

CITY COUNCIL MEETING

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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

PRESENTATION

1. City Comptroller Philip Cosmo explained that because we are currently putting the 2012 budget together, he would like to brief Council on some of the implications of the 2% Tax Cap that was enacted earlier this year. Mr. Cosmo said the main thing about the 2% tax cap is that no entity will be allowed to raise their levy more than 2% without a super majority vote of their council or governing board. Mr. Cosmo explained that the levy is not a tax rate but is the total dollar amount that can be collected from the taxpayers of the City of Ogdensburg. Mr. Cosmo said if our budget looks like more than 2% levy increase is needed, a local law must be passed by City Council with five of the seven Councillors voting for that override. Mr. Cosmo said the local law could be passed any time between now and the normal process of our deliberations. Mr. Cosmo added it can even be done the night of the budget passage, as long as that local law passes first. Mr. Cosmo said if you are going to override the 2% cap, this local law has to be in place before you actually vote on the budget. Mr. Cosmo gave this example; the 2% cap on our 2011 levy was \$4,372,000., which means, \$87,000 could be raised by levy, which is the most we could raise through additional taxes from the citizens for 2012. Mr. Cosmo added that there are exceptions to the cap. He said the Legislature talked about mandate relief, but did very little about it. Mr. Cosmo said some of the factors driving costs for local government are state retirement, health insurance, and other things they have enacted. Mr. Cosmo added that there is an exception for state retirement, but there is also a curve if you don't pay the full state retirement bill or if you amortize your bill and pay it over time, you can't use that as an exception from the 2% tax cap. Mr. Cosmo estimated that our tax or retirement bill will go over \$400,000 this year and we will be recommending an amortization. Mr. Cosmo stated because of that, we could not use the full \$400,000 as an exemption from the limit, we would only be able to use \$90,000 toward the limit for the exception due to the way the law was written, which won't help us.

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Mr. Cosmo added that there are a few other little exemptions they are allowing, but they are not very large. Mr. Cosmo added that they are as of last Thursday still working on such things as in our levy, chargebacks from the County. Mr. Cosmo said these chargebacks are for Workmen's Comp, election department items and any community college students who attend school anywhere in the State and the local county's charge for that and they turn around and charge the community that student is from. Mr. Cosmo stated that our charge backs from the County total 290,000. Mr. Cosmo said we are not sure if that's going to be the formula, but hopefully we will have answers before the December date that we need to pass the budget. Mr. Cosmo said the budget is released November 1st.

Councillor Skamperle stated that he was under the impression that the 2% tax cap override required a referendum by the City. Mr. Cosmo said no, that applies to school districts and 60% of the voters would have to approve it, but only where the vote is taken by general population.

Councillor Vaugh asked if a public hearing is required. Mr. Cosmo stated yes a public law must be done each year if you're going to override it each year, as it's a separate issue each year. Mr. Cosmo added that there is a public hearing required and a public law would have to be passed. Mr. Cosmo said that would have to be done before the regular budget passage and in past years that has been done the 1st meeting in December and could be done the same night, but the public hearing would have to be passed first.

Councillor Morley asked if the public hearing would have to be called for the meeting before. Mr. Cosmo said it could be called anytime between now and the date you vote on the budget.

PERSONAL APPEARANCE

1. John Oakes, 718 Canton Street, said he agrees with the Mayor and wants the resignation of the City Manager as taxpayers are tired of this. Mr. Oakes also stated that any Councillor who knew about 819 Knox Street should give up their seat.

2. Kathy Wade, 503 Caroline Street, addressed Council. Mrs. Wade stated that she wanted to clarify statements which appeared in the Watertown Times on 10/2/11.

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Mrs. Wade stated that she is telling the truth regarding their contact with City officials. Mrs. Wade said she and her husband met with the City Manager in April to discuss their interest in expanding their Bed and Breakfast business. She said they went over their business plan as they were considering purchasing 429 State Street to open another Bed and Breakfast. She said they discussed what grant monies were available for the preservation of historic homes and discussed the area's zoning. Mrs. Wade said the City Manager had a zoning book, checked the zoning categories and suggested their project would fall under Boutique Hotels. She said he directed them to the City Planner for any grant funding available and any grant questions. Mrs. Wade said the City Planner gave them a Ogdensburg Marina District Program grant application. She said in May she only filled out a preliminary application as grant application's require proof of ownership. Mrs. Wade said the application was never processed formally as the sale of the property never transpired, and they didn't receive grant monies nor was the application ever legally processed. She said she met with the City Planner on June 29 and was informed of additional funding available for façade work through the Main Street Revitalization Grant project. Mrs. Wade stated she is a member of the selection committee for that grant, but was told this was not a conflict of interest, she'd be asked to sign a document saying that she was a member of the Committee and to abstain from voting. Mrs. Wade said on July 6, 2011, she met with the Main Street Revitalization Grant Committee and there was a memo dated June 28, 2011 to Art Sciorra from Justin Woods, Administrative Director of the Ogdensburg Growth Fund Development Corporation, and the Growth Fund Board of Directors were cc-ed. She said the memo subject was Main Street Programs briefing the fact that the boundary expansion had been requested for 429 State Street and explained that the Wade's project would receive \$50,000. from the Marina District funding and \$20,000. from the Main Street funding. Mrs. Wade added that this is all matching funds, not a straight grant. She said if the City Manager read his memo he was fully informed, if not shame on him as it's his job to be informed. Mrs. Wade stated it's clear that the City Manager knew what was happening with grant money and boundaries in June, for him to say he didn't in one of his departments is inexcusable as the taxpayers are paying him to know and the buck stops at his desk. She said he allowed people to live in a City-owned home rent and tax free for three years. Mrs. Wade added that 819 Knox Street is assessed for \$50,000., grant money went into renovating the house and the City Manager signed a sales agreement for the purchase price of \$2,000.

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Mrs. Wade requested a complete list of City-owned residential and commercial properties, and asked if there are any other families living in them rent and tax free. Mrs. Wade stated the citizens of Ogdensburg deserve to know what's going on at City Hall.

3. Carol Nelson, 705 New York Avenue, commended the Mayor and Deputy Mayor for doing a great job in the 819 Knox Street investigation at the last meeting. Mrs. Nelson told Councillor Vaugh that she was appalled by his resolution of public sanction against them. Mrs. Nelson stated that the investigation is against the City Manager and Councillor Vaugh was elected to look after the citizens, not the City Manager. Mrs. Nelson then addressed Councillor Sholette and questioned why all summer he stated that he was staying on Council until we got rid of Art Sciorra, now he's a Art Sciorra lover. Mrs. Nelson also questioned why Councillor Sholette is still serving on Council when he doesn't live here anymore.

