

CITY COUNCIL MEETING

June 8, 2020

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NOTE: Due to public health and safety concerns related to COVID-19, this City Council Meeting was not an in-person meeting. In accordance with the Governor's Executive Order 202.1, this meeting was held via videoconferencing using GoToWebinar.com. The public was notified in advance and provided appropriate information for attending.

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

PRESENT: Mayor Skelly, Councillors Dillabough, Fisher, Kennedy, Powers, Rishe and Skamperle

ABSENT: None

PUBLIC HEARING

1. A public hearing regarding an ordinance to provide for the sale of City-owned property at public auction was held. No one being present to speak, the hearing was declared closed.

CONSENT AGENDA

Mayor Skelly moved that the claims as enumerated in General Fund Warrant #10-2020 in the amount of \$1,218,505.51 and Library Fund Warrant #10-2020 in the amount of \$22,847.69 and Capital Fund Warrant #10-2020 in the amount of \$31,472.24 and Community Development Fund Warrant #10-2020 in the amount of \$0.00 and Community Renewal Fund Warrant #10-2020 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Dillabough seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Rishe moved an ordinance to provide for the sale of City-owned property at public auction, and Councillor Skamperle seconded to wit:

ORDINANCE #5 OF 2020

AN ORDINANCE TO OFFER CITY-OWNED PROPERTY FOR SALE AT
PUBLIC AUCTION

BE IT ORDAINED AND ENACTED by the City Council of the City of Ogdensburg, New York, as follows:

SECTION ONE:

The following property shall be offered for sale at public auction by the City of Ogdensburg:

<u>TAX MAP #</u>	<u>LOCATION</u>	<u>MINIMUM PURCHASE PRICE</u>	<u>RESTRICTIONS</u>
48.072-7-40	520 Barre Street	\$8,000 (Includes estimated Attorney fees and County filing fees)	None

SECTION TWO: The City does not guarantee clear property title in the transfer of property by auction and conveyance will be made by Quit Claim Deed. The City Council reserves the right to reject any or all bids or to withdraw any parcel from sale.

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SECTION THREE: This ordinance shall become effective ten days after publication.

Councillor Rishe asked for the date of the public auction. Assistant City Manager Andrea Smith said the auction is scheduled for June 24, 2020 at 10:00am in City Council Chambers.

The vote was:

CARRIED, AYES ALL

2. Councillor Powers moved a resolution authorizing the Assistant City Manager to enter into a Property Access Agreement with National Grid for continuous groundwater monitoring at the former Ogdensburg MGP, and Councillor Skamperle seconded to wit:

RESOLUTION AUTHORIZING THE ASSISTANT CITY MANAGER TO
ENTER INTO A PROPERTY ACCESS AGREEMENT WITH NATIONAL
GRID FOR CONTINUOUS GROUNDWATER MONITORING AT THE
FORMER OGDENSBURG MGP

WHEREAS, pursuant to an Order on Consent and Administrative Settlement CO 7-20180629-27, Site No. 645053, administered by the New York State Department of Environmental Conservation, National Grid is required to continuously monitor groundwater from wells and monitoring points, collect soil and groundwater samples and conduct periodic Property wide inspections and evaluations to confirm that the remedy continues to be effective at the former Ogdensburg MGP; and

WHEREAS, the City-owned properties impacted by these requirements are as follows: sites MW 9 (Tax Map # 48.078-4-31), 8R (Bounds of King Street), 10 (Bounds of King Street), 14R (48.078-4-32), 15 (48.078-4-32), 15RS (48.078-4-33), 17R (48.078-4-32) and 20R (48.078-4-4.11) and are indicated on the attached map.

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NOW, THEREFORE, BE IT RESOLVED, the Ogdensburg City Council hereby authorizes the Assistant City Manager to enter into a Property Access Agreement with National Grid for the continuous groundwater monitoring at the former Ogdensburg MGP.

