

CITY COUNCIL MEETING

August 10, 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 for the public. 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,
Powers, Rishe and Skamperle

ABSENT: Councillor Kennedy

Mayor Skelly said Councillor Kennedy asked to be excused from the meeting. There was a consensus of Council to excuse Councillor Kennedy.

PRESENTATION

1. Rhonda Roethel made a presentation to Council regarding a Lighting the Oswegatchie Crescent Project and the Airplane Memorial Project. (A copy of her presentation material follows these minutes.) Ms. Roethel passed photos to members of Council and explained the proposal regarding lighting the Oswegatchie crescent. Ms. Roethel said she is proposing a legacy project and plans to get sponsors for the project. Ms. Roethel said it is probably a \$50,000 project and would be a tourist attraction. Councillor Skamperle said he liked the idea and asked if the walking bridge would also be illuminated. Ms. Roethel explained the lights will be placed 120 feet apart and will shine on the Oswegatchie River. Ms. Roethel said the power dam had previously agreed to provide the power but noted LED lights are not expensive to run. Councillor Skamperle asked if Ms. Roethel has spoken with National Grid. Ms. Roethel said she has spoken with Barbara Barlow who previously managed the local National Grid office. Ms. Roethel said she plans to have plaques displaying the names of those who donated to the project. Ms. Roethel said the local veterans groups are very interested in the airplane memorial project and asked for Council's approval to move forward with fundraising for both projects.

PUBLIC HEARING

1. A public hearing regarding an ordinance to amend the Official City Map to dissolve a portion of Paper Hayward Street measuring approximately 60' x 212' off of Hayward Street, just west of John Street was held. City Clerk Cathy Jock read a letter from Myriam Benjamin regarding the proposed ordinance. (A copy of her letter follows these minutes.)

The following people addressed Council:

a) Ty Smith said he is the party interested in purchasing the 60' x 212' parcel. Mr. Smith said he intends to combine the parcel with his existing parcel. Mr. Smith explained he offered to sell one quarter of the parcel being 30' x 113' to Myriam Benjamin. Mr. Smith said it is in the City's best interest to sell the requested parcel to him, and then he will sell a portion of it to Dr. Benjamin. Councillor Skamperle asked if Mr. Smith had reviewed the map showing the smaller portion Dr. Benjamin has proposed. Mr. Smith reviewed the map with Councillor Skamperle. Dr. Benjamin said she has applied for a subdivision and needs to make sure she can obtain funding for her project. Councillor Skamperle suggested the matter be tabled and the details worked out. Dr. Benjamin said her bank funding could be jeopardized if the bank determines the parcel is landlocked. Dr. Benjamin said if the proposed portion of the paper street is dissolved and sold, she will not have access to the back portion of her property. Dr. Benjamin explained if she maintains access to the back portion of her property via the paper street, she would be allowed to build. Interim City Manager Stephen Jellie said Dr. Benjamin applied for the subdivision on August 5, 2020. Mr. Jellie suggested the process for the subdivision be finalized, and then a recommendation can be made to Council. Mr. Jellie recommended Council table the matter.

b) Doug Loffler recommended Dr. Benjamin be advised of all expenses associated with running infrastructure on a second parcel.

2. A public hearing regarding an ordinance to amend the Official City Map to dissolve a portion of Paper Curtis Street measuring approximately 60' x 120' off of William Street was held.

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The following people addressed Council:

a) Jeff Swanson provided all members of Council with copies of a map and printed information regarding the proposal. Mr. Swanson said he is against the sale because the action would landlock his parcel. Mr. Swanson reviewed his map in detail with Council. Mr. Swanson explained he will not have the ability to get to his additional lots because it is very difficult to access. Mr. Swanson said lanes are only 12' wide while a street is 30' wide. Mr. Swanson proposed changing the parcel to a lane instead of a paper street and selling a smaller portion. Mr. Swanson said he is against the proposal if he is not given a right-of-way.

b) Joe Bresett said he was attempting to purchase the paper street to expand his property. Mr. Bresett explained he does see any reason why Mr. Swanson cannot drive through his own back yard to get to the paper street. Mr. Bresett said if he puts a driveway on City property anyone can use it and he would be liable. Mr. Bresett said he would be fine with 30' instead of the proposed 60'. Councillor Skamperle asked Mr. Bresett to approach him to review the map. Mr. Bresett showed Councillor Skamperle on the map where Mr. Swanson could access the paper street. Mr. Swanson agreed but said he would lose the ability to use his yard. Councillor Rishe asked Mr. Swanson if he planned to build. Mr. Swanson said he may build a workshop. Mr. Swanson said he was just asking for a right-of-way. Councillor Powers asked if Mr. Swanson could gain access from the other side, and Mr. Swanson said it is forest. Mayor Skelly said the trees could be removed and the area developed. Mr. Bresett agreed there are a lot of trees on the other side.