Councillor Sholette stated he's not a Art Sciorra lover. Councillor Sholette said that Council met in Executive Session and agreed to let the investigation run it's course. Councillor Sholette said he stated from the beginning that he would let the City Attorney run the investigation and he will make a decision when the investigation is complete. Councillor Sholette said he believes that the two resolutions on tonight's agenda and this call for the City Manager's resignation, are politically motivated.

4. Doug Loffler, 311 Paddock Street, addressed Council and stated that all through your campaigns you have said you will listen to what the taxpayers have to say. Mr. Loffler said he was shocked over this Council's behavior regarding 819 Knox Street. Mr. Loffler said the Mayor and Deputy Mayor have obstructed and tainted the investigation, and the truth is that all of you sitting at this table had a hand in it. Mr. Loffler said Council called for a special meeting and then went into executive session with the City Manager to discuss the issues when he's part of the investigation. Mr. Loffler added that when Councillor Vaugh inserted a memo into the minutes he tainted the investigation. Mr. Loffler stated that Council pointing fingers at everyone has weakened the City government and we need a new leader as City Manager. Mr. Loffler stated the morale of City employees is down, the City Manager has lost his credibility with the community and his management style is not a good fit for this community, we need transparency and accountability.

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5. Matt Flynn, 1124 Washington Street, stated that he was not here to condemn or condone, just to review the City Charter sections C5, C7, C9, C11, C14 and C16.

6. Sam Burns, 722 Washington Street, stated that he is a County Legislature representation on RVRDA and congratulated the City on the application they submitted to the RVRDA for the Shade Roller. Mr. Burns stated that the application was professional and very well written, and the board looked upon it favorably.

Mr. Burns stated another issue is the water levels on the St. Lawrence River. Mr. Burns said he has sponsored several resolutions and criticized the Water Control Board for lowering the water levels too quickly as they are now two feet below safe boating levels and are causing problems for boats getting in and out of the water. Mr. Burns suggested Council consider adding their voice to the Water Control Board criticizing them for lowering the water levels.

Mr. Burns stated another issue is the Regional Economic Development Council. Mr. Burns said he serves on the Infrastructure Committee and at the first meeting he was gravely concerned about the attitude of the Watertown DOT Manager. Mr. Burns said the City and other St. Lawrence County communities have supported the construction of the I98 highway. Mr. Burns said unfortunately, it appears that the Regional Council may not feel the program should be brought forward. Mr. Burns stated that the I98 will provide 22,000 jobs and for north country residents if constructed, \$5 billion dollars. Mr. Burns said the I98 project should move forward and will combine Watertown, Plattsburg, along with areas in between, and include a spur to Ogdensburg and Massena bridges which we need for economic development and jobs. Mr. Burns urged Council to pass a resolution soon as the Regional Council will pass their plan on to the Governor in November asking that I98 be made a long term project.

Mr. Burns said another issue is that the County budget has been presented to the County Legislators and met the tax cap, but unfortunately the Governor has announced that the State will not be taking over Medicare/Medicaid. Mr. Burns said that will add \$587,000. to our budget. He said it would have been an eight year phase-in program that appears to be dead in the water.

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Mr. Burns said hopefully Council will consider another resolution to the Governor and Legislator asking them to reconsider no mandate relief.

Mr. Burns said another issue is increasing the County sales tax. Mr. Burns advised that the County has asked the State Legislature for a sales tax increase as St. Lawrence County is one of five counties in New York State that has a sales tax of 7%, everyone else is above that. Mr. Burns stated that raising the sales tax rate seems to be more reasonable than a property tax increase. Mr. Burns requested that the City Council support a resolution to the State Legislature asking for a sales tax increase.

Mr. Burns thanked Council members and those at City Hall that contact him through emails and calls, and urged them to continue to contact him.

Councillor Morley stated that we recently passed a resolution of support for not privatizing the County landfill. Councillor Morley questioned if this has been brought up by the County, what's been discussed and where's it going. Mr. Burns stated that we have DANC preparing a study on all of our solid waste facilities, equipment and tipping fees. Mr. Burns said it will be another month or two before the DANC study is complete, but hopefully the study will give us some options on where we should go. Mr. Burns said he doesn't believe in privatizing and forgot to mention all the private haulers who would be put out of business if that were sold to one large corporation.

Mayor Nelson advised Mr. Burns that we did pass a resolution on the water control B+ water plan, which is the one the City wanted. Mayor Nelson said it is nice to see the IJC considering the B+ plan which would be beneficial to those of us who live on the St. Lawrence River. Mayor Nelson said he was a member of the Cross Border Caucus which recently had an excellent meeting about the B+ plan. Mayor Nelson stated that this Council would probably make a resolution supporting it again. Mayor Nelson said we will bring that forward and appreciate that the County has also brought it forward.

Mr. Burns also said that the Water Control Board is a federal board appointed by the President, and one of the Water Control Board members is from Tucson, Arizona. Mr. Burns said that someone from Arizona is controlling the water level on the St. Lawrence River, and that needs to be changed.

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6. John Mart addressed Council and thanked the Mayor and Deputy Mayor Morley, who personally met with him regarding the PBA dispute of which he's not a member of, but as a retiree he's trying to get his health insurance benefits. Mr. Mart said he met with the City Manager and found out he had more problems than he thought. Mr. Mart said he has the same benefits as a rookie cop, which is hard to believe since he's been gone 28 years. Mr. Mart said you come to work and figure if you retire under a contract that's what you get, but that's not so.

7. Robert McPherson, 813 E. South Street, a retiree from the PSU Unit of the Ogdensburg Police Department for 29 years spoke. Mr. McPherson stated that he has spoken to those in charge of the PSU Union and no one can tell him how they gave up his prescription benefits. Mr. McPherson said he now has to pay co-pays, when he used to pay a \$200. deductible per year for the last 15 years. Mr. McPherson said he would like to know whose idea this was the Council or Comptroller. Mr. McPherson added that he met with the City Manager last Wednesday and he told them for the 8 cops effected in the City, we're not saving that much money. Mr. McPherson questioned why benefits to the people still working at the Police Department are being given on our backs, we're senior citizens on a fixed income. Mr. McPherson also questioned why he has to pay for benefits that are being given to people making over \$50,000. Mr. McPherson asked for some resolution to this. He said the City Manager advised he may be able to resolve this, but the only way he wants to see it resolved is return to the \$200. deductible per year and leave them alone. Mr. McPherson said negotiate with the working people, as we have no representation and can't negotiate. Mr. McPherson said he can't understand how anyone can take away their benefits.

