

CITY COUNCIL MEETING

June 22, 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, Kennedy, Powers, Rishe and Skamperle

ABSENT: None

PRESENTATION

1. Tom & Debbie Hannan provided Council with an update on Kelly Park. Mr. Hannan said he shared the plans with Assistant City Manager Andrea Smith and Public Works Director Shane Brown. Mr. Hannan explained a contract has been secured with Larry Morley, and work is expected to begin in five to six weeks. Mr. Hannan said there is a live meter across the street from the park that a small trench may have to be built to for use during construction and lighting when the park is complete. Mr. Hannan explained the trench will be built under their contract, and DPW has agreed to fill the area in with concrete. Mr. Hannan said temporary fencing will be placed around the park when construction begins. Mr. Hannan explained Parks and Recreation Director Matthew Curatolo had agreed to place the order for the signs with a company the City has already done business with, but the cost will be covered by the group's fundraising efforts. Mr. Hannan said when a date is established for the official ground breaking the Mayor and Council will be invited. Mr. Hannan reminded everyone that donations are always accepted and appreciated and can be forwarded to him at 814 Greene Street, Ogdensburg, NY.

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2. Lieutenant Rob Wescott made a presentation to Council on the impact of staff and budget overtime reductions at the Police Department. (A copy of his presentation follows these minutes.) Councillor Skamperle asked if the department would like the four officers back, and Lieutenant Wescott said absolutely. Councillor Kennedy asked if the two officers had completed their training. Lieutenant Wescott said one had paid for the training himself prior to coming to Ogdensburg and the other was sent by the City. Lieutenant Wescott said the training was closed due to COVID-19, and he anticipates the final week of training will be completed in July. Lieutenant Wescott explained this will make that officer available to work on his own at the end of August or early September. Councillor Powers questioned the ability to maintain airport security with the current staffing levels. Lieutenant Wescott explained the department is down ten officers now, and airport security essentially takes one full officer so it is certainly harder to staff the airport. Councillor Powers said there is a strain on the department with the low staffing levels, and there is nothing to fall back in the event of injuries. Lieutenant Wescott agreed and said injuries and workers compensation cannot be predicted. Lieutenant Wescott explained the airport has a new classification, and if officers are not present the airport cannot do screening. Lieutenant Wescott said if the City police force cannot be staffed, the airport cannot be staffed. Councillors Powers expressed concern over the department's burn out rate. Lieutenant Wescott said that is an extreme concern. Lieutenant Wescott explained the airport is a huge benefit to the City, but the department needs adequate staff to be able to staff it.

Councillor Dillabough questioned why other local police departments can operate with fewer police officers and if something different could be done in the City. Councillor Dillabough cautioned if it is a money issue the department is going to be in trouble if the City goes bankrupt and they lose all of their perks. Lieutenant Wescott said the members of the department do not have perks but rather have benefits that they earn over the course of their career.

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Councillor Dillabough said he thinks the department is doing a great job, but there has to be a way to get the number of officers down. Lieutenant Wescott explained the structure of the department in Ogdensburg works, noting the department has a high solvability rate in a high crime area. Councillor Dillabough said he thinks there are too many police officers in the City, and the people think that too. Councillor Dillabough said if the department can prove to him the number of officers are needed, he will change his vote. Mayor Skelly said the Code Enforcement department is operating at 50%, and the City's financial condition is hurting every department in the City as well as the residents. Mayor Skelly said he appreciates the department and their hard work.

3. Jason Bouchard, President of the IAFF Local 1799, made a presentation to Council regarding the Fire Chief position. Mr. Bouchard said given some of the issues contained on the agenda his presentation had been trimmed considerably. Mr. Bouchard explained the union has brought to citizen and council attention in previous meetings that the department has been without a Fire Chief since January 21, 2020. Mr. Bouchard said the union has and still strongly believes that a permanently appointed full-time Fire Chief is a necessity, not only in terms of the departmental operation and function but also for the safety of the City and its citizens. Mr. Bouchard said he would be available throughout the meeting if anyone had questions regarding the union.