Councillor Rishe asked if start and end dates are required for the contract. Assistant City Manager Andrea Smith said the City Attorney reviewed the agreement. Councillor Rishe made a motion to amend the resolution to limit the access to two years. The motion died for lack of a second. Councillor Powers asked how many properties were affected by the agreement. Ms. Smith said there are nine parcels involved but only four have wells within the parcels and two are located in the street. Councillor Powers said the agreement calls for continuous monitoring. Councillor Skamperle questioned if NYSDEC would have a problem with a time limitation on the agreement, and Councillor Powers questioned if the continuous monitoring was part of the requirements.

Councillor Rishe made a motion to amend the resolution to limit the agreement for three years, beginning on June 8, 2020 and ending on June 8, 2023, and Councillor Fisher seconded the motion.

The vote to amend the resolution was:

CARRIED, AYES ALL

The amended resolution now reads:

RESOLUTION AUTHORIZING THE ASSISTANT CITY MANAGER TO
ENTER INTO A PROPERTY ACCESS AGREEMENT WITH NATIONAL
GRID FOR CONTINUOUS GROUNDWATER MONITORING AT THE
FORMER OGDENSBURG MGP

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NOW, THEREFORE, BE IT RESOLVED, the Ogdensburg City Council hereby authorizes the Assistant City Manager to enter into a Property Access Agreement with National Grid for the continuous groundwater monitoring at the former Ogdensburg MGP for a period beginning on June 8, 2020 and ending on June 8, 2023.

The vote on the amended resolution was:

CARRIED, AYES ALL

3. Councillor Rishe moved a resolution authorizing the Assistant City Manager to enter into an agreement with LogMeIn for videoconferencing services for three months, and Councillor Kennedy seconded to wit:

RESOLUTION AUTHORIZING ASSISTANT CITY MANAGER TO
ENTER INTO AN AGREEMENT WITH LOGMEIN FOR
VIDEOCONFERENCING SERVICES

WHEREAS, the Ogdensburg City Council was required to use videoconferencing to conduct City business while in-person meetings were prohibited due to the COVID-19 pandemic; and

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WHEREAS, the City was able to obtain a free three month COVID-19 emergency kit with LogMeIn for GoToMeeting and GoToWebinar services; and

WHEREAS, City Council would like to continue to make the videoconferencing service available until in-person restrictions for the public are lifted so the public can participate in City Council meetings.

NOW THEREFORE BE IT RESOLVED, that the Assistant City Manager is hereby authorized to enter into a contract with LogMeIn to continue videoconferencing services for three months; and,

BE IT FURTHER RESOLVED that the funds to pay for this contract will come from the Office Expense account line AA1010.420 of the 2020 budget.

Councillor Fisher asked if there is funding available to reimburse the City for this expense due to COVID-19. Assistant City Manager Andrea Smith said the City's cost after funding would be \$268.50.

The vote was:

CARRIED, AYES ALL

4. Councillor Skamperle moved a resolution approve a one year extension of the agreement between the City of Ogdensburg and St. Lawrence County in relation to the allocation and distribution of money collected from the sales and compensating use taxes imposed pursuant to Article 28 and 29 of the Tax Law, and Councillor Powers seconded to wit:

RESOLUTION APPROVING A ONE (1) YEAR EXTENSION OF THE AGREEMENT BETWEEN THE CITY OF OGDENSBURG AND THE COUNTY OF ST. LAWRENCE IN RELATION TO THE ALLOCATION AND DISTRIBUTION OF MONEY COLLECTED FROM THE SALES AND COMPENSATING USE TAXES IMPOSED PURSUANT TO ARTICLE 28 AND 29 OF THE TAX LAW AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDED AGREEMENT

WHEREAS, the City of Ogdensburg and St. Lawrence County are parties to a Sales Tax Agreement ("Agreement") concerning the allocation and distribution of money collected from the sales and compensating use taxes covering the period commencing December 1, 2010 and ending November 30, 2020, and

WHEREAS, the City of Ogdensburg and St. Lawrence County have previously negotiated an amendment to the original Agreement ("Amended Agreement") specifying the distribution of revenue from an additional one percent (1%) receipt of sales and compensating use taxes, and