8. Justin Woods, City Planner.

Councillor Vaugh stated that Council started a C-14 to investigate the NSP properties and Justin Woods as Planner was a party to that and should be subpoenaed and brought before the attorney to provide testimony. Councillor Vaugh said if he doesn't want to do it on another day, we can have the attorney put him under oath today as he's giving testimony. Mayor Nelson said he doesn't believe that Mr. Woods is going to talk about the properties we're investigating.

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Mr. Woods stated that he's not here to testify, he's here to make a public statement. Mr. Woods said that although he has been interviewed by City Attorney, he is willing to be subpoenaed and interviewed at any time as he has nothing to hide.

Councillor Vaugh said that the Mayor and Deputy Mayor requested a staff member come to this meeting and speak. Mayor Nelson said he did not invite Mr. Woods to speak.

Councillor Powers said Mr. Woods is still an employee until 10/16/11, appearing under public appearances, who are we to stop him. Councillor Powers questioned if he will talk about the NSP and said if he does, we'll bring the attorney down to interject.

Mayor Nelson said Mr. Woods is still a citizen of the City of Ogdensburg. Councillor Vaugh stated that he's an employee and the Mayor asked him to come and speak. Councillor Morley stated that Councillor Skamperle gave the City Manager fifteen minutes to speak on this issue two weeks ago. Councillor Morley stated Justin Woods should have his say.

Councillor Vaugh said if he's going to speak about the NSP Program that we're investigating, it should be under oath and testimony for the attorney. Mayor Nelson said he has no problem with Justin speaking, he's a City employee.

Justin Woods read a prepared statement. (A copy follows these minutes.)

Councillor Morley admitted that he was not Justin Woods' biggest fan, and said what Justin called progressive, Councillor Morley calls liberal. Councillor Morley asked Mr. Woods if he said that he was told he didn't have to report to the office, that wasn't job abandonment and he was working from home and should be paid. Mr. Woods said yes.

Councillor Sholette stated his question was to the City Attorney for the benefit of the audience. Councillor Sholette asked if the statement Mr. Woods just made was consistent with his interview testimony. City Attorney Andrew Silver said yes.

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Mayor Nelson stated the 819 Knox Street issue came up in July when Council was notified by Jim McCoy. Mayor Nelson said we had a number of City Council meetings since then and before then, with your programs listed on the agenda for discussion, why weren't you there. Mr. Woods stated that his supervisor informed him that his presence was not needed so he wasn't there. Mayor Nelson said the Charter indicates that anytime a department head has an agenda item on the agenda, they're typically requested to be there. Mr. Woods agreed, but stated that he reports to the City Manager and he directed him that his presence wasn't needed. City Manager Arthur Sciorra stated that was one meeting.

Councillor Powers stated that three years ago we sat here and had the whole housing program revamped, and in some of the procedures the words integrity and creditability were thrown around. Councillor Powers said he will be the first one to come out and say this is pathetic. Councillor Powers said he has a hard time looking into the eyes of these people in the audience. Councillor Powers said Council met with Mollee Wolhan and revamped our housing program. Councillor Powers said he's not pointing the finger at Justin Woods, but he has some concerns with some of his statements, especially the fact that with the program income was being used to pay \$30,000. in taxes. Mr. Woods said that's not correct, the program income is not being used to pay \$30,000. in taxes, the affordable housing corporation money did. Councillor Powers asked Mr. Woods if the NSP money is taxpayer money. Mr. Woods said the NSP money is a grant that was used for rehab. Councillor Powers asked if it is taxpayer money or not. Mr. Woods stated the program income was not used to pay \$30,000. in taxes. Mr. Woods explained the grant that helped them purchase the home was paying the tax, that's an important distinction. Councillor Powers said the fact of the matter is that even with the strict monitoring of our housing program going on Council was in the dark about the fact that people are living at 819 Knox Street for free. Councillor Powers stated he understands there was a bankruptcy in 2008 and we acquired the property in 2009, but the problem he has is that Council sat here while our housing program was scrutinized by every agency under the sun and here we are three short years later, right back into the mix. Mr. Woods said there is an important distinction between the embarrassment you talked about three years ago and the present one and he'd be happy to explain that for you and the public. Councillor Powers said look where we are now. Mr. Woods said he couldn't agree more, this is a terrible situation and a nightmare.

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Councillor Powers said when we talk about revamping the Marina District, it would have to come through the Council. Mr. Woods said that's not true. Councillor Powers stated that he was excited to hear that we are going to have a piece of property completely refurbished, but Council didn't know about it. Mr. Woods said it wasn't his job to brief Council, he briefed the City Manager. Councillor Powers said you're the Director of Planning and Development. Councillor Skamperle said we have memos straight from you stating none of this. Councillor Skamperle added that when we asked the nine specific questions in July regarding the 819 property, none of them were answered in your memo the next day, none of what you just told us was in that memo. Councillor Skamperle said Council may have looked at this a lot differently if you had, but you didn't, none of this was in our memo. Councillor Powers said he wasn't going to hold Mr. Woods personally responsible. Mr. Woods said he doesn't mind being held responsible for the decisions he made.

Councillor Powers said the fact is that management has lacked and it's a reflection on all of us. Councillor Powers said administrative regulations weren't followed and that's what disgusts him. Councillor Powers stated that Council should have been informed and added that for three years we asked for economic development procedures and received a report with a Newburg Agency that took three years to get. Councillor Powers stated that there is no room for politics in Ogdensburg, we are an indigent community living off grants and our demise is going to be 819 Knox Street.

Mayor Nelson asked if there were other questions of Mr. Woods.

Councillor Morley said that Council asked about 819 Knox Street, 2 Grove Street and 113 Adams Avenue at least once a month for two years, and we were never told during that time that we had people living at 819 Knox Street, rent-free. Councillor Morley asked who hid this from us and why were we the last to know? Councillor Morley asked Mr. Woods why he, Art or whoever else in charge of this program decided that these people with children, could live there during construction and demolition of that building leaving us in a dangerous position due to lead paint and asbestos? Councillor Morley asked who made that decision and left us in jeopardy because we allowed them to live there, who's liable and who made that decision?

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Councillor Morley stated that the City carried the insurance on this house because they couldn't provide their own insurance, what if one of them had fallen?

