-2011 in the amount of \$41.70 and HOME Fund Warrant #16-2011 in the amount of \$0.00 and AHC Funds Warrant #16-2011 in the amount of \$0.00, RESTORE Program Warrant #16-2011 in the amount of \$0.00 and NSP Funds Warrant #16-2011 in the amount of \$0.00 and NY Main St. Program Warrant #16-2011 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 Vaugh moved a local law to amend the Ogdensburg Municipal Code, Chapter 97, entitled Fire Prevention and Building Codes Administration, Section 97-4.(B)(8)(d), and adding new Section 97-4.(B)(8)(d) and (e), and Councillor Morley seconded to wit:

**LOCAL LAW # 1 OF THE YEAR 2011
A LOCAL LAW TO AMEND CHAPTER 97,
ENTITLED FIRE PREVENTION AND BUILDING CODES ADMINISTRATION BY
DELETING SECTION 97-4.(B)(8)(d) AND ADDING NEW SECTION 97-4.(B)(8)(d) and (e)
OF THE CODE OF THE CITY OF OGDENSBURG**

Be it enacted by the City Council of the City of Ogdensburg, New York, as follows:

Section 1. That Chapter 97 entitled Fire Prevention and Building Codes Administration, Section 97-4. entitled Building Permits, Section 97-4.(B)(8)(d) of the Code of the City of Ogdensburg is hereby deleted as follows:

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§ 97-4.(B)(8)(d) Building Permits.

(d) The removal from service of all or part of a fire protection system for any period of time and which does not exceed the aggregate cost of \$2,500.

Section 2. That Chapter 97 entitled Fire Prevention and Building Codes Administration, Section 97-4. entitled Building Permits, Section 97-4.(B)(8)(d) and (e) of the Code of the City of Ogdensburg is hereby added as follows:

§ 97-4.(B)(8)(d) and (e) Building Permits.

(d) The removal from service of all or part of a fire protection system for any period of time; and

(e) Any work which does not exceed the aggregate cost of \$2,500.

Section 3. All other provisions of Chapter 97 shall remain in full force and effect.

Section 4. This Local Law shall take effect upon filing with the Office of the Secretary of State, subject to applicable provisions of law.

The vote was:

CARRIED, AYES ALL

2. Councillor Morley moved an ordinance amending Chapter 73, “Animals”, Article II, “Dog Licensing and Control”, §73-9.(A) entitled “Impoundment Fees” of the Code of the City of Ogdensburg, and Councillor Vaughn seconded to wit:

ORDINANCE # 3-2011

AMENDING CHAPTER 73, “ANIMALS”, ARTICLE II, “DOG LICENSING AND CONTROL”, SECTION 73-9.(A) ENTITLED "IMPOUNDMENT FEES" OF THE MUNICIPAL CODE OF THE CITY OF OGDENSBURG

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OGDENSBURG AS FOLLOWS:

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ITEM ONE: That Chapter 73 entitled “Animals”, Article II entitled “Dog Licensing and Control”, Section 73-9.(A) entitled ”Impoundment Fees”, is hereby deleted in its entirety and replaced with the following:

73-9. (A) Impoundment fees.

(a) twenty-five dollars for the first impoundment of any dog owned by that person;

(b) fifty dollars for second impoundment, within one year of the first impoundment, of any dog owned by that person; or

(c) seventy-five dollars for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.

ITEM TWO: This ordinance shall take effect January 1, 2012.

The vote was:

CARRIED, AYES ALL

3. Councillor Skamperle moved an ordinance amending Chapter 157, Peddling and Soliciting, §157-12.(A) entitled “License Fees” of the Code of the City of Ogdensburg, and Councillor Vaugh seconded to wit:

ORDINANCE #3-2011
AMENDING CHAPTER 157, “PEDDLING AND SOLICITING”,
SECTION 157-12. (A) ENTITLED "LICENSE FEES"
OF THE MUNICIPAL CODE OF THE CITY OF OGDENSBURG

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OGDENSBURG
AS FOLLOWS:

ITEM ONE: That Chapter 157, Peddling and Soliciting, §157-12. (A) entitled "License fees", is hereby deleted in its entirety and replaced with the following:

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§ 157-12. License fees.

A. The license fee for each person licensed as a hawker, peddler or solicitor for a period of up to one year shall be \$100.

ITEM TWO: This ordinance shall take effect January 1, 2012.

Councillor Morley moved to table this ordinance, and Councillor Vaugh seconded the motion.

