

SPECIAL CITY COUNCIL MEETING

May 13, 2021

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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

ITEMS FOR COUNCIL ACTION

1. Councillor Rishe moved a resolution authorizing the City Manager to execute a Land Lease with Ogdensburg Bridge and Port Authority to open a City beach, and Mayor Skelly seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE A LAND  
LEASE WITH OGDENSBURG BRIDGE AND PORT AUTHORITY  
TO OPEN A CITY BEACH

WHEREAS, Ogdensburg City Council passed a resolution setting a goal to open a City beach by July 1, 2021 and directing the City Manager to begin negotiations on the lease of land with the Ogdensburg Bridge and Port Authority; and

WHEREAS, a Land Lease agreement has been prepared and reviewed by both parties.

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the City Manager to execute the Land Lease, pending approval by the City Attorney, and continue the process to open a City beach; and

BE IT FURTHER RESOLVED, that the City Council agrees to appropriate an amount not to exceed \$50,000 to this project with a final budget to be presented to City Council at the May 24, 2021 City Council meeting.

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Councillor Skamperle called a point of order and said the parliamentary process requires the previously defeated resolution be rescinded before this resolution could be brought forward. Councillor Powers agreed. Councillor Kennedy asked if there was any information available regarding ADA compliance for the beach. City Manager Stephen Jellie said there was no different information available. Councillor Skamperle asked for a ruling from the City Attorney regarding the resolution and noted the Charter requires the previous resolution to be rescinded. Councillor Fisher said it is not the same resolution being brought forward, adding when you read the resolution it is different. Councillor Powers said it is not different in its entirety. Councillor Fisher said he would agree if the same resolution was being brought forward, but it is not the same adding there were simple changes made to a few paragraphs. Councillor Powers questioned if the Chair was willing to move forward with the resolution, and Mayor Skelly said yes. Mr. Jellie said the Ogdensburg Bridge and Port Authority (OBPA) is moving forward. Councillor Powers questioned if the insurance requirement will be the same, and Mr. Jellie said the insurance amount will be \$1 million/\$3 million in coverage. Councillor Powers questioned if the agreement with OBPA requires the City to make up any additional amount required by OBPA. Mr. Jellie said the City Attorney will review the agreement and make the determination. Councillor Powers asked if Mr. Jellie has agreed to the OBPA for the City to acquire additional insurance beyond the \$1 million/\$3 million policy, and Mr. Jellie said no. Mr. Jellie said if our attorney recommends that, we will need to entertain that idea. Councillor Powers asked if that language was in the lease, and Mr. Jellie said it is not there yet. Mr. Jellie said that recommendation will probably come back with the legal review because it is the City asking to do the lease so the City will need to provide the insurance.

Councillor Powers asked if Mr. Jellie has received any answers to the concerns raised at the last meeting, and Mr. Jellie said no. Councillor Powers said nothing changed, it is the same resolution and it should be ruled out of order. Councillor Rishe said the resolution addresses the budget estimate. Councillor Rishe explained he believes the estimate is high, but Mr. Jellie recommended that amount. Councillor Rishe said the insurance recommendations were verified with Lisbon beach. Councillor Rishe said the New York State Department of Health (NYSDOH) is very supportive of beaches, and we will do everything required so the City can move forward.

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Councillor Rishe said an ambitious goal has been set to swim by July 1, 2021. Councillor Powers said he is not opposed to a beach, but he is not confident the City is moving forward with all the required boxes checked. Councillor Powers applauded the effort put forth to date but said the City's liability needs to be on the forefront. Councillor Powers said approvals will be needed from the NYSDOH and the New York State Department of Environmental Conservation (NYSDEC), adding there have been sewage spills that flow down river. Councillor Rishe said the NYSDOH checks the water on a daily basis. Councillor Rishe explained if there is a problem, the beach will be closed and will reopen when it is safe.

Councillor Kennedy questioned if the estimated \$50,000 includes the work to be performed by DPW. Councillor Kennedy explained the CHIPS funding provides for repairs to streets, and the next complaints Council will hear will be regarding potholes and brush pickup not being addressed. Councillor Kennedy questioned if the labor for the beach will be excluded from the DPW's budget and if regular work will continue. Mr. Jellie said the road plan and work will continue. Mr. Jellie explained DPW will be doing tree work and sand at the beach and added that is a work load that we can handle. Councillor Kennedy requested a weekly breakdown of the work done by DPW at the beach. Mr. Jellie said he will do his best to provide it. Councillor Kennedy said sand is \$7.00 per square yard. Councillor Rishe said sand is not expensive.

Mr. Jellie explained the resolution gives him the authority to sign the lease with OBPA, move forward, speak with the NYSDOH and commit staff time to the project. Mr. Jellie said there will be a couple of pitfalls along the way, but all the numbers will be there for Council review. Mr. Jellie said the final cost is unknown, adding we are getting way ahead of ourselves at this point. Mr. Jellie explained he will have a lot more information for Council at the May 24, 2021 Council meeting, and Council will feel informed. Mr. Jellie said we asked OBPA to consider our request, and the agreement demonstrates our commitment. Mr. Jellie explained things could slow down or even stop. Mr. Jellie said Council set a significantly aggressive agenda, and it would have been better if it had been thought of last summer. Mr. Jellie said he does not see how negative can come from the idea, and we do not need to overthink procedures.