Councillor Morley stated the City would have been responsible and questioned who made the decision to allow them to live there during construction? Mr. Woods said they were living in the house for a year before the property came to his program. Mr. Woods said as far as the logistics of them living in the house, Jim O'Neil can address the logistics of them living in the house and the logistics of the lead paint being in compliance. Mr. Woods said the lead paint regulations and abatement procedures were followed. Mr. Woods added that the house was cornered off and separated to allow the work to be done in sections of the house while the family was still in the residence. Councillor Morley said he can't imagine they were allowed to live there during lead paint abatement as Lead paint goes right into the atmosphere and asbestos. Councillor Morley asked if the first person hired to do reconstruction was a sex offender, and asked why this was allowed to happen? Mr. Woods said there was a contractor who was on our list that was a sex offender and when it was brought to our attention the City Manager and I directed CW Augustine to the City's sex registry policy that precluded City employment and they were removed from the list. Councillor Morley said we used to have a lot of City people on the rehab contractor list, but not anymore now they're all from out of town. Mr. Woods said we do have City people on the list, but they have to comply with Federal and State government lead paint and insurance requirements.

Mr. Sciorra said that Mr. Woods made a statement that he told Justin he approved the expansion of the Marina District project to State Street and also the money for the Wade's in a June 28th report. Mr. Sciorra stated it was in early May that he repeatedly told Justin that he objected to his expanding the project across the river without getting some kind of approval, and objected to him making unilateral decisions about that. Mr. Sciorra said he went to Council and specifically spoke to Mr. Powers and Mayor Nelson. Mr. Sciorra said we went into Executive session in early June and he told Council that he repeatedly told Mr. Woods that he didn't want the expansion and would not approve this money being spent without a process involving something other than him making a decision to give somebody \$100,000. Mr. Sciorra said Council knows this because he came to them in June, and their response to him was Justin Woods is insubordinate and you should fire him. Councillor Morley said it was June 27th in Executive session. Mr. Sciorra said this was discussed when he went into Executive session, but he had many other discussions with Council.

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Mr. Sciorra advised that there were at least a half dozen times that he and Justin went round and round about this and he told him not to do this, and now he stands here in front of everybody with applause saying that I knew, approved and agreed. Mr. Sciorra stated that's not true, I never agreed. Mr. Sciorra advised Mr. Woods that he could call him a liar, but this Council knows I didn't agree and they have to tell you the truth.

Councillor Skamperle said this is exactly what he didn't want to happen, a great big he said, she said. Councillor Skamperle said let's let the City Attorney carry on his investigation. Councillor Skamperle asked Mr. Woods if he submitted his paperwork to the City Attorney? Mr. Woods said yes and he also submitted it to Council back in August. Councillor Skamperle said let's move on, let's bring this City forward, this is crazy, we're just bringing our City down. Councillor Skamperle said he will make a judgment after the process the City council put forward is complete.

Mayor Nelson said the one question everyone has is who's held accountable? Mayor Nelson said we have one man we hold accountable sitting right there, Art Sciorra who works for us. Mayor Nelson said Justin Woods works indirectly for us, but works directly for the City Manager. Mayor Nelson read the 2009 City Manager goals that Council received, dated 7/29/10. They read:

Direct and supervise administration of all departments, office and agencies of the City. This occurs potentially on a 24/7 basis, I'm available to each Department anytime or day of the year. This is the operational part of the Manager's job; involves consultation between Manager and each Department Head on big and small issues. This goes on by direct contact, field inspection, email, telephone, memorandum, special interdepartmental meetings, constantly regarding things that are planned or never anticipated. It also involves working with other agencies and commissions as needed. This may be accomplished by attendance at meetings, telephone, email, memorandum, consultations with staff, review of minutes, meeting with public and/or dealing with complaints.

Mayor Nelson said he read that because when we were informed as Council members what happened with 819 Knox Street 3 years after it happened, it's a direct result of not being informed by the City Manager.

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Mayor Nelson read the following statement:

As Mayor of the City of Ogdensburg and a Councilman for over 18 years, I take pride in knowing that together we, as a body of independently elected officials, tried to improve the quality of life and make a difference for our residents. Although I have not always agreed with many different Council members over the years, one thing we could always do is put aside our differences and work together for the people who've elected us. The recent events of the past several weeks have strengthened me and my resolve and my commitment to public service and the people that call Ogdensburg home. I feel strongly that in my roll as Mayor that I must call upon our sense of civic duty and colleagues to put aside their partisan differences and personal feelings for the sake of civil discourse. Our residents deserve nothing less. As independently elected officials, we are all entitled to our opinions. This is what makes democracy great and produces some of the best ideas and results. However, when we focus our attention on rhetoric, it only serves a personal interest. We are just losing site of our responsibility to serve those who elected us. I will not allow that to happen and will do everything in my power as Mayor to provide residents with an open, transparent government that we are committed to. With this in mind, I am concerned that our residents have not been served well with respect to the matters of our housing program and events leading up to the investigation initiated by this body and even more concerned by what appeared to be Council conflicts of interest by those involved in the investigation. It is my strong opinion by removing any appearance of conflict of interest or personal agenda, we can then provide the people of Ogdensburg with a kind of open and transparent government that they deserve. Just as important, we can move forward with an agenda that improves quality of life and creates jobs and makes Ogdensburg a great place to live, work and raise a family.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #17-2011 in the amount of \$1,117,182.29 and Library Fund Warrant #17-2011 in the amount of \$12,225.84 and Capital Fund Warrant #17-2011 in the amount of \$44,104.70 and Community Development Fund Warrant #17-2011 in the amount of \$65,737.73 and Community Renewal Fund Warrant #17-2011 in the amount of \$1,715.33 and HOME Fund Warrant #17-2011 in the amount of \$0.00

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and AHC Funds Warrant #17-2011 in the amount of \$0.00, RESTORE Program Warrant #17-2011 in the amount of \$0.00 and NSP Funds Warrant #17-2011 in the amount of \$0.00 and NY Main St. Program Warrant #17-2011 in the amount of 0.00 as audited, be and the same are ordered paid and Councillor Morley seconded the motion.

Mayor Nelson advised that Council is only approving the September 12, 2011 minutes because Council just received the September 26, 2011 minutes at 4:30pm today and we need time to review them.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson introduced a resolution introducing an ordinance and providing for public notice and public hearing to offer for sale, by public auction, City-owned property located at 524 Bigelow Street, and Councillor Powers seconded to wit:

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

BE IT RESOLVED, that Ordinance No. ____ of 2011, entitled "An Ordinance to Offer for Sale at Public Auction City-Owned Property", 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 adoption of the aforesaid Ordinance to be held at the Council Chambers in the City of Ogdensburg, New York, on the 24th day of October, 2011, 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.