The vote to table was:

AYES: Mayor Nelson, Councillors Morley and Vaugh

NAYS: Councillor Skamperle

DEFEATED, 3 TO 1

The vote on the ordinance was:

AYES: None

NAYS: Mayor Nelson, Councillors Morley,
Skamperle and Vaugh

DEFEATED, 3 TO 1

4. Mayor Nelson introduced a resolution honoring the Ogdensburg Volunteer Rescue Squad for 50 years of service to the Greater Ogdensburg Community, and Councillors Morley, Skamperle and Vaugh seconded to wit:

RESOLUTION HONORING THE OGDENSBURG VOLUNTEER RESCUE
SQUAD FOR IT'S 50 YEARS OF SERVICE
TO THE GREATER OGDENSBURG COMMUNITY

WHEREAS, the Ogdensburg Volunteer Rescue Squad, Inc. will be celebrating the 50th Anniversary of its 1961 founding in October, and

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WHEREAS, an expression of deep appreciation from a grateful community to

the past and present members of the Ogdensburg Volunteer Rescue Squad is warranted, and

WHEREAS, the Ogdensburg Volunteer Rescue Squad, Inc. has faithfully provided outstanding ambulance, rescue, and emergency medical services to the City of Ogdensburg and the surrounding areas during those 50 years, and

WHEREAS, over 350 men and women from the City of Ogdensburg and throughout St. Lawrence County have selflessly volunteered countless hours of their time to provide those services to Ogdensburg and the surrounding areas during those 50 years, and

WHEREAS, this volunteer service has often come at great personal risk and expense to those men and women members of the Ogdensburg Volunteer Rescue Squad, and

WHEREAS, the families of these men and women have graciously supported them in their efforts to provide this quality EMS service to the City of Ogdensburg and the surrounding areas, and

WHEREAS, the Ogdensburg Volunteer Rescue Squad, Inc. is recognized as being one of the premier EMS Agencies in St. Lawrence County, the North Country EMS Region, and the State of New York.

NOW THEREFORE BE IT RESOLVED, that the Ogdensburg City Council proclaims the month of October, 2011, to be Ogdensburg Volunteer Rescue Squad, Inc. Month, in support of this organization's men and women who do so much for our community.

The vote was:

CARRIED, AYES ALL

5. Mayor Nelson moved a resolution authorizing the award of a contract for the former Shade Roller demolition, and Councillor Vaughn seconded to wit:

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RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR THE FORMER STANDARD SHADE ROLLER FACTORY DEMOLITION

WHEREAS, bids have been solicited and received for the Former Standard Shade Roller Factory Demolition; and

WHEREAS, the City's consulting engineer and City staff have evaluated the bids and recommended the contract be awarded to the responsible low bidder;

NOW, THEREFORE, BE IT RESOLVED that Arthur J. Sciorra, City Manager, is authorized to enter into the following contract, for a sum not to exceed \$757,000.00, on behalf of the City; and

SUPPLIER	BID AMOUNT	CONTINGENCY (20%)
ARIA Contracting Corp. 3907 North Buffalo Road Orchard Park, NY 14127	\$631,000.00	\$126,000.00

BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from Capital Account H866602.518.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Mayor Nelson briefed the Council and audience regarding the 819 Knox Street investigation's chain of events, as follows:

7/11/11 – Council informed by Jim McCoy that 819 Knox Street is occupied rent free;

8/8/11 – Council authorized City Manager to look into this;

8/18/11 – Mayor issued public statement and requested 819 Knox Street information be collected;

9/6/11 – Council met with City Attorney in Executive Session;

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9/12/11 – City Attorney conducting formal investigation and reviewing documents.

Mayor Nelson asked City Attorney, Andy Silver for an update.

Mr. Silver stated that he has interviewed half of the witnesses, reviewed a significant amount of the documentation and all of the FOIL requests have been satisfied. Mr. Silver stated that he anticipates the investigation taking 30 days to complete, and this report should be submitted to Council by mid October. Mr. Silver added that he will submit an interim status report if it will require more time.

Councillor Skamperle asked Mr. Silver if he will be interviewing the Burkes. Mr. Silver said he hasn't, but will consider that suggestion.

Councillor Skamperle questioned if a resolution is needed to allow Council to review the 819 Knox Street documents. Mr. Silver stated that he hasn't analyzed that section of the Charter, but suggested allowing this investigation to continue. Mr. Silver stated that if after he submits his report to Council, they can, as a body, do a complete overview and follow-up.

Mayor Nelson stated that he contacted the City Attorney and asked if Council could review the 819 Knox Street documents. Mayor Nelson added that Mr. Silver couldn't think of anything off the top of his head to preclude this. Mayor Nelson explained that the City Manager is being investigated and he wants to personally see the emails and information that have been collected. Mayor Nelson asked members of Council if they wanted to vote to allow Council to review this material.

Councillor Vaugh stated that at the last meeting Council empowered the City Attorney to conduct an investigation, not each Councillor. Councillor Vaugh added that Council doesn't have time to review 5,000 documents and interview people. Councillor Vaugh stated the Mayor cannot direct staff. Councillor Morley stated Council has every right to review these documents because we represent 12,000 residents. Councillor Vaugh stated that Mr. Silvers' report will consist of the facts, not his opinions. Mr. Silver stated that the primary objective is not to reach opinions, but to provide a factual report containing a timeline of the dates, times and places. Mr. Silver added that the report will be of the facts and will tell Council what the facts are based on, no assumptions.

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Councillor Morley stated he has the right to see the facts. Mr. Silver said this is not about keeping the facts from Council, but it's also not a criminal investigation. Mr. Silver said this is an attempt to put Council in the best position and advise them to make sure they are educated on all the facts.