PERSONAL APPEARANCE

1. Norma Finley, 207 Montgomery Street, addressed Council to encourage people to work together to make Ogdensburg better. Ms. Finley said she wants to do something to help and encouraged the involvement of younger people. Ms. Finley said Ogdensburg used to be a great city and could be again.

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2. Scott McRoberts addressed Council regarding his concerns about proposed Council action. Mr. McRoberts explained requiring Council approval for change orders on projects will cost money and delay the projects. Mr. McRoberts questioned who on Council is more qualified than the engineers. Mr. McRoberts said it would delay progress by days which ultimately will increase the cost of the project. Councillor Fisher said a special meeting can be set up in twenty four hours. Mr. McRoberts said C-17 of the City Charter states Local Laws are subject to referendum. Mr. McRoberts said the spider web cleaning and grass removal at the Mall were apparently more important than getting the marina cleaned out. Mr. McRoberts asked if the Mall area is private or publicly owned. Mayor Skelly said the walkways are owned by the City. Mr. McRoberts asked where he should put the weeds when he cleans out his own boat slip. Mayor Skelly referred Mr. McRoberts to Public Works Director Shane Brown. Mr. McRoberts said he would like some direction and if he doesn't receive any, he will put the weeds in the parking lot at the Dobisky Center.

3. Doug Loffler addressed Council to echo Mr. McRoberts' comments regarding the Charter. Mr. Loffler also expressed concern over the requirement of Council's approval of change orders and said sometimes quick decisions are necessary. Mr. Loffler said waiting for Council approval will cost more money. Mr. Loffler questioned the proposed changes regarding the Parks and Recreation Department and the qualifications required. Mr. Loffler said Public Works Director Shane Brown is doing fantastic, but Mr. Loffler added the Parks and Recreation Director could be doing a lot. Mr. Loffler said the City has lost its Parks and Recreation Director and Recreation Commission, and the City owes them a public apology.

4. Mike Lalonde addressed Council regarding the weeds in the marina. Mr. Lalonde said it happens every year because there is zero flow in the marina. Mr. Lalonde said the marina used to be dredged in the past. Councillor Skamperle said he has asked several times in November when the water is low for it to be cleaned out. Mayor Skelly said the REDI project will address the problem.

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5. Myriam Benjamin addressed Council indicating she wished the process regarding the sale of paper streets with the City was different. Dr. Benjamin said she believes anyone who really cares would talk with the neighbors first, and the City should not take requests from just one person.

CONSENT AGENDA

Mayor Skelly moved that the claims as enumerated in General Fund Warrant #13-2020 in the amount of \$1,515,892.83 and Library Fund Warrant #13-2020 in the amount of \$49,339.92 and Capital Fund Warrant #13-2020 in the amount of \$72,775.50 and Community Development Fund Warrant #13-2020 in the amount of \$868.34 and Community Renewal Fund Warrant #13-2020 in the amount of \$3,450.00 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 Skamperle moved to take a resolution approving 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 off the table, and Mayor Skelly 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,

WHEREAS, should the City decide during negotiations that it is in the City's best interest to pre-empt, the City Manager shall notify the St. Lawrence County Administrator by July 1, 2021,

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.

Mayor Skelly said he was happy to see the resolution before Council again because it affects 110,000 people, and every community relies on Ogdensburg to negotiate. Mayor Skelly said he appreciates the County giving the opportunity for the one year extension.