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The vote was:

CARRIED, AYES ALL

2. Mayor Nelson moved a resolution to support the State Legislature to maintain to maintain a full-time President at SUNY Canton, and Councillors Cilley, Morley, Powers, Skamperle and Vaugh seconded to wit:

RESOLUTION

WHEREAS, SUNY Canton is an important educational asset for all of Northern New York; and

WHEREAS, SUNY Canton is a vibrant, growing institution under the enlightened leadership of Dr. Joseph Kennedy; and

WHEREAS, it is important in these economic times to maintain and expand this asset; and

WHEREAS, this continued growth cannot occur without an on-campus President attuned solely to the needs of running SUNY Canton.

THEREFORE, BE IT RESOLVED that the City Council of the City of Ogdensburg supports the efforts of Save Our SUNY Canton Task Force and the SUNY Canton College Council to maintain an on-campus President at SUNY Canton; and

BE IT FURTHER RESOLVED that the City Council of the City of Ogdensburg supports State legislation to maintain a full-time campus President at SUNY Canton.

Councillor Morley stated this resolution is not our responsibility and added that the President's job is not more important than the six other jobs that could cost the little guys to lose their jobs. Councillor Skamperle agreed and stated that Mr. Kennedy supports this and is moving to a new job. Councillor Vaugh stated that Senator Ritchie put forth a news article in which a SUNY spokesperson stated that SUNY voted against this as it fails to address the problem.

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Councillor Cilley stated the budget figures are skewed by the cost of the new gym. Councillor Cilley added that Mr. Kennedy is worth the money. Councillor Powers agreed and stated that college is a vital part of our region. Mayor Nelson stated years ago SUNY Canton talked about closing and Mr. Kennedy turned it around.

The vote was:

AYES: Mayor Nelson, Councillors Cilley,
Powers and Sholette

NAYS: Councillors Morley, Skamperle and Vaughn

APPROVED, 4 TO 3

3. Mayor Nelson moved a resolution providing for public hearing and public notice with regard to an amendment to the Zoning Ordinance, and Councillor Skamperle seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING
AN AMENDMENT TO THE ZONING ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED that the ordinance entitled "Ordinance Amending Chapter 221 Entitled 'Zoning' of the City of Ogdensburg Municipal Code" 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 adoption of the aforesaid ordinance to be held in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York, on Monday the 24th day of October, 2011, 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 days before the hearing date, of a notice setting forth the time and place and describing the proposed ordinance in summary form.

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The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution authorizing the City Manager to sign an agreement to extend the Snow and Ice Control Agreement between the City of Ogdensburg and St. Lawrence County, and Councillor Powers seconded to wit:

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO SIGN AN AGREEMENT BETWEEN THE CITY OF OGDENSBURG
AND ST. LAWRENCE COUNTY

BE IT RESOLVED, that the City Manager is authorized to sign the attached extended Snow and Ice Control Agreement between the City of Ogdensburg and St. Lawrence County for the 2011-2012 Season.

Councillor Powers asked if there are any changes from last years agreement. Public Works Director Kit Smith said the only difference is a fuel flexor.

The vote was:

CARRIED, AYES ALL

5. Mayor Nelson moved a resolution introducing an ordinance and providing for public notice and public hearing to lease City-owned property located at 819 Knox Street, and Councillor Skamperle seconded to wit:

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

BE IT RESOLVED, that Ordinance No. ____ of 2011, entitled "An Ordinance to Lease City-Owned Property", be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

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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, New York, on the 24th day of October, 2011, 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.

Mayor Nelson stated this is basically the follow up to allow for this lease to commence as people are living there. Councillor Morley stated that he was told the lease had been signed and the people are living there. Councillor Morley questioned why we are approving a lease when it has already been signed. Councillor Morley stated we're not following the Charter.

Mayor Nelson questioned if the lease had a provision in it that stated, pending City Council approval. City Manager Arthur Sciorra deferred that question to the City Attorney, who drafted the lease. Mayor Nelson questioned who signed the lease. Mr. Sciorra stated that he signed the lease, but Council asked the City Attorney to draft the lease, which he did. Mr. Sciorra added that Council directed him to get the lease signed and get it paid, which he did.

City Attorney Andrew Silver stated the question is does the lease have a provision in it that makes it subject to the approval of Council, the answer is no, it does not. Mr. Silver said it doesn't and the reason it does not is that contingencies put in contracts govern things that are subject to the negotiation between the parties. Mr. Silver stated that Council's approval of contracts dealing with real estate or by sale is the law of the City of Ogdensburg, so in order for that contract to be valid it needs to be approved by Council regardless of when it was signed. Mr. Silver said that kind of provision does not need to be in a contract because the very laws of the City dictate that you gentlemen must approve it.

Councillor Morley questioned what happens if Council doesn't approve it. Mr. Silver replied that the lease would not be valid. Councillor Morley stated that we've already signed a lease with them. Mr. Silver said he hasn't done anything yet.

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Councillor Morley said he was not blaming him, but the lease has already been signed by the people living in the house, and he's not sure if the lease is open ended, month to month or year to year. Councillor Morley stated that they signed the lease, how do we break it. Mr. Silver advised that you're not breaking the lease, the lease is subject to your approval and you need to approve it or the document itself is not valid. Mr. Silver also said as we all know from the discussion tonight, they've been living there for over three years. City Manager Arthur Sciorra stated to Mr. Silver that he thinks Councillor Morley is asking if the lease can be broken at a later date. Councillor Morley asked Mr. Silver if we can evict them if Council votes no. Mr. Silver stated that would be an unfortunate scenario at this point however, if they are not occupying a piece of City property that's approved by Council, they're not there lawfully and it would subject them to eviction. Mayor Nelson stated the lease has been signed by the City Manager. Mr. Silver stated there have been many opinions, some recently published in the newspaper, but if you're asking for my opinion, the City Charter is very clear on these issues. Mr. Silver said the City Charter says this Council as a body, approves certain contracts in order to validate them and some of these contracts that deal with the lease or sale of City owned property, that's the law of the Charter. Councillor Cilley asked if we have a signed purchase agreement for 819 Knox Street. Mr. Silver said yes we do. Councillor Cilley questioned why are we worried about a lease then. Mr. Silver said because the Council brought it's direction to Mr. Sciorra indicated that there should be a lease in effect for that property to make sure the people who are residing there are paying rent until the closing occurs. Mr. Silver said it was after one of the most recent meetings where the City Manager was requested by Council to make sure a lease was in place and it was in turn the City Manager who asked me to prepare that lease and I did. Councillor Cilley asked if we have a timeframe for the closing. Mr. Silver stated we do not, the reason is that I think the Council is waiting for the C-14 investigation to be completed with regard to 819 Knox Street and the Council will need to act on that contract. Mr. Silver said to his knowledge, the Council has not acted on the contract for the sale of 819 Knox Street and that needs to happen. Mr. Silver added that if Council does that and does approve the contract and does approve the sale, then the sale or contract can occur very quickly. Councillor Morley stated that he read the contract, it was signed 4/29/11 and states the transaction must occur within 60 days of the date of signing, but the 60 days are past. Councillor Morley questioned if the contract is now legal after 60 days.