PERSONAL APPEARANCE

1. Angela McRoberts addressed Council noting the presenters at the meeting could not be heard and asked Council to figure out another way to conduct meetings. Councillor Rishe suggested an alternate method, and Councillor Kennedy suggested an alternate location where the public could attend. City Clerk Cathy Jock said staff will check on alternate methods as well as the possibility of an alternate location and public attendance in accordance with the Governor's Executive Order and reopening plan.

CONSENT AGENDA

Mayor Skelly moved that the claims as enumerated in General Fund Warrant #11-2020 in the amount of \$463,848.25 and Library Fund Warrant #11-2020 in the amount of \$8,285.48 and Capital Fund Warrant #11-2020 in the amount of \$125,476.00 and Community Development Fund Warrant #11-2020 in the amount of \$0.00 and Community Renewal Fund Warrant #11-2020 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Skelly moved to appoint John St. Joseph to fill the remainder of Linda Pellette's term on the Planning Board, term to begin June 22, 2020 and end December 31, 2020, and Councillor Dillabough seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Powers 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 Kennedy seconded to wit:

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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.

Mayor Skelly said he still has problem with the date of September 1, 2020. Mayor Skelly explained he spoke with St. Lawrence County Legislature Chairman Lightfoot who expressed concerns about changing the date to September 1, 2021. Mayor Skelly said he suggested a date of July 1, 2021, and Chairman Lightfoot said he would bring that date to the Legislature for consideration. Councillor Skamperle said the City Attorney said the City could still negotiate after the September 1, 2020 date and that was in fact the purpose of the agreement. Mayor Skelly said there are still issues. Mayor Skelly said Councillor Rishe called the New York State Comptroller's Office and was advised the State also had concerns about the September 1, 2020 date.

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Councillor Powers asked what the State Comptroller said about the date and the agreement. Councillor Rishe said they expressed the concerns that Mayor Skelly had stated. Councillor Powers said the City Attorney explained the purpose of the extension was to allow more time for negotiations due to COVID-19 and fiscal issues across the State regarding sales tax. Mayor Skelly said the date to notify the County that the City intends to preempt is not being extended beyond September 1, 2020. Councillor Rishe said the City does not have the authority to preempt and must go to the Senate and the Legislature. Councillor Rishe explained the offer to extend the agreement is very much appreciated, but the City also needs the negotiation date extended. Councillor Rishe said it is not the wish to preempt, but the City needs time to be prepared and do that. Councillor Powers said obtaining the sales tax projections if the City preempts from the State is impossible and noted the request has been made before. Councillor Powers said he hopes the City can obtain the numbers requested to make a determination, and he is fine with an extension through July 1, 2021. Mayor Skelly said the issue is will they change the form to reflect City and County. Councillor Skamperle said in the past the form had all of the County and the City, but now the form only has County so obtaining recent numbers is impossible because the information does not exist. Councillor Skamperle said the County wants to reduce the City's share based on a reduction in population and noted other communities have had a reduction in population as well. Mayor Skelly said the City and County need to work together in good faith. Councillor Rishe noted it was significant that the State also raised the same issue regarding the September 1, 2020 date. There was a consensus of Council that the City appreciates the offer to extend the agreement but requests an extension of the date to preempt through September 1, 2021 or at least July 1, 2021. The Mayor said the County was meeting that night. Councillor Skamperle said he hopes the date is changed as requested.