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Mr. Jellie said Council can continue to pepper him with questions that they think he doesn't know the answers to, noting he doesn't intend to waste staff time. Mr. Jellie said after the meeting with OBPA he didn't think an agreement would be reached, but OBPA seems to be fully committed. Councillor Rishe said a lot of people have expressed the desire to volunteer to clean up the beach area. Mayor Skelly said he commends three members of Council on their improvement with interest in fiscal responsibility. Councillor Powers said Mr. Jellie is not being peppered with questions, adding Council has a fiduciary responsibility to the taxpayers who are asking the same questions. Mayor Skelly said Mr. Jellie's point is that he hasn't spent the time on the project until we knew OBPA would agree.

Councillor Skamperle said we do not know how much we will receive for sales tax revenue, and he doesn't feel confident signing an agreement for the beach. Councillor Skamperle said he has asked for a Public Hearing on the issue, adding he wants to see the numbers before signing basically a blank check for what he anticipates will be between \$100,000 and \$200,000. Councillor Skamperle said the City is in a tight situation, and there is a lot of work that needs to be done that will cost a lot of money. Councillor Skamperle said before we allocate money for the project, he would like to see a Public Hearing held. Councillor Skamperle said Council is looking at a whole budget, adding Council cut EMT positions. Councillor Skamperle said two people may have died because the Fire Department was just sitting there and couldn't respond to calls. Councillor Rishe questioned if that was what it was all about. Mayor Skelly said Councillor Skamperle was out of order. Mayor Skelly said if the amount goes over \$50,000 Council can come back and vote. Councillor Skamperle said he would like to see the answers first. Councillor Skamperle said he does not trust any of the majority of Council, noting they say one thing and do another. Mayor Skelly said that is how the majority of Council felt when they were coming in, and the contracts were signed. Councillor Skamperle said those concessions more than paid for the raises. Councillor Skamperle questioned why Council would not want to look into the costs and provide the answers. Councillor Rishe said summer is almost here. Councillor Powers requested a legal opinion on the resolution being brought forward again. Mayor Skelly said we will not spend that kind of money.

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The vote was:

AYES: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

NAYS: Councillors Kennedy, Powers and Skamperle

CARRIED, 4 TO 3

2. Mayor Skelly moved a resolution to censure Councillor Michael Powers for his language and conduct, and Councillor Fisher seconded to wit:

A RESOLUTION TO CENSURE COUNCILLOR MICHAEL POWERS  
FOR HIS LANGUAGE AND CONDUCT

WHEREAS, Ogdensburg City Council members are expected to carry out their duties in a respectful manner when conducting public business; and,

WHEREAS, Councillor Michael Powers has on more than one occasion used vulgar and inappropriate language during City Council meetings; and,

WHEREAS, the most recent example of such inappropriate conduct by Councillor Powers took place on April 12, 2021 when he loudly used the F-word and directed the vulgarity at City Manager Stephen Jellie during public session; and,

WHEREAS, the use of such intimidating, foul-mouthed and bullying language are out of line with the "rules of basic human conduct" as referred to in Ogdensburg City Administrative Regulation AR-23; and,

WHEREAS, it should be the goal of all staff and elected officials within the City of Ogdensburg to conduct public business in a courteous and respectful manner.

NOW, THEREFORE BE IT RESOLVED, that Ogdensburg City Council does hereby censure Councillor Powers for his language and conduct and place him on notice that such conduct shall not be condoned or tolerated during future public meetings or other such official gatherings.

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Councillor Skamperle made a motion to amend the resolution to add Councillor Steven Fisher for using the B-word in his comment about the Executive Director of the library, Councillor William Dillabough for using the BS-word at Council meetings and Mayor Jeffrey Skelly for referring to Councillor Skamperle as ignorant twice at a Council meeting, and Councillor Powers seconded the motion.

Councillor Skamperle said it is a double standard, and those members of Council can say whatever they want on Facebook, adding it is all lies and nonsense. Councillor Skamperle asked Councillor Dillabough what the difference was between Councillor Fisher calling the librarian the B-word and Councillor Powers catching himself before he completed the F-word. Councillor Dillabough said the F-word is a lot more than the BS-word. Councillor Powers said Councillor Dillabough also allegedly made negative comments towards women. Councillor Dillabough said he never did that. Councillor Powers said his statement included the word allegedly.

Mayor Skelly said Council should be talking about the resolution. Councillor Skamperle questioned what the difference is. Councillor Powers said he immediately acknowledged his slip and what is good for one should be good for all. Councillor Powers said he maintains his apology. Mayor Skelly said he appreciates the apology. Councillor Powers said the apology was not for Mayor Skelly and asked for a legal opinion on this matter.

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

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The vote on the resolution was:

AYES: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

NAYS: Councillors Kennedy, Powers and Skamperle

CARRIED, 4 TO 3

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