WHEREAS, both the original Agreement and the Amended Agreement were approved by the City Council, and

WHEREAS, the City of Ogdensburg and the St. Lawrence County Board of Legislators have been engaged in negotiations, as contemplated by the Agreement and the Amended Agreement, in an effort to reach a new agreement regarding the allocation and distribution of money collected from the sales and compensating use taxes covering the period commencing December 1, 2020 and ending November 20, 2030 with St. Lawrence County and to distribute the revenue from the sales and compensating use tax, and

WHEREAS, the parties have been unable to reach a long-term agreement but are desirous of continuing negotiations, and

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WHEREAS, the parties are willing to extend the current Agreement and Amended Agreement until November 20, 2021 to provide the parties additional time to continue negotiations, and

WHEREAS, it is the parties intention to maintain all other terms of the Agreement and Amended Agreement as are currently in place until the expiration of the extension contemplated in this Resolution, and

WHEREAS, should the parties fail to reach an agreement concerning the allocation and distribution of money collected from the sales and compensating use taxes covering the period commencing December 1, 2021 and ending November 30, 2030, with St. Lawrence County by November 30, 2021, the City of Ogdensburg reserves the rights and privileges accorded it under the New York State Tax Law,

NOW, THEREFORE, BE IT RESOLVED that the City of Ogdensburg City Council approves a one (1) year extension of the Amended Agreement with St. Lawrence County in form and content as presented with this Resolution, and

BE IT FURTHER RESOLVED, that the City of Ogdensburg authorizes the City Manager to sign the one (1) year extension of the Agreement and the Amended Agreement, upon the approval of the City Attorney, and

BE IT FURTHER RESOLVED, that the Agreement, when executed by both parties, is subject to the approval of the Comptroller of the State of New York.

City Attorney Scott Goldie introduced himself and read the resolution, explaining the resolution contains the language necessary to extend the agreement. Councillor Rishe asked if the drop dead date on the agreement would be November 30, 2021. Attorney Goldie said the original date was September 1, 2020. Councillor Rishe questioned if the deadline to negotiate would still be September 1, 2020. Attorney Goldie explained it gives the City the opportunity to step away from the agreement. Councillor Rishe said the City would get an eighteen month extension on the current agreement, but negotiations would still be done on September 1, 2020.

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Councillor Rishe said it extends the agreement but does not extend the time to negotiate. Attorney Goldie said he discussed the matter with the County Attorney, and the agreement was to extend the agreement for one year. Mayor Skelly asked if the agreement would remain the same but there would be no change to the time to negotiate. Attorney Goldie said nothing prevents negotiation after the September date. Councillor Powers asked if that meant there would be ultimately 18 months, and Attorney Goldie said yes. After much discussion, Councillor Skamperle asked Attorney Goldie to clarify the dates in question.

Councillor Skamperle made a motion to table the resolution, and Councillor Dillabough seconded the motion.

The vote to table the resolution was:

CARRIED, AYES ALL

5. Councillor Skamperle moved a resolution authorizing the Assistant City manager to execute a Memorandum of Understanding regarding transfer of property with the Ogdensburg Land Bank Corporation, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING THE ASSISTANT CITY MANAGER TO
EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE
OGDENSBURG LAND BANK CORPORATION

WHEREAS, the City Council has by adoption of Bill number 25 of 2018, elected to adopt and implement the Ogdensburg Land Bank Corporation in accordance with procedures set forth in Article 16 of the New York State Not-For-Profit Corporation Law to facilitate the effective reutilization of nonproductive parcels situated within the City of Ogdensburg; and

WHEREAS, pursuant to §1607 (a)(7), the Land Bank is authorized to enter into contracts and other instruments necessary to the performance of its duties and the exercise of its powers, including, but not limited to, intergovernmental agreements; and

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WHEREAS, the New York State Financial Restructuring Board (“FRB”) has recommended the “City work with the Ogdensburg Land Bank Corporation to transfer the ownership of foreclosed properties to the Land Bank for management and resale, as well as consider establishing a protocol for the transfer of future foreclosed properties owned by the City”; and