The vote to take the resolution off the table was:

DEFEATED, 0 TO 7

2. Councillor Kennedy moved a resolution authorizing the Assistant City Manager to sign a temporary site access and use agreement with Community Health Center of the North Country, and Councillor Dillabough seconded to wit:

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RESOLUTION AUTHORIZING ASSISTANT CITY MANAGER TO SIGN
TEMPORARY SITE ACCESS AND USE AGREEMENT

WHEREAS, the City of Ogdensburg has received a temporary site access and use agreement for use of city-owned property located on Isabella Street, Ogdensburg, New York, 13669, designated as Tax Parcel 48.078-9-1 in the property tax records; and

WHEREAS, the Community Health Center of the North Country proposes to temporarily install a drive-thru COVID-19 testing center to be used in conjunction with the medical office complex located at 234 Ford Street, Tax Parcel 48.078-9-2 owned by the Health Center; and

WHEREAS, the drive-thru testing center will be temporarily located on the parking area just north of the Medical Offices on Tax Parcel 48.078-9-1 and will consist of a 13'x26' tent with (6) 55 – pound footplates for anchoring as described in the Exhibits to the proposed agreement.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Ogdensburg Assistant City Manager, or her designee, is authorized to sign said Site Access and use Agreement, authorizing the Community Health Center of the North Country to utilize a portion of City-owned tax parcel 48.078-9-1 until December 1, 2020 or upon written notice by the Health Center of completion of the testing operation, whichever shall first occur.

The vote was:

CARRIED, AYES ALL

3. Councillor Skamperle moved a resolution to exempt the position of Police Chief from the hiring freeze, and Councillor Kennedy seconded to wit:

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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 recruitment for a new Police Chief can take place in accordance with the Ogdensburg City Charter.

The vote was:

AYES: Councillors Kennedy, Powers and Skamperle

NAYS: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

DEFEATED, 3 TO 4

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4. Councillor Skamperle moved a resolution in support of a 2020 Local Government Efficiency Grant Application for a North Country Regional Shared Geographic Information System Project, and Councillor Kennedy seconded to wit:

RESOLUTION IN SUPPORT OF A 2020 LOCAL GOVERNMENT
EFFICIENCY GRANT APPLICATION FOR A NORTH COUNTRY
REGIONAL SHARED GEOGRAPHIC INFORMATION SYSTEM PROJECT

WHEREAS, the City Council of the City of Ogdensburg (City) has an existing agreement with the Development Authority of the North Country to be part of the Authority's regional shared services Geographic Information Services (GIS) platform, and

WHEREAS, the City will act as a participating municipality for a shared services project, involving multiple local governments in the North Country to develop GIS datasets for municipally owned assets, including water, wastewater, electric, highway, public works, and cemeteries, and

WHEREAS, the project partners will submit an application to the Department of State Local Government Efficiency (LGe) Implementation Grant Program, anticipated to be part of the 2020 Consolidated Funding Application, and

WHEREAS, the City understands that they will be required to contribute a 10% match for the City's portion of the overall project budget, up to \$2,100 which will be paid to the lead agency.

NOW THEREFORE BE IT RESOLVED, that the City of Ogdensburg will participate as a municipal partner as required for the LGe grant application to be filed with the NYS Department of State, and

BE IT FURTHER RESOLVED, that the City authorizes the City Manager to execute all financial and/or administrative processes relating to the implementation of the grant program project as a participating applicant, and

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BE IT FURTHER RESOLVED, that the City will provide the required documentation and the support of its staff (as necessary) to the Development Authority of the North Country in performance of the North Country Regional Shared GIS Implementation Project.

Public Works Director Shane Brown explained what the grant would provide and said it is a great opportunity for the City. Mr. Brown said the cost to the City is minimal. Councillor Skamperle asked if the water and sewer maps have already been completed. Mr. Brown said yes and added he uses those maps every day. Mayor Skelly said the DPW department is doing wonderful work for the City.

The vote was:

CARRIED, AYES ALL

5. Councillor Skamperle moved a resolution providing for public notice and public hearing with regard to an amendment to the Ogdensburg Municipal Code Chapter 189 entitled “Streets and Sidewalks”, and Councillor Dillabough seconded to wit:

RESOLUTION
INTRODUCING ORDINANCE #__ FOR 2020

BE IT RESOLVED that proposed Ordinance # __ of the year 2020 entitled:

Amendment to the Ogdensburg Municipal Code of the City of Ogdensburg be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT FURTHER RESOLVED, that the City Council hold a Public Hearing on said proposed Ordinance at the City Council Chambers at 7:00 pm on Monday, July 13, 2020, and

BE IT FURTHER RESOLVED that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of Ogdensburg of said public hearing at least seven days prior thereto.