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Councillor Rishe said he will vote yes on the resolution and explained the previous concerns over the date. Councillor Rishe said it is not a requirement that the City has to notify the County by September 1, 2020 of any intention to pre-empt. Councillor Rishe said the City may notify the County by that date. Councillor Rishe said he did not understand why the County would not change the wording, and Councillor Skamperle agreed. Mayor Skelly said a lot of time was wasted. Councillor Fisher said now the City and the County can probably sit down and negotiate to move forward. Councillor Powers said he was in agreement with the extension from the beginning.

The vote was:

CARRIED, AYES ALL

2. Councillor Skamperle moved an ordinance to amend the Official City Map to dissolve a portion of Paper Hayward Street measuring approximately 60' x 212' off of Hayward Street, just west of John Street, and Councillor Fisher seconded to wit:

ORDINANCE # ___ of 2020
ORDINANCE AMENDING THE OFFICIAL MAP
OF THE CITY OF OGDENSBURG

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

ITEM ONE: Amendment of Official City Map.

The Official City Map of Ogdensburg is hereby amended by deleting a portion of Paper Hayward Street being described as follows:

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BEGINNING at an iron pipe found at the northeasterly corner of Block No. 442 at the intersection of the westerly boundary of John Street with the southerly boundary of Hayward Street, said point also being the northeasterly corner of lands now or formerly of William C. & Katherine E. Vielhauer (Inst: 2018-3999) and running;

Thence South 71 degrees 45 minutes 48 seconds West along the northerly boundary of Block No. 442 a distance of 211.90 feet to an iron rod set;

Thence North 19 degrees 08 minutes 17 seconds West through the aforesaid Hayward Street right of way a distance of 60.00 feet to an iron rod set at the southwesterly corner of Block No. 441;

Thence North 71 degrees 45 minutes 48 seconds East along the southerly boundary of the aforesaid Block No. 441 a distance of 212.73 feet to an iron pipe found at the intersection of the westerly boundary of John Street with the northerly boundary of Hayward Street;

Thence South 18 degrees 20 minutes 32 seconds East along the westerly boundary of John Street a distance of 60.00 feet to the Point of Beginning.

Containing 0.29 acres or 12,739.0 square feet of land more or less as surveyed by Richard D. Jacobs II L.S. 050588 during the month of July, 2020. All bearings as referenced herein are referenced to Magnetic North as determined by Compass Needle on the date of the aforementioned survey.

Being and intending to describe an undeveloped portion of Hayward Street lying between Blocks 441 and 442 of the City of Ogdensburg.

ITEM TWO: This ordinance shall take effect ten (10) days after publication of a notice which shall give the title and describe same in summary form.

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Councillor Skamperle suggested that based on the comments from the Public Hearing that the matter be tabled so staff and the neighbors can work together. Councillor Skamperle made a motion to table the ordinance, and Mayor Skelly second the motion. Interim City Manager Stephen Jellie said staff also agrees to table the ordinance. Councillor Fisher said at the end of the day it will be sold. Mayor Skelly said staff should work with the parties to work it out. Councillor Powers noted for the record he was being advised by remote attendees of problems with the audio. Councillor Rishe said he doesn't feel there will ever be a situation to satisfy every property owner and hopes it can be worked out. Councillor Skamperle said if the County approves the subdivision then every neighbor will know what can or cannot be done. Councillor Skamperle said he hopes it can be resolved soon. Dr. Benjamin asked when the matter will be discussed again so she can be available. Mayor Skelly said on August 24, 2020.

The vote to table the ordinance was:

CARRIED, AYES ALL

3. Councillor Skamperle moved an ordinance to amend the Official City Map to dissolve a portion of Paper Curtis Street measuring approximately 60' x 120' off of William Street, and Mayor Skelly seconded to wit:

ORDINANCE # 8 of 2020
ORDINANCE AMENDING THE OFFICIAL MAP
OF THE CITY OF OGDENSBURG

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

ITEM ONE: Amendment of Official City Map.