WHEREAS, pursuant to §1609 (c) the land bank may “accept transfers from municipalities upon such terms and conditions as agreed to by the land bank and the municipality”; and

WHEREAS, Part II Administrative Legislation, §11-3.1 of the Ogdensburg Municipal Code provides for City Council to consider the “terms of a negotiated sale of real property acquired by the City by reason of nonpayment of real property taxes, assessments or other charges”; and

WHEREAS, the City’s Surplus Property Committee convenes regularly to assess the City-owned tax foreclosed properties to generate a surplus property inventory where parcels are individually considered for any public benefit before being categorized as “surplus”; and

WHEREAS, the City Council has determined that the Land Bank and all of its authorized functions will assist and enhance the City’s program of economic development and improved quality of life for Ogdensburg residents.

NOW, THEREFORE, BE IT RESOLVED, the Ogdensburg City Council hereby accepts the recommendation from the New York State Financial Restructuring Board and authorizes the Assistant City Manager to execute the proposed Memorandum of Understanding between the City of Ogdensburg and the Ogdensburg Land Bank Corporation.

Assistant City Manager Andrea Smith outlined the Financial Restructuring Board’s recommendation and discussed the process. Ms. Smith said this resolution formalizes the process by which the Land Bank will acquire property from the City.

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Councillor Rishe suggested the agreement state negotiated price rather than \$1. Ms. Smith said the Land Bank does not have money to purchase properties and explained the average cost to demo a property is \$28,000. Councillor Rishe suggested looking at each property individually and requiring approval from Council instead of just blindly approving the transfer of properties to the Land Bank. Ms. Smith explained the \$325,000 referenced is the value of the taxes that the City will receive back. Councillor Rishe said there is no start and end date in the agreement and suggested making the agreement effective for one year and revisiting the matter. Mayor Skelly questioned if a one year limitation would affect the Land Bank. Ms. Smith noted the agreement states it expires with thirty days' notice. Ms. Smith explained if a property has value it is of greater benefit to the neighborhood and the City to transfer it to the Land Bank where funds will be invested to improve the property rather than sell it at a loss and have it not become an asset in the community. Ms. Smith referenced a memorandum from City Attorney Scott Goldie. (A copy of Attorney Goldie's memorandum follows these minutes.) Attorney Goldie said the purpose of the Land Bank is to benefit the City, and they are being established all over the State. Attorney Goldie said selling property at auction will not improve the value of the property and results in decay in neighborhoods. Attorney Goldie explained transferring properties to the Land Bank shifts the City's expenses and will improve surrounding neighborhoods. Councillor Rishe said some of the properties demolished had value in his opinion. Mayor Skelly said the Land Bank is a great asset and added when the properties are restored and sold, the tax revenue will offset the cost difference down the road.

Councillor Fisher asked if the City could go back to the Financial Restructuring Board and ask for more money. Ms. Smith said the Financial Restructuring Board did reserve the right to provide additional funding. Ms. Smith explained this year's budget does account for this funding, and the City can request payment automatically once the agreement is in place. City Comptroller Timothy Johnson said the Financial Restructuring Board did not commit in writing to additional funding but did verbally state they would entertain a proposal. Mr. Johnson said the money was put in the budget for the parcels already transferred to the Land Bank. Ms. Smith questioned if the amount was \$118,000, and Mr. Johnson said yes, \$9,000 per parcel. Councillor Powers questioned if other Land Banks had similar Memorandums of Understanding with their municipalities.