The vote was:

CARRIED, AYES ALL

6. Councillor Dillabough moved a resolution providing for public notice and public hearing with regard to an amendment to the Ogdensburg Municipal Code Chapter 64 entitled “Alcoholic Beverages”, and Skamperle seconded to wit:

RESOLUTION
INTRODUCING ORDINANCE #__ FOR 2020

BE IT RESOLVED that proposed Ordinance # __ of the year 2020 entitled:

Amendment to the Ogdensburg Municipal Code of the City of Ogdensburg be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT FURTHER RESOLVED, that the City Council hold a Public Hearing on said proposed Ordinance at the City Council Chambers at 7:00 pm on Monday, July 13, 2020, and

BE IT FURTHER RESOLVED that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of Ogdensburg of said public hearing at least seven days prior thereto.

The vote was:

CARRIED, AYES ALL

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7. Councillor Rishe moved a resolution to temporarily permit the consumption of alcoholic beverages in outside dining areas on City property in front of City restaurants, and Councillor Skamperle seconded to wit:

A RESOLUTION TO TEMPORARILY PERMIT THE CONSUMPTION OF
ALCOHOLIC BEVERAGES IN OUTSIDE DINING AREAS ON CITY
PROPERTY IN FRONT OF CITY RESTAURANTS

WHEREAS, the City Council recently adopted a resolution that permits outside dining on public property between a restaurant and the street curbing, and

WHEREAS, the City Council wishes to support local restaurants during the COVID-19 pandemic by encouraging more sales by permitting the consumption of alcoholic beverages at such dining areas, and

WHEREAS, other communities have recently allowed for open containers in order to assist local restaurants; and

WHEREAS, Chapter 69 of the Code of the City of Ogdensburg governs the consumption of alcohol in public places, and

WHEREAS, the City Council wishes to allow for the consumption of alcohol in outdoor dining areas on public property in front of local restaurants.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Ogdensburg hereby permits the consumption of alcoholic beverages on public property between a restaurant and the street curbing, and

BE IT FURTHER RESOLVED, that a restaurant is defined as a commercial establishment where food and drink are prepared, served and consumed within the principle building, and that has a permit from the New York State Department of Health to operate the restaurant, and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately and shall remain in effect until September 30, 2020, or until a more permanent amendment to the Ogdensburg Code is adopted by this Council.

The vote was:

CARRIED, AYES ALL

8. Councillor Powers moved a resolution requesting that the St. Lawrence County Human Resources & Civil Service Administration hold an open competitive exam for the position of Fire Chief in the City of Ogdensburg and authorizing temporary out-of-title pay in the Fire Department, and Councillor Skamperle seconded to wit:

A RESOLUTION REQUESTING THAT THE ST. LAWRENCE COUNTY
HUMAN RESOURCES & CIVIL SERVICE ADMINISTRATION HOLD AN
OPEN COMPETITIVE EXAM FOR THE POSITION OF FIRE CHIEF IN THE
CITY OF OGDENSBURG AND AUTHORIZING TEMPORARY OUT-OF-
TITLE PAY IN THE FIRE DEPARTMENT

WHEREAS, there is presently a vacancy in the position of Fire Chief in the Ogdensburg Fire Department, and

WHEREAS, there is not presently an active civil service list of qualified candidates to fill this position.

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby requests that the St. Lawrence County Human Resources & Civil Service Administration hold an open competitive exam for the position of Fire Chief in the Ogdensburg Fire Department, and

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BE IT FURTHER RESOLVED, that the Ogdensburg City Council hereby temporarily authorizes out-of-title pay for any Assistant Chief who assumes the regular daily duties of Fire Chief for a maximum of 40 hours per week, provided, however, that out-of-title pay may be authorized and approved for more than 40 hours in one week in the event of an emergency that requires additional hours.