The Official City Map of Ogdensburg is hereby amended by deleting a portion of Paper Curtis Street being described as follows:

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ALL THAT TRACT OR PARCEL OF LAND situate easterly of William Street in between Blocks 444 and 445 of the City of Ogdensburg, County of St. Lawrence and State of New York being an undeveloped portion of Curtis Street and being more particularly bounded and described as follows:

BEGINNING at an iron pipe found at the apparent southwesterly corner of Block No. 444 at the intersection of the easterly boundary of William Street with the northerly boundary of Curtis Street, said point also being the southwesterly corner of lands now or formerly of Kathryn Farley et. al. (Inst: 2016-10704) and running;

Thence North 74 degrees 44 minutes 21 seconds East along the southerly boundary of Block No. 444 a distance of 120.00 feet to an iron rod set;

Thence South 16 degrees 34 minutes 27 seconds East through the aforesaid Curtis Street right of way a distance of 60.10 feet to an iron rod set at the northeasterly corner of lands now or formerly of Joseph & Beth Lavigne-Bresett (Inst: 2015-4943);

Thence South 74 degrees 38 minutes 12 seconds West along the northerly boundary of the aforesaid Block No. 445, and along the northerly boundary of said lands now or formerly of Joseph & Beth Lavigne-Bresett (Inst: 2015-4943) a distance of 120.00 feet to an iron pipe found at the intersection of the easterly boundary of William Street with the northerly boundary of Curtis Street;

Thence North 16 degrees 34 minutes 11 seconds West along the easterly boundary of William Street a distance of 60.31 feet to the Point of Beginning.

Containing 0.17 acres or 7,222.6 square feet of land more or less as surveyed by Richard D. Jacobs II L.S. 050588 during the month of July, 2020. All bearings as referenced herein are referenced to Magnetic North as determined by Compass Needle on the date of the aforementioned survey.

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Being and intending to describe an undeveloped portion of Curtis Street lying between Blocks 444 and 445 of the City of Ogdensburg.

ITEM TWO: This ordinance shall take effect ten (10) days after publication of a notice which shall give the title and describe same in summary form.

Interim City Manager Stephen Jellie said staff recommendation is to dissolve the paper street. Councillor Rishe questioned why staff would not recommend tabling the ordinance to try to work with the parties involved. Councillor Rishe said it is better to work with the parties and give it another shot with the Planning Department. Director of Planning and Development Andrea Smith said when the City dissolves a paper street, the entire right-of-way is typically dissolved, not just a portion of the right-of-way. Ms. Smith said by dissolving a paper street, the City relinquishes its right to build a street. Ms. Smith explained only the minimum amount is being proposed, and originally a larger parcel was requested but it couldn't be done because a larger portion would limit access to other properties, including Mr. Swanson's. Ms. Smith said Mr. Swanson has two ways to access his parcels and has not proposed a subdivision. Councillor Skamperle questioned if Mr. Swanson has access without going through the woods. Ms. Smith explained the City does not normally clear and maintain paper streets and added yes, Mr. Swanson does have access to his rear yard through his own property. Ms. Smith said the City only maintains the right to develop a street in the future. Mr. Jellie explained the proposal is only to dissolve a portion of the paper street, and both parties can bid at the public auction. Ms. Smith explained the portion being dissolved is not a buildable lot. Councillor Rishe said we need to think outside the box to give both parties what they want and suggested more thought be put into it.

Councillor Rishe made a motion to table the ordinance, and Councillor Skamperle seconded the motion.

The vote to table the ordinance was:

AYES: Councillors Rishe and Skamperle

NAYS: Mayor Skelly, Councillors Dillabough, Fisher and Powers

DEFEATED, 2 to 4

The vote on the ordinance was:

AYES: Mayor Skelly, Councillors Dillabough, Fisher,
Powers and Skamperle

NAYS: Councillor Rishe

CARRIED, 5 to 1

4. Councillor Rishe moved a resolution to provide for public notice and public hearing with regard to a Local Law to amend the City Charter in regard to a residency requirement for the position of Chief of Police, and Mayor Skelly seconded to wit:

RESOLUTION OF CITY COUNCIL
INTRODUCING A LOCAL LAW AND PROVIDING FOR PUBLIC NOTICE
AND PUBLIC HEARING

BE IT RESOLVED, that a public hearing be held by the Ogdensburg City Council on the proposed changes to the City Charter, said public hearing to be held on August 24, 2020, at 7:00 pm in the City Council Chambers, City Hall, 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, setting forth the time and place and describing the proposed Local Law in summary form.