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Ms. Smith explained our Land Bank is the newest in New York State and the one in the smallest area of the State. Ms. Smith said this process benefits the Land Bank and the City. Ms. Smith explained some communities have bidding procedures in place where the Land Bank can outbid other bidders.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Kennedy asked for an update on the Chief of Police position. Assistant City Manager Andrea Smith explained she obtained the eligibility list from County Civil Service and confirmed there are three names on the list. Ms. Smith explained she plans to prepare a memo for Council for the June 22, 2020 Council meeting. Mayor Skelly asked for a list of all candidates in the County. Councillor Rishe said Council would like to be involved in the process and the interviews. Councillor Skamperle said that is the City Manager's job. Ms. Smith explained the first step in the process is to exempt the police chief position from the hiring freeze. Ms. Smith said the Charter says the City Manager consults with Council on the recommendation which comes from the City Manager. Mayor Skelly said it would help to have a complete list for the entire County because it is an important position. Councillor Rishe said consultation means to have dialogue. Mayor Skelly said Council would like to meet all the candidates. Councillor Kennedy asked how many on the list are interested in the position. Ms. Smith said the process cannot start until the position is exempted from the hiring freeze.

Councillor Kennedy made a motion to exempt the police chief position from the hiring freeze, and Councillor Skamperle seconded the motion. Councillor Fisher asked why that would be the first step in the process and not the last. Ms. Smith explained the list is valid for thirty days, and we have to go through the process in those thirty days. Ms. Smith said typically the position would be exempted from the hiring freeze first.

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Mayor Skelly said he would like to establish a full list and a procedure for Council to participate while leaving the hiring freeze in place during that time. Councillor Kennedy questioned if it could be done that way. Ms. Smith said she plans to prepare a memo for Council outlining the process for the June 22, 2020 Council meeting. Councillor Fisher asked when the eligibility list expires. Ms. Smith said she was unsure of the expiration date.

The vote was:

AYES: Councillors Kennedy, Powers and Skamperle

NAYS: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

DEFEATED, 3 TO 4

2. Councillor Dillabough said he was contacted by an individual about the money owed regarding the cheese plant with an offer to settle the matter for \$150,000. Councillor Skamperle said he believes much more than that is owed to the City. Councillor Dillabough said he was told the City is holding some money in escrow. City Attorney Scott Goldie said an out of the area firm is handling the matter for the City, and he will reach out for an update. Councillor Rishe requested the attorney handling the matter come to a meeting to provide Council with an update. Attorney Goldie said the attorney has an obligation to bring any offers to the table, and he would be skeptical of the offer made to Councillor Dillabough. Councillor Powers agreed he would like an update on the matter. Councillor Fisher suggested an Executive Session to discuss it.

3. Councillor Rishe said no one has contacted the Boys and Girls Club regarding the recreation programs for the summer. Councillor Kennedy questioned if there was any way to open the pool if the determination was made that it would be safe with respect to COVID-19. Councillor Kennedy asked if the City is prepared if the Governor determines the pool can be opened. Assistant City Manager Andrea Smith said she has briefly discussed the matter with the Director of Public Works Shane Brown.

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Mr. Brown said he has reached out to other municipalities with pools for recommendations. Mr. Brown explained the entire pool budget was removed with the resolution passed on May 6, 2020, and if it was determined the pool could be opened there is no money in the budget for it. Mr. Brown said lifeguards have not been able to receive the required training due to COVID-19. Mr. Brown said he would look into it but noted there will be lifeguard and budget restraints. Mayor Skelly said the cuts were made because of COVID-19 and working to save jobs, and there was never an intention to take away the recreation for the children. Ms. Smith explained under the current circumstances the pool cannot open. Mayor Skelly said he understands the pool has to be opened to run through required cycles and suggested it be left running to see what the State allows before shutting it down. Councillor Rishe asked if a date for Phase 4 had been established yet, and Ms. Smith said it is flexible, but it may be July. Councillor Rishe suggested aggressively planning to reopen the pool in July. Ms. Smith said there is less staff to keep up the duties and noted DPW is doing a great job. Ms. Smith said she intends to reach out to the not-for-profit groups to open up discussions.

4. Councillor Kennedy asked for an update on the Wastewater Treatment Plant Project. Director of Public Works Shane Brown said the project is going as planned although there was a little delay on the Elizabeth Street pump station. Mr. Brown said a full report can be made for Council at an upcoming meeting. Councillor Rishe suggested a Committee of the Whole Meeting for the update. Councillor Fisher said a committee should be established for the project. Councillor Kennedy said previous Council members were on that committee and perhaps those positions were not filled. Mayor Skelly said he would love to be included in those meetings. Assistant City Manager Andrea Smith said she will check with DANC and set up a time for an update for Council.