Councillor Skamperle said it is costing the City more money not to appoint an Acting Fire Chief, and the City needs a Fire Chief. Councillor Rishe said notice needs to be given to the County Civil Service to call for the exam. Assistant City Manager Andrea Smith said she spoke with Civil Service today, and the request for the exam was made in April. Ms. Smith said New York State has not set a date for the exam and noted the last exam was administered in December 2019. Councillor Rishe said he was aware the exam was called for but wanted to make the official request. Ms. Smith said a certified resolution will be sent to the County Civil Service.

The vote was:

CARRIED, AYES ALL

9. Councillor Fisher moved a resolution to establish working rules between the City Council and the City Attorney, and Councillor Dillabough seconded to wit:

A RESOLUTION TO ESTABLISH WORKING RULES BETWEEN THE CITY
COUNCIL AND THE CITY ATTORNEY

WHEREAS, the City Council desires to establish a policy for the proper working relationship between the Council and the City Attorney, and

WHEREAS, the City Council wishes to be transparent in regard to legal opinions received from the City Attorney in regard to official city business and city policy, but also recognizes the sensitive nature of some of the communications between the Council and the City Attorney.

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NOW, THEREFORE, BE IT RESOLVED, that the following working rules are hereby established to govern communications between the Council and the City Attorney:

Should a Councillor require legal advice from the City Attorney in regard to City business, the Councillor may request such opinion or advice as long as the member of the Council has a consensus from at least 3 other members. Consensus can be achieved by any reasonable means.

If the inquiry results in a legal opinion it shall be shared with the balance of the Council as soon as is reasonably possible, provided however that such legal opinion shall only be shared in Executive Session under Section 108 of the Public Officers Law. When such a legal opinion is shared with the full Council in Executive Session, a majority of Council shall decide to what extent if any to waive the attorney client privilege and make such legal opinion public.

Councillor Skamperle said the resolution proposes if one member of Council wishes to seek advice from the City Attorney, three other members of Council will need to agree. Councillor Powers asked what changed. Councillor Fisher said the City Attorney asked for a procedure to be established by Council. Councillor Skamperle said the proposal is not transparent at all. Councillor Skamperle explained some subjects are not matters approved for Executive Session and questioned if Open Meetings Law is violated when four members of Council have a discussion. Councillor Fisher said it does not violate Open Meetings Law and any matter can be made attorney client confidential. Councillor Fisher said that allows the matter to be discussed in Executive Session.

Councillor Powers said City Attorney Scott Goldie made it clear that Council is his client which includes every member of Council. Councillor Powers cautioned if Council proceeds in this manner there will be problems. Councillor Rishe said the proposal is open and transparent, and everything will be shared with all members of Council in Executive Session. Councillor Rishe said he believes it is a good resolution. Councillor Powers said a host of people participated in Personal Appearance and voiced their concerns, and he has gone on record asking for information but nothing has changed.

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Councillor Skamperle said he does not see transparency with the proposal. Councillor Powers asked if the proposal includes personal emails, and Councillor Rishe said it states legal opinions. Councillor Skamperle said the City Attorney agrees this is not the way to proceed. Councillor Kennedy said she plans to vote no on the resolution. Councillor Kennedy explained if information cannot be shared, Council will never be able to work together. Councillor Kennedy said you cannot work with people you do not trust. Councillor Kennedy said three members of Council are locked out unless the idea comes from the other four members of Council and they want it to go to the City Attorney. Councillor Fisher said every member of Council gets one vote. Councillor Fisher explained the City Attorney gave his opinion and asked for direction. Councillor Powers said the City Attorney sat at the last Council meeting and gave his opinion. Mayor Skelly said a request was made by the City Attorney for guidance. Mayor Skelly said Council should vote and see if it passes, and then all information will be given to all members of Council.