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Councillor Powers asked for an explanation of the resolution. Councillor Rishe said they want residency requirements. Councillor Powers asked why some employees and not all. Mayor Skelly said he would also like the Fire Chief to be a resident. Councillor Rishe said the Fire Chief was included in the original proposal. Councillor Powers questioned how a residency requirement would impact Civil Service and asked for a legal opinion. Councillor Fisher said a legal opinion was provided to Council. Councillor Fisher said it was reviewed by the City Attorney and a second law firm. Councillor Powers asked for the name of the second attorney. Interim City Manager Stephen Jellie said the second law firm was Fischer, Bessette, Muldowney & Hunter from Malone, New York. Councillor Rishe said if the Police Chief resides in the City he understands the community and neighbors. Mayor Skelly said it is a good job and a great city to live in. Councillor Skamperle questioned the change to the Charter, noting Council has gone through the residency requirement topic over and over. Councillor Skamperle said just because someone lives in the City does not mean they are the most qualified for a position. Councillor Rishe said other candidates would be welcome to apply but would need to be a resident after they get the job.

The vote was:

CARRIED, AYES ALL

5. Councillor Skamperle moved a resolution introducing an ordinance and providing for public notice and public hearing with regard to the sale of City-owned property, and Councillor Dillabough seconded to wit:

RESOLUTION OF CITY COUNCIL INTRODUCING AN ORDINANCE AND
PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED that Ordinance No. ___ of 2020, entitled “An Ordinance to Offer City-Owned Property for Sale at Public Auction”, 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 virtually at the Council Chambers in the City of Ogdensburg, New York, on the 24th day of August, 2020 at 7:00 p.m., and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such virtual public hearing by publication in the newspaper at least seven (7) days before the hearing date of a notice setting forth the time and virtual place and describing the proposed ordinance in summary form.

Councillor Rishe said it is best to have a purchase price established and questioned what the minimum purchase price would be. Interim City Manager Stephen Jellie explained the City wants to sell the property, and a purchase price does not need to be established tonight. Mayor Skelly said all costs incurred should be included in the minimum purchase price and disclosed at the time of the auction.

The vote was:

CARRIED, AYES ALL

6. Councillor Rishe moved a resolution to require that all change orders for the Wastewater Treatment Plant Project must be approved by Council, and Mayor Skelly seconded to wit:

A RESOLUTION TO REQUIRE THAT ALL CHANGE ORDERS FOR THE
WASTEWATER TREATMENT PLANT CAPITAL IMPROVEMENT PROJECT
MUST BE APPROVED BY COUNCIL

WHEREAS, the City entered into an agreement for significant renovations to the Wastewater Treatment Plant and a corresponding Intermunicipal Agreement with the Village of Heuvelton, and

WHEREAS, three change orders have been approved since the inception of the project.

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NOW, THEREFORE, BE IT RESOLVED that all future change orders must be presented to the City Council for consideration and review, and to authorize the City Manager to execute these change orders.

Councillor Rishe said all members of Council have a fiduciary responsibility, and all change orders should be approved by Council. Mayor Skelly said it would have been nice to know about the changes that were made during the Elizabeth Street project. Mayor Skelly said it is troublesome to meet people on the street and not know why changes were made. Councillor Rishe said this has nothing to do with Mr. Jellie. Councillor Rishe explained if there are minor changes, Mr. Jellie can make a few phone calls and approve the work retroactively. Councillor Powers said the project has been going on since 2008, and money was put into the contracts for what may arise. Councillor Powers said it will cost money to sit on a project waiting for Council approval on a change. Councillor Powers said this action is taking away from the City's form of government. Councillor Skamperle said he would like to be informed, but he does not believe Council should have to vote on every change. Councillor Rishe said the action reverts back to the way it should be done and does not change the form of government in any way. Mayor Skelly said it is a way to control the purse strings and said he does not have any issue with the current City Manager. Councillor Powers said he is not saying Council should not be informed but doing it this way will cost additional money. Councillor Powers said when it happens that will be a big concern down the road. Councillor Skamperle asked Mr. Jellie if he felt it was necessary. Mr. Jellie said he did not wish to fight over the topic. Councillor Powers asked if the City has a Certificate of Incorporation and if there is a price amount that is determined by the City Manager.