5. Mayor Skelly asked for an update on the Newell's property. Assistant City Manager Andrea Smith said she requested an update on Friday and noted we may need to become more aggressive with the insurance company to move the matter forward.

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6. Councillor Skamperle cited Article 6 of the Charter entitled “Chief of Police”. Councillor Skamperle questioned if a qualified list is rejected if Council would be guilty of not enforcing the Charter. City Attorney Scott Goldie said he would have to research the matter. Assistant City Manager Andrea Smith said an acting police chief is not required because there is a second in command with that department. Councillor Skamperle said the Charter is the law of the City and questioned if the law was being broken because there is no police chief. Councillor Skamperle said he would like to better understand his duties. Attorney Goldie said he would look into the matter and noted Council will be receiving information from the Assistant City Manager as she indicated. Councillor Skamperle said in the past the City Manager brought Council into Executive Session and stated the reasons for the recommendation of the individual. Councillor Skamperle said the Charter calls for the City Manager to make the recommendation to Council. Councillor Powers said there is a process in place and a lot of steps to take before Council even reaches that point. Mayor Skelly said Council can still receive an opinion from Ms. Smith but then meet with the candidates and decide. Mayor Skelly said the people want Council to make decision.

NEW BUSINESS

1. Mayor Skelly said the ladders for the boat launches are ordered and will be installed when they arrive.

2. Mayor Skelly said there is a need for more park benches in the City. Assistant City Manager Andrea Smith asked for specific locations. Mayor Skelly said along the Maple City Trail, near little park and near the boat launches. Ms. Smith said she would check on the condition of the benches removed from the boardwalk and also see if there are any benches in storage. Councillor Skamperle said benches had been donated in the past. Ms. Smith said she would also try to determine to see which group organized that fundraiser in the past.

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3. Mayor Skelly asked for an update on the Franklin Street property that had a fire and the Greene Street property that was hit in an accident. City Attorney Scott Goldie said the deed and transfer documents and an assignment are out to be signed for the Greene Street property. Attorney Goldie estimated the paperwork should be ready in a week or so. Mayor Skelly asked if it looked promising for the City to receive the insurance money. Mr. Goldie explained the City has no interest in the property until the documents are signed the City so he has not been unable to access information regarding the insurance yet. Assistant City Manager Andrea Smith said the Franklin Street property is privately owned, and there was no insurance coverage. Ms. Smith explained the City may acquire the property in tax foreclosure. Mayor Skelly asked that the cleanup of the property be enforced. Ms. Smith said she would address that matter with the Code Enforcement office.

4. Mayor Skelly said income tax refunds are slow coming back due to COVID-19 and asked what would be required to give people an extension on paying their property taxes. Councillor Powers said there are federal programs available to help people. Mayor Skelly asked if the tax foreclosure sale could be delayed. Councillor Skamperle said those property owners are two years delinquent. Councillor Fisher said he would like to see people stay in their homes and continue to pay taxes. Councillor Skamperle said the City will need to borrow another Tax Anticipation Note. Councillor Fisher asked if the City can do another Tax Anticipation Note if the first one is not paid off. City Comptroller Timothy Johnson said the City typically takes a new Tax Anticipation Note just prior to paying off the previous year and explained he will update Council on the issue soon.

5. Councillor Rishe said people are now able to dine outside. Assistant City Manager Andrea Smith explained not all restaurants have outdoor dining and have been afforded the opportunity to create outdoor dining until September 30, 2020 by using 50% of their designated parking area. Ms. Smith explained New York State issued guidance and that information and links were shared on the City website.

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Councillor Rishe asked what a business could do if they only have sidewalks and no parking area. Ms. Smith said the Municipal Code does not permit for use of the sidewalks. Councillor Rishe said the Municipal Code need to be changed. Councillor Fisher said it was relaxed for parking lots and suggested a waiver or temporary change for businesses that do not have parking areas.