Councillor Skamperle said it is a matter of voting for secrecy or transparency. Councillor Rishe said he strongly disagreed and added the proposal is very transparent. Councillor Rishe explained they are agreeing to share the information but keep it confidential. Councillor Kennedy said she would agree to three members of Council agreeing on matters to be reviewed by the City Attorney because then all members of Council would have the same opportunity to seek advice. Councillor Kennedy said Council can create the rule to be one plus two additional members of Council. Councillor Kennedy explained she has asked many times but could not get the fourth vote. Councillor Kennedy said you cannot do your job as a member of Council when you can't get answers. Mayor Skelly asked Councillor Kennedy why she doesn't feel comfortable calling other members of Council. Councillor Kennedy explained she has always conducted business via email to have a written record. Mayor Skelly said sometimes a conversation is better to articulate a plan, and if they love the idea it will move forward. Councillor Kennedy said the issue exists when members of Council are at separate ends on issues. Councillor Kennedy explained she asked for a legal opinion at a meeting and still couldn't get a fourth vote.

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Councillor Kennedy said she wanted to be able to ask legal questions. Councillor Kennedy said she thinks it is great that Councillor Fisher wrote up the proposal and asked if anyone was in favor of amending it to require three members of Council to agree. Mayor Skelly suggested members of Council start talking more and ask each other to share information. Councillor Kennedy said it is impossible to work with people that you do not trust.

Councillor Kennedy made a motion to amend the resolution to reflect a total of three members of Council would be required to seek a legal opinion from the City Attorney, and Councillor Skamperle seconded the motion. Councillor Powers said the 3 to 4 thing is what got Council to that point, and Mayor Skelly disagreed. Councillor Powers said it is on record and added he was not going to say anyone has ill intentions to the City. Councillor Powers explained they are all trying to achieve goals but Council needs to find common goals. Councillor Powers said fact finding and being informed are essential to serving constituents. Mayor Skelly said four members of Council have been working and fact finding. Councillor Powers called a point of order.

The vote to amend the resolution was:

AYES: Councillors Kennedy, Powers and Skamperle

NAYS: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

DEFEATED, 3 TO 4

The vote on the resolution was:

AYES: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

NAYES: Councillors Kennedy, Powers and Skamperle

CARRIED, 4 TO 3

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10. Councillor Skamperle 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 positions of Chief of Police and Fire Chief, and Councillor Fisher 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 July 13, 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.

Councillor Skamperle said it is already State law that members of the police and fire departments do not have to be residents. Mayor Skelly said the resolution applies to the department heads. Councillor Skamperle questioned who brought the resolution forward. Councillor Rishe said he wanted to make sure two important City employees reside in the City especially given the emergency response factor. Councillor Skamperle said he believes there is an issue with State law. Councillor Rishe said it is not an issue, and the Supreme Court upheld it. Councillor Rishe explained Syracuse does it for their entire department. Councillor Skamperle said he believes it is against the law. Assistant City Manager Andrea Smith said the City Attorney is reviewing the matter and has been provided with copies of the Public Officers Law. Councillor Skamperle said he believes there was a lawsuit filed in Syracuse.

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Councillor Skamperle made a motion to table the resolution, and Councillor Powers seconded the motion. Councillor Rishe urged members of Council to call for the Public Hearing. Councillor Skamperle said the proposal has been made in the past to make every City employee a resident, but it was determined that would not be fair when police and fire cannot be forced to be residents. Councillor Rishe said there is not a law that prohibits it, and the City already does it for the City Manager. Councillor Skamperle said he does not believe it is legitimate. Ms. Smith said if the Public Hearing is held Council is not required to move on the resolution at the same meeting. Ms. Smith explained she spoke with the City Attorney who confirmed he had not reviewed the proposed resolution before the agenda was released on Thursday, and he asked for time to review the subject matter. Councillor Skamperle withdrew his motion to table the resolution.