The vote was:

AYES: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

NAYS: Councillors Powers and Skamperle

CARRIED, 4 to 2

7. Councillor Fisher moved a resolution to establish a policy that all future purchases or leases of City vehicles must be approved by the Council, and Councillor Rishe seconded to wit:

A RESOLUTION TO ESTABLISH A POLICY THAT ALL FUTURE
PURCHASES OR LEASES OF CITY VEHICLES MUST BE APPROVED BY
THE CITY COUNCIL

WHEREAS, the City Council has always had a policy to authorize the purchase of vehicles during its budget process, and

WHEREAS, the City Council recently entered into an agreement to lease vehicles as it replaces its older fleet of purchased vehicles.

NOW, THEREFORE, BE IT RESOLVED that all future leases of vehicles shall be approved by the City Council during the budget process or at any time during the year that the City Manager feels it is critical to lease a vehicle.

Councillor Skamperle asked why this would be necessary. Councillor Rishe said it has been done in the past. Councillor Skamperle said it all happens in the budget. Councillor Rishe said when the City recently entered into the agreement with Enterprise the process changed. Councillor Rishe said it is just a checks and balance. Councillor Skamperle said the agreement with Enterprise was recommended by the State, and the City will save money. Councillor Skamperle said he trusts the City Manager and staff to do their jobs. Councillor Powers said this is all addressed in a budget that Council approves.

The vote was:

AYES: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

NAYS: Councillors Powers and Skamperle

CARRIED, 4 to 2

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8. Councillor Rishe moved a resolution to call for a public hearing on a draft Local Law to amend the Ogdensburg City Charter in regard to the powers and duties of the City Manager, and Councillor Fisher seconded to wit:

A RESOLUTION CALLING FOR A PUBLIC HEARING ON A DRAFT LOCAL LAW TO AMEND THE OGDENSBURG CITY CHARTER IN REGARD TO THE POWERS AND DUTIES OF THE CITY MANAGER

WHEREAS, City Department Heads, such as the positions of Chief of Police and Fire Chief, are important public positions in the administration of the local government of the City of Ogdensburg,

WHEREAS, the individuals who fill these positions, with the exception of the City Attorney, are presently appointed, suspended or removed from their administration position by the City Manager under the present Ogdensburg City Charter, and

WHEREAS, the present Council strongly believes that only elected officials of the City of Ogdensburg should have the authority to appoint, suspend or remove Department Heads,

NOW, THEREFORE, BE IT RESOLVED that a public hearing on a draft Local Law to amend the City Charter in regard to the powers and duties of the City Manager shall be held at the next regularly scheduled meeting of the Ogdensburg City Council, and that notice of such public hearing shall be issued by the City Clerk.

Councillor Skamperle said the City Manager has the most interaction with department heads and has always shared with Council who would be appointed or removed and why. Councillor Skamperle said the change is not necessary and completely changes the form of government. Councillor Skamperle said the City Manager knows the staff and giving the power to Council is very dangerous. Councillor Powers agreed. Councillor Powers questioned the legality of the proposal and said he plans to send it to the Committee on Open Government for legal review.

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Councillor Powers questioned if the proposal had been approved by the City Attorney. Councillor Fisher said Councillor Powers can question the legality but will never find anything wrong.

Councillor Rishe made a motion to amend the resolution to remove “at the next regularly scheduled meeting” and replace it with “at 7 p.m. at City Hall on August 24, 2020”, and Mayor Skelly seconded the motion.

The vote to amend the resolution was:

AYES: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

NAYS: Councillors Powers and Skamperle

CARRIED, 4 to 2

The amended resolution now reads:

A RESOLUTION CALLING FOR A PUBLIC HEARING ON A DRAFT LOCAL
LAW TO AMEND THE OGDENSBURG CITY CHARTER IN REGARD TO
THE POWERS AND DUTIES OF THE CITY MANAGER

WHEREAS, City Department Heads, such as the positions of Chief of Police and Fire Chief, are important public positions in the administration of the local government of the City of Ogdensburg,

WHEREAS, the individuals who fill these positions, with the exception of the City Attorney, are presently appointed, suspended or removed from their administration position by the City Manager under the present Ogdensburg City Charter, and

WHEREAS, the present Council strongly believes that only elected officials of the City of Ogdensburg should have the authority to appoint, suspend or remove Department Heads,

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NOW, THEREFORE, BE IT RESOLVED that a public hearing on a draft Local Law to amend the City Charter in regard to the powers and duties of the City Manager shall be held at 7 p.m. at City Hall on August 24, 2020, and that notice of such public hearing shall be issued by the City Clerk.