Councillor Rishe made a motion to permit outdoor seating on City-owned property without impeding pedestrian traffic and no alcohol sales for three months, and Councillor Dillabough seconded the motion. Councillor Powers questioned if the City would need to worry about liability. City Attorney Scott Goldie said the City could be liable and cautioned about the sidewalks being blocked. Councillor Rishe said the policy could be amended over the next three months if needed.

The vote was:

CARRIED, AYES ALL

6. Councillor Powers asked for an update on the Deviller Street property. Assistant City Manager Andrea Smith said the demolition permit was issued, and the demolition was completed. Ms. Smith explained the property did need to be tidied up, but the portion required to be demolished was in fact demolished.

ITEMS FOR DISCUSSION

1. Assistant City Manager Andrea Smith discussed the reopening plan for the City beginning June 15, 2020. Ms. Smith explained the plan was mostly specific to City Hall, and the Fire Department would remain closed to public tours. Ms. Smith said the DPW building has been modified to accept the public as necessary. Councillor Kennedy asked for an update on the Dobisky Center building. Ms. Smith explained it is not open to the public, but the boater's lounge is open. Ms. Smith said with the Recreation Department closed there is no need to open the building. Councillor Kennedy questioned when the public would be able to use the bathrooms at the Dobisky Center again. Ms. Smith explained there is no staff at the building, and the marina staff is only on duty Thursday through Sunday.

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Ms. Smith said we will need to address that issue when we reach Phase 4. Councillor Fisher suggested contracting for porta potties and questioned if the City owns any. Councillor Kennedy said the City has always rented them for the Paterson Street boat launch. Councillor Rishe suggested porta potties be placed at the Paterson Street boat launch, near the Dobisky Center and near the old pump house. There was a consensus of Council to check on the cost of porta potties and advise Council. Councillor Powers asked if part of the cost could be reimbursable because of COVID-19, and Ms. Smith said she would check on that also.

2. City Attorney Scott Goldie discussed establishing a clear policy for communications between the City Attorney and City Council members. Attorney Goldie explained Council seems to be split, and he wants to serve as City Attorney as best as possible. Councillor Skamperle said in the past Council members have personally asked the City Attorney questions, and the response was shared with all members of Council. Mayor Skelly said he and two other members of Council spoke with Attorney Goldie and Attorney Burrows on issues and ideas to benefit the City. Mayor Skelly said he likes the idea of a majority of Council coming up with an idea and then sharing it with others. Mayor Skelly said a matter should not go to the City Attorney if it is not beneficial to the City. Councillor Kennedy said emails were sent asking for one more member of Council to agree, and no response was received. Mayor Skelly suggested not emailing all the time and just calling instead. Councillor Kennedy said the request was made at a Council meeting. Councillor Rishe said there was not a consensus. Councillor Kennedy said she is being asked by taxpayers. Councillor Skamperle said they are not getting the information. Councillor Kennedy said Council needs to work together, all seven should have access to the City Attorney and the information should be sent to all seven members. Mayor Skelly said he understands Councillor Kennedy's frustration because he and the three new members of Council were excluded in the beginning. Councillor Powers said he does not understand what that has to do with the issue at hand. Councillor Skamperle said it is a matter of transparency or no transparency. Councillor Powers said if all members of Council do not have the information they are failing their constituents.

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Councillor Powers questioned how a majority of Council was obtained. Mayor Skelly said he had three votes and exchanged emails. Councillor Powers said now there are problems with Open Meetings Law. Councillor Dillabough said he gave Mayor Skelly his vote so they had a majority vote. Councillor Powers said Council members should ask the City Manager to submit questions to the City Attorney. Mayor Skelly said everything done with the City Attorney was for the benefit of the City. Mayor Skelly suggested comparing the City Attorney bills from this time in 2019 to the present time. Mayor Skelly said the time spent with the City Attorney was very beneficial. Councillor Powers said he asked for the information and was told to get four votes. Councillor Powers explained he still does not have the answers.