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Mr. Silver explained that it is in his opinion, with that clause is that if one party to the contract decides to invoke a hard deadline they would have to serve notice on the other party and that notice would say you have so many days to close. Mr. Silver stated that we are now considering this contract to be time of the essence because if you don't close within a reasonable amount of time, most courts would say 30-60 days, then you are in fact in default. Mr. Silver stated that this Council has to approve the contract and directly authorize the sale for that sale to be valid. Mr. Silver added that it's not only the obligation of the Council to do that under the City Charter, but the buyers are going to want that to happen as well as they want to know that this sale has been specifically authorized by this body. Councillor Morley said it has to be authorized by this body, Mr. Silver said it does. Councillor Morley stated that we received a memo that said we gave up those rights when we went with the NSP Program, but he can't see the NSP Program taking the power away from the Charter. Councillor Morley added that the Charter is the law we live by and no program can take that law away. Mr. Silver stated that's right, one of the things you requested at the 9/12/11 meeting was for the C-14 investigation to address where does this put us now with regard to 819 Knox Street; what contractual obligations do we have and where does the Council sit with regard to those obligations. Mr. Silver stated that his report will address that specifically. Councillor Morley questioned the time frame on that report. Mr. Silver said the 12th of September he indicated the middle of October, which is Friday, October 21st, that's his target date.

The vote was:

CARRIED, AYES ALL

6. Councillor Vaugh moved a resolution to publically sanction the Mayor and Deputy Mayor for their actions in violation of the Ogdensburg City Charter and City policy, and Councillor Skamperle seconded to wit:

RESOLUTION TO PUBLICLY SANCTION THE MAYOR AND DEPUTY MAYOR FOR THEIR ACTIONS IN VIOLATION OF THE OGDENSBURG CITY CHARTER AND CITY COUNCIL POLICY

WHEREAS, the City Council is concerned that the Ogdensburg City Charter and City Council Policy has not been followed in the actions of the Mayor and Deputy Mayor; and

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WHEREAS, the City Council on September 12, 2011, directed the City Attorney by City Council Resolution to commence a C-14 investigation into the circumstances of the proposed sales of 819 Knox Street and 2 Grove Street to determine whether or not City Policy has been followed for the sale of NSP properties; and

WHEREAS, the Ogdensburg City Charter represents the rule of law and any violation of the City Charter violates the City Council's oath of office; and

WHEREAS, the Mayor on September 20, 2011, erred in his determination when he made an executive authorization, contrary to the Ogdensburg City Charter at Section C-7A, C-8, C-9 and City Council's Resolution commencing a C-14 investigation conducted by the City Attorney of the proposed sales of 819 Knox Street and 2 Grove Street, when he sent an email to the City Council advising City Councilors to view all documents pertaining to 819 Knox Street in the Office of the City Clerk; and

WHEREAS, the Mayor on September 23, 2011, erred in his determination when he made an administrative directive, contrary to the Ogdensburg City Charter at Section C-7A, C-8, C-24 and City Council's Resolution commencing a C-14 investigation conducted by the City Attorney of the proposed sales of 819 Knox Street and 2 Grove Street, to a city employee when he phoned the Office of the City Clerk, spoke with the Deputy City Clerk, and directed her to permit access to documents at individual Councilor's pleasure; and

WHEREAS, the Deputy Mayor on September 23, 2011, entered the Office of the City Clerk and erred in his demands to review the documents pertaining to 819 Knox Street being held in the Clerk's vault, contrary to the Ogdensburg City Charter at Section C-8, C-24 and City Council's Resolution commencing a C-14 investigation conducted by the City Attorney of the proposed sales of 819 Knox Street and 2 Grove Street; and

WHEREAS, the Mayor on September 26, 2011, at a regularly scheduled City Council meeting, admitted to violating the Ogdensburg City Charter; and

WHEREAS, the Ogdensburg City Charter at Section C-7A states that the Mayor shall have no administrative or executive duties; and

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WHEREAS, the Ogdensburg City Charter at Section C-8 states that all powers of the City are invested in the City Council; and

WHEREAS, the Ogdensburg City Charter at Section C-9 (C) strictly prohibits the Mayor or any Council member from issuing direct orders to any City Officer or Employee that is normally under the and supervision of the City Manager; and

WHEREAS, the Ogdensburg City Charter at Section C-10 (B) (1) dictates that should the Mayor or any City Council member violate any express prohibition set forth by this Charter at Section C-9, they shall have forfeited their office; and

WHEREAS, the Ogdensburg City Charter at Section C-11 authorizes the City Council to be the judge of the qualifications and conduct of its members; and

WHEREAS, the Ogdensburg City Charter at Section C-12 places the City Clerk under the direction and supervision of the City Manager; and

WHEREAS, the Ogdensburg City Charter at Section C-14 authorizes the City Council to make investigations of the affairs of the City and the Conduct of any City Department; and

WHEREAS, the Ogdensburg City Charter at Section C-24 states that all departments, employees, and agencies are under the direction of the City Manager;

NOW THEREFORE, BE IT RESOLVED, that the City Council, does hereby publicly sanction the Mayor and Deputy Mayor for their actions in violation of the Ogdensburg City Charter Sections C-7A, C-8, C-9, C-14, C-24 and City Council Policy; and

BE IT FURTHER RESOLVED, that the City Council does hereby uphold and affirm the City of Ogdensburg's Council-Manager form of government; and

BE IT FURTHER RESOLVED, that the City Council does hereby uphold and affirm the Ogdensburg City Charter.

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Councillor Vaugh read an email from City Clerk Kathy Bouchard to Deputy Clerk Chris Tupper regarding 819 Knox Street material.

It read:

Kathy Bouchard to Chris Tupper: I just read an email from Mike Morley that he had gone through the box of materials. Did Andy Silver tell you to do that?

Chris Tupper to Kathy Bouchard: The Mayor called and said the Council is to go through the material if they want.