Councillor Rishe said this has nothing to do with the City Manager and added most Charters are boilerplate. Councillor Rishe said the County Legislature operates this way. Councillor Rishe said ultimately they will listen to the people who elected them. Mayor Skelly said as a citizen he and many citizens thought department head positions were fixed. Mayor Skelly said he had complained about a department head several times and then one night Council acted and now that employee is gone. Councillor Skamperle said he disagreed 100% and did not wish to talk about it.

The vote on the amended resolution was:

AYES: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

NAYS: Councillors Powers and Skamperle

CARRIED, 4 to 2

9. Councillor Rishe moved a resolution calling for a public hearing on a draft Local Law to amend the Ogdensburg City Charter in regard to the Department of Parks and Recreation, and Mayor Skelly seconded to wit:

A RESOLUTION CALLING FOR A PUBLIC HEARING ON A DRAFT LOCAL LAW TO AMEND THE OGDENSBURG CITY CHARTER IN REGARD TO THE POWERS AND DUTIES OF THE CITY MANAGER

WHEREAS, City Department Heads, such as the positions of Chief of Police and Fire Chief, are important public positions in the administration of the local government of the City of Ogdensburg, and

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WHEREAS, the individuals who fill these positions, with the exception of the City Attorney, are presently appointed, suspended or removed from their administrative positions by the City Manager under the Ogdensburg City Charter, and

WHEREAS, the present Council strongly believes that only elected officials of the City of Ogdensburg should have the authority to appoint, suspend or remove Department Heads,

NOW, THEREFORE, BE IT RESOLVED that a public hearing on a draft Local Law to amend the City Charter in regard to the powers and duties of the City Manager shall be held at the next regularly scheduled meeting of the Ogdensburg City Council, and that notice of such public hearing shall be issued by the City Clerk.

Councillor Rishe said the resolution language submitted is incorrect and made a motion to amend the resolution by replacing the resolution language with the following:

WHEREAS the Ogdensburg City Council wishes to streamline the delivery of City services for the efficient operation of city government, and

WHEREAS this can in part be accomplished by having the Director of Public Works assume the title of the Director of Parks and Recreation.

NOW, THEREFORE, BE IT RESOLVED that a public hearing on a draft Local Law to amend the City Charter in regard to the head of the Parks and Recreation Department shall be held at 7p.m. at City Hall on August 24 and that notice of such public hearing shall be issued by the City Clerk.

Mayor Skelly said Interim City Manager Stephen Jellie is preparing a reorganization which will affect departments. Mr. Jellie asked Council to table the resolution and let staff do the work. Mr. Jellie explained the proposed change impacts a lot of documents and asked for sixty days to present Council with a reorganization strategy.

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

The vote to table the resolution was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Powers said the weeds in the marina need to be addressed and suggested the use of a marina rake. Councillor Powers said the issue is becoming a liability for the City.

2. Councillor Powers said people still cannot hear the meetings because of the audio and questioned if the public hearings held earlier in the meeting were even legal. Interim City Manager Stephen Jellie said a technical upgrade is definitely needed, and staff will take the steps necessary to move forward with the upgrade. Mayor Skelly noted it helps if the members of Council hold the microphones up to their faces when speaking. Mr. Jellie said staff will also look for new microphones as part of the upgrade.

ITEMS FOR DISCUSSION

1. Director of Planning and Development Andrea Smith discussed the NYSERDA Large Scale Renewables Bill Ready Site Nomination. (A copy of the material provided to Council follows these minutes.) Ms. Smith explained Councillor Rishe had brought the opportunity to the attention of staff and described the Request for Information (RFI) in detail. Ms. Smith said the City has one parcel that meets the requirements of being sixty-five acres or larger and described the site as the old landfill property. Councillor Skamperle asked if residents would lose the ability to drop off brush at that location if this project moved forward. Ms. Smith explained there is no commitment at this point, and if the City makes it to the next step it would be extension of the current solar array.