Councillor Skamperle said it is all about communication, and if one member of Council asks a question the response should be shared with everyone. Mayor Skelly questioned why anyone would object to members of Council working extra time. Councillor Kennedy said the invoice from the City Attorney on May 5, 2020 cites conference on matters and tax assessment and read from the invoice. Councillor Kennedy said she wants the \$494 worth of information provided by the attorney on that date. Councillor Skamperle said if asked the information should be provided to all. Councillor Rische disagreed. Councillor Skamperle said every situation should be shared with all members of Council. Councillor Skamperle questioned if the members of Council want transparency or not. Councillor Rische said some questions to the City Attorney are political. Councillor Powers said everyone has different opinions.

Councillor Rische said he is fine with the present situation, and Mayor Skelly agreed. Councillor Skamperle said the taxpayers deserve all of the information. Mr. Goldie explained his response to Councillor Powers' FOIL request, noting it was initially not available under attorney client privilege but noted he is a Councillor and therefore entitled to the information. Mr. Goldie said he needs clear direction and needs to be open to everyone. Mr. Goldie said everything should be open to all members of Council. Mayor Skelly said he has talked to the other members of Council and shared the information except Councillor Powers because he was unsure when he was working. Councillor Powers said Mayor Skelly could call or text him anytime.

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Councillor Skamperle said the City Attorney wants clear direction. Mayor Skelly said with a majority vote anyone can call the City Attorney if it is for the benefit of the City. Councillor Powers said it is all politics, and all members of Council have to answer to their constituents. Councillor Powers said apparently there will be no fourth vote for matters the three members of Council wish to present to the City Attorney. Councillor Fisher said he spoke with Attorney Burrows early on regarding this matter.

Attorney Goldie said the matter has two parts: 1) can any individual seek advice from the City Attorney or must there be four votes? and 2) is the response from the City Attorney and the final product shared with the rest of Council? Councillor Kennedy asked Attorney Goldie if in his professional opinion all information should be shared with all members of Council, and Attorney Goldie said he did not see any reason why not. Councillor Kennedy asked Attorney Goldie if in his professional opinion a majority should be required to contact the City Attorney, and Attorney Goldie said that is up to Council. Councillor Powers asked Attorney Goldie if any legislation proposed as a governing body should be shared with all members of Council, and Attorney Goldie said he sees no reason why not. Councillor Skamperle questioned if the information will be shared or not and noted there should be nothing to hide. Mayor Skelly said the City Attorney will be shared for the benefit of the people. Councillor Skamperle called for a show of hands of those members of Council who would like the City Attorney to share information with all members of Council, and Councillors Kennedy, Powers and Skamperle raised their hands. Councillor Skamperle urged the members of Council to answer the City Attorney's questions on how to proceed.

CITIZEN PARTICIPATION

1. Jason Bouchard, President of IAFF Local 1799, addressed Council regarding the Fire Chief position. Mr. Bouchard said the department has been without a Fire Chief since January 21, 2020. Mr. Bouchard explained the lapse in central leadership has contractually led the Assistant Chiefs to take on the duties and responsibilities of chief of the department. Mr. Bouchard said as with any para-military organization, unified command is absolutely paramount.

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Mr. Bouchard explained the added responsibilities do not come without a contractual cost. Mr. Bouchard said the current cost per month without a designated chief is \$4,298.40 while if council were to temporarily designate an acting chief the cost would be \$955.20. Mr. Bouchard said the union members are dedicated servants of the City and aspire to provide the citizens with the safest, most effective fire protection possible. Mr. Bouchard explained the current lack of leadership structure will eventually negatively impact not only the Fire Department but also the community as a whole. Mr. Bouchard said the overall operation and functionality of the department will only suffer from the current setup. Mr. Bouchard said once again the union believes designating an Acting Fire Chief would be in the best interest of the Fire Department and the citizens. Mr. Bouchard explained lessening the burden on taxpayers has been a very vocal goal of the current council and questioned how they could justify spending four times as much for what is a lesser service.

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