The vote was:

CARRIED, AYES ALL

11. Councillor Skamperle moved a resolution to authorize the expenditure of funds to open the municipal pool, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS
NECESSARY TO REOPEN THE ELSA M. LUKSICH MUNICIPAL POOL

WHEREAS, on Thursday, June 11th Governor Andrew Cuomo announced that Parks and other open public spaces, including playgrounds and other areas of congregation within the discretion of the state or local government so long as appropriate social distancing of at least six feet among individuals can be abided, acceptable face coverings are worn by individuals who are over the age of two and able to medically tolerate such coverings, and frequent cleaning/disinfection measures are in place for hard surfaces and objects frequently touched by multiple people (e.g., handrails, benches); and

WHEREAS, the Ogdensburg City Council is desirous of opening the Elsa M. Luksich Municipal Pool; and

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WHEREAS, with Department of Health approval and adequate staffing, it is the recommendation of staff to open the pool for six (6) hours a day, five (5) days per week for public open swim; and

WHEREAS, the funds to support the reopening will be reinstated to budget line A7180 in the amount of \$35,712 for support this recommendation.

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby authorizes the appropriate of the funds in the amount of \$35,712 to A7180 for expenditures to support pool operations.

Public Works Director Shane Brown said the plan is to open the pool five days a week for six hours per day. Mr. Brown said the pool would be operated on a bare bones budget, and no morning programs would be held. Mr. Brown said he hoped the two days the pool is closed would be two consecutive days. Mayor Skelly said he would like to see the pool open seven days per week. Councillor Kennedy questioned if any City employees have the required pool certification, and Mr. Brown said there are two employees from the Parks and Recreation Department that are certified. Mr. Brown explained five lifeguards will need to be on duty at all times plus a cleaning staff. Councillor Powers asked if the proposed funding was just enough to operate the pool and said Council needs to make sure there is enough money. Mr. Brown said the required cleaning was not factored into the proposed amount and noted the pool is 26 years old and will need money invested into it soon. Mayor Skelly asked if we could get through this year, and Mr. Brown said yes and he planned to look into needed repairs in the Fall. Councillor Powers asked if there are any operational problems, and Mr. Brown said the pool has not been started yet. Councillor Kennedy asked if there were any Department of Health Issues, and Mr. Brown said the Department of Health representatives have gone out of their way to assist him. Councillor Fisher asked what the capacity will be for the pool with COVID-19 guidelines. Assistant City Manager Andrea Smith said the guidelines were released by the State after the resolution was finalized. Ms. Smith explained the DPW has absorbed duties they are not familiar with, but she feels the proposal is achievable with staffing and the number of applications received from lifeguards.

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Mayor Skelly said Penny Sharrow is interested in helping, and she should be considered and paid with a stipend to run the pool. Mayor Skelly said the funding should be increased to \$55,000, and the City should look for businesses who would consider contributing like Pepsi has. Mayor Skelly suggested the City could get \$5,000 to \$10,000 in donations and put in good programs for the children. Councillor Rishe proposed passing the resolution as is and beginning the fundraising.

Mayor Skelly made a motion to amend the resolution to reflect a total of \$55,000 be allocated, and Councillor Powers seconded the motion. Councillor Kennedy asked for an explanation of the budget line the funding is coming from. Ms. Smith said the entire pool budget was previously cut so the resolution needed to be passed to restore the funding. Councillor Rishe asked if \$30,000 was saved due to not opening. Ms. Smith explained the decrease in funding is a result of fewer lifeguards, the shortened period of time and only offering public swimming. Ms. Smith said we are approximately one to two weeks behind schedule in opening. Councillor Rishe questioned if the amount to be restored should be higher, and Councillor Powers suggested restoring the entire budget. Mayor Skelly suggested restoring the budget for the children and opening six days a week. Mayor Skelly said he was certain the citizens and businesses would contribute. Councillor Rishe asked if the proposed amount includes programs. Councillor Fisher said the amount covers for the pool to open. Mayor Skelly suggested a couple of counselors could be hired if the amount was increased to \$55,000. Councillor Powers said more staff will be required to monitor the groups and for cleaning.