Councillor Morley stated that we had permission, the City Attorney told us we could do this. Councillor Vaugh stated that he did not and the Council commenced an investigation under the power of the City Charter through the City Attorney and since that point the Mayor and yourself have obstructed the Council's investigation before we've received the report and made the City Manager the scapegoat. Councillor Vaugh said we need to wait and listen to what the City Attorney says. Councillor Vaugh added that he's not here for politics, he's here with these two resolutions to maintain and preserve the wishes of the City Council and commence an investigation through the attorney, and to respect the form of Council/City Manager form of government. Councillor Vaugh stated that he wants to allow this process to take it's course and let judgment be taken at that point. Councillor Vaugh stated that so far the Mayor's given instructions to a City employee when there's a direct order when we the Council established the process, and decided that the form of government is Council/Manager. Councillor Vaugh stated that we direct the City Manager who carries those wishes out and we need to respect that and we need to respect, affirm and uphold the City Charter, that's the law of the City of Ogdensburg. Councillor Vaugh added that we need to uphold the Charter and follow it, that is our duty as elected officials to uphold the law and respect the process which is clear in the Charter, the processes and how they are supposed to take place.

Mayor Nelson stated that we had Mr. Woods bring serious allegations to this City Council as you heard him say tonight requesting a C-14 investigation, very serious allegations because they're a direct contrast of information that we as City Councillors were getting from our City Manager. Mayor Nelson said that immediately after that, he sent an email out to City Council and requested all correspondence and documents in relation to 819 Knox Street matter be provided to City Council.

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Mayor Nelson added that he said the City Clerk would begin gathering the information for Council and Andy Silver would review the information. Mayor Nelson said he also asked that all computer systems be backed up to ensure all electronic communication be preserved as well. Mayor Nelson said he advised Council that once we receive all the facts, data and information, he would call a special meeting and request the City Attorney be present to go through information. Mayor Nelson said he advised that he would obtain a date from the City Clerk when she was available to give us the information and he'd schedule a special meeting. Mayor Nelson said obviously we had a lot of information coming forth and he took this very seriously when we had a member of City staff making accusations against our City Manager. Mayor Nelson said Mr. Woods called the City Manager a liar and said the information we were getting was not truthful or accurate. Mayor Nelson said we started this process back in August, called for a special City Council meeting on Tuesday, 9/6/11 at 7 pm and did confer with City Attorney in executive session regarding a personnel matter and 819 Knox Street. Mayor Nelson said Council was not aware of 819 Knox Street until it was brought forth to us and we weren't aware that there were people living in that house. Mayor Nelson said it's very unfortunate that we weren't informed of it or the matters would have been handled in a totally different way. Mayor Nelson said when you have someone living in the house, not paying rent, water or sewer it's a serious issue. Mayor Nelson said that he then sent a note to City Councillors on August 25, 2011, he said due to the huge volume of information relating to 819 Knox, Kathy Bouchard and Pat Paquin were still in the process of compiling and sorting the data which they did for the 3 days. Mayor Nelson stated this was being done by Kathy and Pat so that we had a dual control oversight system and once the data was compiled, Andy Silver would need at least a week to review it. Mayor Nelson said Mr. Silver did not want to schedule a meeting until he had reviewed and assessed all the information. Mayor Nelson added that he told Council when we meet, we'll have all the info and data in a format we can use for our review as we determine the next steps in the process which will be determined by City Council, but given the timeline next week didn't appear feasible for the meeting. Mayor Nelson said that this placed us in a September 5-9 week and he only had two nights available that week. Mayor Nelson suggested that Council have this discussion and review at the next regularly scheduled Council meeting on September 12, 2011. Mayor Nelson said the last email he sent on September 20, 2011, after all data compiled, a huge box of data with close to 5,000 documents regarding the 819 Knox Street investigation, was in the City Clerk's office.

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Mayor Nelson said Andy Silver had reviewed the documents for the FOIL requests last Friday and a number of the documents will be released to the public in the near future. Mayor Nelson advised Council that some of these documents have been deemed confidential by the Attorney due to the nature of the document, but all the documents including the confidential documents are available to be reviewed by City Council. Mayor Nelson said he told Council that due to the volume of documents, he did not think we should expect the City Clerk to copy them for us and suggested each Councillor set up a time with the Clerk's Office to go in and review the documents as they will need to be secure and in the order they were compiled, without leaving the Clerk's Office as Andy Silver is using them for his investigation. Mayor Nelson said he told Council that he planned to go to the Clerk's Office to review the documents later this week and suggest they do the same so that we have a thorough understanding of what transpired with Knox Street issue. Mayor Nelson said he advised Council that while Andy reviews documents and compiles the report, he suggested each Councillor also review them. Mayor Nelson said he asked Council to give him a call if they had any questions, that was after all documents were compiled. Mayor Nelson said he had a thick pile of emails from Councillors from when we first started compiling documents that said thank you, good job, we need to get this done. Mayor Nelson added then as we continued to proceed forward, he received emails from several Councillors sitting up here, that they'd like to review the documents before the City Attorney reviews the documents or as the City Clerk assembles the documents. Mayor Nelson said these documents were being assembled for our investigation and review, and he has been on Council for 18 years and never once had a document refused to him for review in the course of his job so he is educated and informed to make his decisions. Mayor Nelson said he called the City Attorney on September 20, 2011 and before he sent this email out asked him if now that he had the documents compiled and they were going to be released to the public, if Council could review the documents. Mayor Nelson said Council had sent him emails saying they'd like to review these documents. Mayor Nelson said Andy Silver saw no problem with City Council reviewing the documents that City Council had asked to be assembled for the investigation. Mayor Nelson added that City Council needed to be informed so when we make decisions, whatever decisions we make, we will have the education behind us as to what needs to be done. Mayor Nelson said he has done this for 18 years and never made a decision without a thorough review of the documents so that he had a better understanding. Mayor Nelson said City Council was in concurrence with the exception of September 22, 2011 to Councillor Vaughn, that he didn't have authority to do that.

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Mayor Nelson said he did not dictate to City staff, he just told the Deputy Clerk that City Council members would be contacting her to look at documents. Mayor Nelson said he believes an educated Council is the best Council and based on Council emails he received, Council wanted to review these documents and he was working in concert with his fellow Councillors to keep them informed of every step along the way and did nothing to usurp authority or public trust. Mayor Nelson said before the last email was sent out he conferred with City Attorney for permission, and City Councillors were in agreement that we had approval and authority from City Attorney to review these documents.

Councillor Powers read the August 19, 2011 response from the Mayor to editorial on August 18, 2011. The Mayor said he was sending out the following response to newspaper article editorial Ogdensburg Journal – let me know if you have questions: “Press Release – City of Ogdensburg as a Council and Mayor will carefully review the allegations being made with regard to 819 Knox Street. Given the fact that these allegations have just been made, it is not possible to state a position or outline a specific course of action at this time. The Council will meet and carefully review this matter and decide how it desires to proceed.” Responses back – none with any concern regarding any issues with Charter – we are responding to you – period.