Mayor Nelson said he initially requested the City Clerk compile all correspondence and documents relating to 819 Knox Street for Council, and make sure all computers backed up. Mayor Nelson said he then called for a special council meeting. Mayor Nelson said he works for the people of Ogdensburg and needs to know who is responsible for this. Mayor Nelson added that Andy Silver will do a great job with this investigation, but he wants to prepare himself. Councillor Skamperle stated that as a body we should be able to look at this, but suggested holding off until all members of Council are present.

Mayor Nelson read a portion of former City Attorney, Kathy Wears' 7/7/08 memo referencing the Burke property and bankruptcy. Mayor Nelson said he can't accept Council needing the City Manager's permission to allow Council to review these documents. Mayor Nelson advised that the City Attorney said we couldn't make copies but could look at them and do our homework.

Mayor Nelson moved a resolution to allow Council to review the assembled documents on 819 Knox Street, and Councillor Morley seconded the motion.

Councillor Vaugh stated that Council directs the City Manager and Attorney, but we didn't authorize the entire body to review these documents as it obstructs the investigation and is against the Council/Manager form of government.

Councillor Morley stated that six Councillors agreed to a Council review in Executive Session.

Councillor Vaugh stated that the City Charter is the City Rule and the Mayor didn't follow the Charter. Mayor Nelson stated that he received the City Attorney's opinion and notified Council. Councillor Vaugh stated we all share the same goal and authorized the City Attorney to investigate 819 Knox and 2 Grove Streets, not for Council to review these documents themselves.

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Councillor Morley stated that Mr. Sciorra works for Council. Councillor Vaugh stated that C14 authorizes the City Attorney to investigate and we authorized him to conduct this investigation. Councillor Morley asked Councillor Vaugh what he was trying to hide. Mayor Nelson said no one questioned him on 8/19/11 when he

initially called for the investigation.

The vote to allow City Council to review the 819 Knox Street documents was:

CARRIED, AYES ALL

2. Mayor Nelson asked City Manager Arthur Sciorra to call Mr. Mart and set up a meeting. Mr. Sciorra advised that the City Attorney was corresponding with the PBA Attorney, Mr. Tuttle. Mayor Nelson stated that Council directed the City Manager to meet with John Mart. City Attorney, Andrew Silver stated that Mr. Tuttle is representing Mr. Mart and it's not ethical to speak to someone who is being represented by an attorney until the attorney advises that he's not representing Mr. Mart. Mr. Silver stated that Mr. Mart needs to contact Mr. Tuttle and have him advise our attorney that he's not representing Mr. Mart. Mr. Silver stated that the City took a position in a letter to Mr. Tuttle, communicating with his client and there's nothing we can do without a response from Mr. Tuttle.

3. Councillor Vaugh read from an email he sent to Council on 8/22/11 regarding 819 Knox Street and asked that it be made part of the official minutes.

The email read:

Documents pertaining to the City's Main Street program have no purpose in the current review of 819 Knox Street. I will remind you all, that three meetings ago we sat in executive session discussing 819 Knox Street and we agreed that the City Manager would bring final resolution of the situation to the council for approval. Let our City Manager do the job we asked him to do. There was never any blame made on anyone. During that executive session we advised the City Manager of our displeasure with the City Planner on numerous issues. We unanimously agreed that it was time for him to go and that final decision was the City Manager's.

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So we fast forward to today. The City Planner has used 819 Knox Street as a smokescreen to divide the Council (sending his email to select members) in an attempt to save his job. I'm not going to let him manipulate us, distort the truth, and ruin the progress we have made over the last four years. We can get all the information in regards to 819 Knox Street, however its already clear based on emails

we have seen either first hand or second hand (as I have), that the City Planner created this problem, and furthermore, it should not come at anyone's surprise based upon his past cases of abuse.

Councillor Vaugh stated the newspaper has reported everything incorrectly. Councillor Skamperle stated it's very important that the City Attorney conduct a thorough investigation.

4. Councillor Skamperle questioned if the City Planner is being paid. City Manager, Arthur Sciorra stated he has sent three or four letters to Mr. Woods and if he doesn't show up for work he won't be paid.

5. Councillor Skamperle questioned the status of the Canton Street bakery. Mayor Nelson stated that he spoke with the building's owner at 4:30 today. Planning and Development Program Manager, Andrea Smith stated she spoke with Mr. Ritchie today and reminded him of the 6:00 pm Planning Board meeting. Councillor Skamperle asked if this is approved by the Planning Board, will they give Council their recommendation. Mayor Nelson said Council can call a special meeting to expedite this.

6. Councillor Skamperle if he can get a copy of the BOA Committee's previous years reports. Planning and Development Program Manager, Andrea Smith stated they are posted on our Ogdensburg.wikiispot.org site, along with maps, drafts and reports.

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NEW BUSINESS

1. Mayor Nelson stated that a resident of Academy Place contacted him about the speed limit on Canton Street. Mayor Nelson said this resident saw a child almost hit. Public Works Director, Kit Smith stated the speed is 20 miles per hour within the school zone.

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