The vote to amend the resolution was:

CARRIED, AYES ALL

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The amended resolution now reads:

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS
NECESSARY TO REOPEN THE ELSA M. LUKSICH MUNICIPAL POOL

WHEREAS, on Thursday, June 11th Governor Andrew Cuomo announced that Parks and other open public spaces, including playgrounds and other areas of congregation within the discretion of the state or local government so long as appropriate social distancing of at least six feet among individuals can be abided, acceptable face coverings are worn by individuals who are over the age of two and able to medically tolerate such coverings, and frequent cleaning/disinfection measures are in place for hard surfaces and objects frequently touched by multiple people (e.g., handrails, benches); and

WHEREAS, the Ogdensburg City Council is desirous of opening the Elsa M. Luksich Municipal Pool; and

WHEREAS, with Department of Health approval and adequate staffing, it is the recommendation of staff to open the pool for six (6) hours a day, five (5) days per week for public open swim; and

WHEREAS, the funds to support the reopening will be reinstated to budget line A7180 in the amount of \$35,712 for support this recommendation.

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby authorizes the appropriate of the funds in the amount of \$55,000 to A7180 for expenditures to support pool operations.

The vote on the amended resolution was:

CARRIED, AYES ALL

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OLD BUSINESS

1. Councillor Skamperle said Lieutenant Wescott made a presentation to Council on the effects of the budget changes. Councillor Skamperle explained the department is down ten police officers which is 35% of the police force. Councillor Skamperle said two officers need to be replaced so we do not lose the airport security contract or the School Resource Officer contract. Councillor Skamperle suggested a resolution for the next Council meeting to restore two police officer positions. Councillor Dillabough asked if the department has 28 officers but only 18 are working, and Councillor Kennedy said yes. Councillor Powers said with the recent bail reform law and the recent rape arrest in the City this issue cannot be taken lightly. Councillor Powers said it is the same at the Fire Department with the pandemic. Councillor Powers explained Council needs to look at public safety. Councillor Powers explained he is very concerned about burnout with the current staffing levels, and Council cannot compromise public safety.

NEW BUSINESS

1. Councillor Kennedy questioned what the cost savings would be if the mid-summer brush pickup did not take place. Public Works Director Shane Brown said he would get the figures to Council but noted there is a lot of brush placed out already to be picked up. Mayor Skelly said having the City look good adds to the quality of life.

2. Mayor Skelly suggested a stipend for Penny Sharrow to oversee the pool operations and to look for volunteers willing to be at the Dobisky Center. Mayor Skelly said perhaps members of the Pride and Beautification Commission or the Garden Club would be willing to help so the building could be open to the public.

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3. Councillor Powers asked that a test session be scheduled prior to the July 13th Council meeting to try to improve the sound quality for those participating remotely. City Clerk Cathy Jock said she would schedule a test session after further adjustments have been made to improve the sound quality.

4. Councillor Rishe asked if a second meeting date in July had been scheduled. Assistant City Manager Andrea Smith said the next regularly scheduled meeting is July 13th and suggested a second meeting could be scheduled if there was enough material to warrant one. Ms. Smith explained some vacations have been scheduled and said a second meeting for July and August would be scheduled based on need. Councillor Rishe said he was fine with only one meeting in July, and Councillor Dillabough agreed. There was a consensus of Council to call for a second meeting in July at the July 13th meeting, if needed.

CITIZEN PARTICIPATION

1. Doug Loffler addressed Council to advise that he does not agree with the resolution passed regarding consulting with the City Attorney. Mr. Loffler asked if the resolution would prohibit the City Manager from consulting with the City Attorney. Mr. Loffler said every member of Council was elected by the taxpayers, and all should be permitted to consult with the City Attorney.

2. Scott McRoberts addressed Council regarding the residency requirement for the fire and police departments. Mr. McRoberts said these are vital positions and questioned why appointments were not being made. Councillor Rishe said Council fully intends to make those appointments as soon as time permits, but there is no urgency.

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Councillor Rishe made a motion to move to Executive Session to discuss collective negotiations pursuant to Article Fourteen of the Civil Service Law, and Councillor Fisher seconded the motion.

The vote to adjourn to Executive Session was:

CARRIED, AYES ALL

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