Councillor Morley said at the September Special Meeting in Executive Session we talked about these documents and he specifically said we talked about the release of these documents to Council in groups of forty and fifty at a time, so we could review them. Councillor Morley said we all talked about it and accepted that we could read these emails and other documents in small groups so we could understand everything going on. Councillor Morley stated on the 12th Attorney Silver brought forth a resolution to give him permission to do the investigation and he stated that he wanted to review the documents in small groups, forty or fifty at a time. Andy Silver said that it was alright to look at them like that. Councillor Morley said that on September 22, 2011 he went and looked at 3 documents and on September 26, 2011 at the Council meeting with four Councillors, they approved looking at the documents. Councillor Vaugh said that was after the fact. Councillor Morley said we had permission from Andy Silver. Councillor Morley said you’re bringing stuff against us that you know you’ve approved as a body to review these documents, we approved it in executive session at the meeting of the 12th, and again on the 26th.

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Councillor Morley said look at the minutes of the 12th and you'll see we approved looking at these documents. City Attorney Andrew Silver stated that the Mayor asked him the question and wanted his general impression. Mr. Silver said the Mayor was aware that he hadn't looked at the City Charter with regard to this issue and his response to him was that he couldn't think of anything that would prevent Councillors as individuals from reviewing these documents provided that they are not of a confidential matter, i.e. personal files or personal health information. Mr. Silver said the confines of the C-14 investigation are usually dictated by Council and at the meeting you're referring to Mr. Morley, his recollection was you had said I don't want some huge report from him or 5,000 pages and then you indicated if possible to par that report down or keep it in a manageable level. Mr. Silver said that he will be supplying Council specifically with those documents that outlined the case. Mr. Silver said he had a conversation with the Mayor where he said he couldn't think of anything in Charter to preclude it.

Mr. Silver stated that he saw Councillor Vaughn's resolutions today but he has not had any authority from this body to review or analyze them from a legal prospective, so he has not done that. Mr. Silver added that if you find him silent on those issues it's because he hasn't been given marching orders from his bosses.

Councillor Morley stated he reviewed the documents on the 22nd, we had a Council meeting on the 26th and on the 27th he sent the email requesting the City Manager resign based on those documents. Councillor Morley stated that he released no information on the document emails to the Council and City Manager, but someone released this information to the newspaper or spoke to them. Councillor Morley said he asked the City Manager to resign based on what he read and is going to ask him again tonight to resign. Councillor Sholette stated that unfortunately all this he said, he said, has cast a dark cloud over the investigation. Councillor Cilley stated that he hasn't reviewed the documents and won't until after the investigation. Councillor Powers stated that the media grabbed this and distorted the truth. Councillor Skamperle said that this is a witch hunt, you can't take one document and think you have a silver bullet, but the attorney is carrying out a very extensive investigation and he will put together a report. Councillor Skamperle said he will wait for the investigation to be complete, be fair and assess the situation, and then make judgment.

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Councillor Morley read the email statement he sent to the City Manager asking him to resign. It read:

I speak for no one but myself, it is a matter that I wish I didn't have to discuss but in the interest of citizens and effective government, I must. I believe it is time for you to resign, you have a Council who's divided over your ability to lead and methods of leadership. People from all walks of life stop me on the street, in a store or call me on the phone to express one sentiment, Art must go. Turmoil is the order of the day at present, and it all comes from you Art. Whether you resign immediately or effective 12/31/11, the bottom line is you have to go. If you are truly looking out for the best interest of the City, don't make the Council make that decision for you. I regret that I have to write this because as a person I really like you. It is your leadership that has become an issue, you are the hot topic in this election, no denying that. People should be able to go to the polls and vote for or against an incumbent based on how that person has done, not how you have done. Please take the high road. Sincerely, Mike Morley.

Councillor Powers stated that his biggest concern is that there was a lot of finger pointing through the media and there was no ownership of this issue and he has a problem with that.

Councillor Morley stated that he's been on Council twelve years and it's his job to form an opinion and be fully informed.

The vote was:

AYES: Councillor Vaugh

NAYS: Mayor Nelson, Councillors Cilley, Powers,
Sholette and Skamperle

ABSTAIN: Councillor Morley

DEFEATED, 5 TO 1

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7. Councillor Vaugh moved a resolution directing the City Attorney to commence a C-14 investigation of the Mayor and Deputy Mayor. The motion died for lack of a second.

Mayor Nelson stated that the community has lost the trust of Mr. Sciorra and he doesn't believe he can earn back that trust. Mayor Nelson said that on 6/20/11 he brought this issue to Council when 819 Knox Street came to light and wants to get to the bottom of this. Mayor Nelson said Council was not aware that people were living at 819 Knox Street rent free and it's sad that Phil Cosmo and Kathy Wears were blamed. Mayor Nelson stated the person who should be held accountable for allowing this situation to continue is the City Manager.

OLD BUSINESS

1. Mayor Nelson stated the Roethel family held a top notch event last weekend with a great fireworks show and relighting of their Lighthouse beacon. Mayor Nelson thanked them for their commitment to Ogdensburg and added that last Saturday he proclaimed it Roethel Family Day.

2. Councillor Cilley stated that at the last meeting there was a resolution honoring the Ogdensburg Volunteer Rescue Squad for 50 years of service to the Greater Ogdensburg Community. Councillor Cilley stated there will be a banquet to celebrate on October 29 at the GranView honoring 10 paid employees and 54 volunteers. Councillor Cilley urged the Council and audience to thank them for their service to the community if you get a chance. Mayor Nelson stated that the Ogdensburg Volunteer Rescue Squad is by far the best rescue squad in this area.

3. Councillor Morley stated Council needs to send letters to the St. Lawrence County Legislature regarding the sales tax issue. Councillor Morley stated this is best for the County and City property taxpayers, and also farmers.

4. Councillor Morley stated Council needs to send the Governor a letter regarding Medicare/Medicaid, and urge him to live up to his word.

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5. Councillor Morley stated Council should send another letter to the IJC regarding the water levels on the St. Lawrence River, as their decisions effect us. Councillor Morley said that and we've sent previous letters recommending the B+ Plan.

6. Councillor Morley stated Council needs to re-send our previously sent resolution supporting the construction of the I-98 Highway.

7. Councillor Skamperle requested an update on the Clarkson/Eagle Creek project for the Governor's Regional Economic Development Council. City Manager Arthur Sciorra stated we're doing everything we can to meet the deadline for the Eagle Creek business plan.

NEW BUSINESS

1. Councillor Sholette stated as of 10/11/11, his political career has ended. Mayor Nelson stated that Councillor Sholette has relocated to Rochester and thanked him for his years of service to the Ogdensburg community through serving on this Council and the Chamber of Commerce.

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