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Councillor Skamperle said the map shows the County owns a parcel in that area. Ms. Smith said the County owns the center of the area, and the City owns the property that wraps around the County property. Ms. Smith explained the City has always expressed an interest in expanding the solar array, but noted the property may not be large enough for NYSERDA. Mayor Skelly said it is worth putting it out there. Councillor Rishe said it would be a multimillion dollar project that would alleviate the tax burden, generate income and provide an opportunity to reduce electric bills. Councillor Rishe suggested discussing a partnership with the County to combine the parcels and submitting the application as soon as possible.

2. Director of Planning and Development Andrea Smith discussed the Diamond National Marketing Update. (A copy of the material provided to Council follows these minutes.) Ms. Smith explained the City has leaned towards marketing the property and we are waiting for contract documents. Ms. Smith explained Covid-19 put the process on hold.

Councillor Rishe questioned if the zoning ordinance would pose a problem with the old landfill parcel discussed in the previous discussion. Ms. Smith explained that parcel is located in an industrial zoning district and would be suitable for a solar array. Ms. Smith explained the landfill is ideal for that project.

3. Councillor Skamperle said he would like to see public updates resume. Interim City Manager Stephen Jellie said he will review the format used in the past and continue the public updates.

4. Councillor Rishe asked if the City owns the property next to the Post Office. Interim City Manager Stephen Jellie said the property is privately owned and does not belong to the City.

CITIZEN PARTICIPATION

1. Doug Loffler addressed Council regarding the Parks and Recreation Department. Mr. Loffler asked if the public will need to wait sixty days for the Public Hearing. Interim City Manager Stephen Jellie said Council will take action, and nothing will miss a beat. Mr. Loffler asked when the Public Hearing will be held. Mr. Jellie said he will have his proposal to Council within thirty days. Mr. Loffler asked if the public will be permitted to speak at the upcoming special meeting. Mr. Loffler asked what is being done with the Fire Chief and Police Chief and said people do not know the status. Mr. Loffler asked for an update on the status of filling the City Manager position permanently. Mr. Loffler said the proposal of Council taking duties away from the City Manager passes, it will be politics at its best.

Mayor Skelly said there was a need for Executive Session to discuss the medical, financial, credit or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation, and Councillor Dillabough seconded the motion.

The vote to adjourn to Executive Session was:

CARRIED, AYES ALL

Upon returning from Executive Session, all members of Council were still present.

Councillor Skamperle moved a resolution to exempt the position of police chief from the hiring freeze, and Councillor Dillabough seconded to wit:

RESOLUTION TO EXEMPT THE POSITION OF POLICE CHIEF
FROM THE HIRING FREEZE

WHEREAS, the Ogdensburg City Council has enacted a hiring freeze on January 6, 2020; and

WHEREAS, New York State Civil Service Law Article 4 Title A Section 58 requires that municipalities maintaining a police department serving a population of 150,000 or less, and with positions for more than four full-time police officers, shall maintain the office of chief of police; and

WHEREAS, the City of Ogdensburg requires a candidate that meets the minimum qualifications for Police Chief (Type B) where “Candidates must be permanently employed in the competitive class, or under section 55a, and must have served on a continuous basis for twenty-four (24) months as a Police Sergeant or in a higher ranking position in the City of Ogdensburg Police Department”; and

WHEREAS, there is an eligible Civil Service List for the position of Police Chief Type B based on the examination date of March 2, 2019; and

WHEREAS, the position has been vacant since the retirement of former Police Chief Andrew Kennedy on May 30, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the position of Police Chief is hereby exempted from the hiring freeze so that the appointment of a new Police Chief can take place in accordance with the Ogdensburg City Charter.

Councillor Powers suggested the hiring freeze be lifted in general. Councillor Fisher suggested Interim City Manager Stephen Jellie be allowed some time to review the organization structure.

The vote was:

CARRIED, AYES ALL

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Mayor Skelly said there was a need for Executive Session to discuss proposed, pending or current litigation, and he needed to recuse himself. Councillor Skamperle made a motion to adjourn to Executive Session, and Councillor Dillabough seconded the motion.

The vote to adjourn to Executive Session was:

AYES: Councillors Dillabough, Fisher, Powers,
Skamperle and Rishe

NAYS: None

ABSTAIN: Mayor Skelly

CARRIED, AYES ALL

Upon returning from Executive Session, all members of Council were still present.

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