

CITY COUNCIL MEETING

November 8, 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, Rishe and Skamperle

ABSENT: Councillor Powers

Councillor Skamperle said Councillor Powers asked to be excused because he was working. There was a consensus of Council to excuse Councillor Powers.

PERSONAL APPEARANCE

1. Margaret Haggerty addressed Council and said she wanted to recognize all veterans. Ms. Haggerty read a letter from FEMA regarding the City's SAFER grant application. Ms. Haggerty explained she wanted to share the letter because several requests have been made for it.

CONSENT AGENDA

Mayor Skelly moved that the claims as enumerated in General Fund Warrant #19-2021 in the amount of \$453,401.01 and Library Fund Warrant #19-2021 in the amount of \$8,897.54 and Capital Fund Warrant #19-2021 in the amount of \$1,407,287.63 and Community Development Fund Warrant #19-2021 in the amount of \$0.00 and Community Renewal Fund Warrant #19-2021 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

ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle moved a resolution to approve the sale of surplus formerly known as Paper Cherry Street (east) following the public auction of October 28, 2021, and Councillor Dillabough seconded to wit:

RESOLUTION TO APPROVE THE SALE OF SURPLUS
CITY-OWNED PROPERTY

WHEREAS, the City of Ogdensburg has by ordinance dissolved the eastern most portion of paper Cherry Street, via Bill #57 of 2021; and

WHEREAS, the sale of this portion of former Paper Cherry Street will be subject to restrictions of a permanent easement to be written into the deed to allow for future infrastructure to be completed as needed by the City of Ogdensburg; and

WHEREAS, said parcel was publicly auction on Thursday, October 28, 2021;

WHEREAS, all property sold by the City of Ogdensburg is, “as is” and “where is”, by quit claim deed; the City makes no warranty as to clear title or condition; and

WHEREAS, all property within the City of Ogdensburg is subject to the provisions and enforcement of §97-13 Property Maintenance; and

WHEREAS, sale of surplus property promotes the return of underutilized property to the taxable roll for the greater public benefit in keeping with comprehensive planning goals;

NOW, THEREFORE BE IT RESOLVED, that the City Council approves the following sale:

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Tax Map #: 59.031-3-27

Location: former Paper Cherry Street

Restrictions: This is a conforming parcel in the City's Moderate Density Residential (MDR) zoning district (approximately 63'x704') and will be subject to a permanent easement held by the City of Ogdensburg for future utilities.

Sale Price: \$2500

Buyer: Timothy and Katie Lalonde

BE IT FURTHER RESOLVED, that the sale of said City-owned real property shall be subject to review and approval by the City Attorney.

Councillor Skamperle asked how much the legal fees will be the preparation of the easement. Director of Planning and Development Andrea Smith said she has not received the final fee yet, but she believes the \$2,500 purchase price will cover all City expenses associated with the sale of the parcel.

The vote was:

CARRIED, AYES ALL

2. Councillor Skamperle moved a resolution designating the horseshoe pit area near the Elsa M. Luksich Municipal Pool as the Zeke Montroy Horseshoe Complex after the late Zeke Montroy, and Councillor Kennedy seconded to wit:

RESOLUTION DESIGNATING THE HORSESHOE PIT AREA NEAR THE
ELSA M. LUKSICH MUNICIPAL POOL AS THE ZEKE MONTROY
HORSESHOE COMPLEX AFTER THE LATE ZEKE MONTROY

WHEREAS, City Historian Julie Madlin met with the family of Zeke Montroy and Robert Breen to discuss a proposal to designate the horseshoe pit area near the Elsa M. Luksich Municipal Pool as the Zeke Montroy Horseshoe Complex after the late Zeke Montroy; and

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WHEREAS, Mr. Montroy died on February 24, 2021 at the age of 85, following a career as a mailman in the City of Ogdensburg as well as a horseshoe champion; and

WHEREAS, Mr. Montroy was extremely instrumental in the establishment of a horseshoe league in the City of Ogdensburg and the development of the original horseshoe pits near the former Community Center in the Greenbelt Area; and

WHEREAS, Mr. Montroy was inducted into the Horseshoe Hall of Fame, was a State Champion, placed third in the World Championship in his division and at the time of his death was the best horseshoe pitcher in the area.

NOW, THEREFORE BE IT RESOLVED, that the Ogdensburg City Council hereby designates the horseshoe pit area near the Elsa M. Luksich Municipal Pool as the Zeke Montroy Horseshoe Complex after the late Zeke Montroy.

City Historian Julie Madlin read a prepared statement describing many of Mr. Montroy's accomplishments. (A copy of her statement follows these minutes.) Councillor Skamperle said Mr. Montroy worked very hard to develop the horseshoe pit area in the City. Councillor Kennedy thanked Doug Loffler for bringing the idea forward.

The vote was:

CARRIED, AYES ALL

3. Councillor Kennedy moved a resolution authorizing the City Manager to sign a NYSDOT Undertaking Agreement to allow the 2021 Holiday Light Up the Night Parade route to be designated as State Street (Route 68), and Councillor Skamperle seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO SIGN A NYSDOT UNDERTAKING AGREEMENT

WHEREAS, the New York State Department of Transportation (NYSDOT) requires an Undertaking Agreement to allow the 2021 Holiday Light Up the Night Parade route to be designated as State Street (Route 68), and

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized and directed to sign an Undertaking Agreement with the NYSDOT to allow the 2021 Holiday Light Up the Night Parade route to be designated as State Street (Route 68).

The vote was:

CARRIED, AYES ALL

4. Mayor Skelly moved a resolution to establish a public hearing date for the 2022 Preliminary Budget for the City of Ogdensburg, and Councillor Skamperle seconded to wit:

RESOLUTION ESTABLISHING A PUBLIC HEARING
FOR THE 2022 PRELIMINARY BUDGET
OF THE CITY OF OGDENSBURG

BE IT RESOLVED, that the Ogdensburg City Council hereby establishes a public hearing on the Preliminary Budget of the City of Ogdensburg for 2022, said public hearing to be held at 6:00 pm on November 22, 2021 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 newspaper so designated for the publication of legal notices, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed resolution in summary form.

The vote was:

CARRIED, AYES ALL

5. Mayor Skelly moved a resolution calling for a public hearing on a Local Law to amend Chapter 177 (Sections 5 and 6) of the Ogdensburg Municipal Code entitled Sewer Rates, and Councillor Dillabough seconded to wit:

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

BE IT RESOLVED that proposed Local Law # ___ of the year 2021 entitled:

Amendment to the Ogdensburg Municipal Code, Chapter 177 Entitled Sewer Rates be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT RESOLVED, that the City Council hold a Public Hearing on said proposed Local Law at the City Council Chambers, 330 Ford Street, Ogdensburg, NY at 6:00 pm on November 22, 2021, and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication, in the newspaper so designated for the publication of legal notices, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed Local Law in summary form.

The vote was:

CARRIED, AYES ALL

6. Mayor Skelly moved calling for a public hearing on a Local Law to amend Chapter 215 (Sections 39, 40 and 41) of the Ogdensburg Municipal Code entitled Water Rates, and Councillor Kennedy seconded to wit:

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

BE IT RESOLVED that proposed Local Law # ___ of the year 2021 entitled:

Amendment to the Ogdensburg Municipal Code, Chapter 215 Entitled Water Rates be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT RESOLVED, that the City Council hold a Public Hearing on said proposed Local Law at the City Council Chambers, 330 Ford Street, Ogdensburg, NY at 6:00 pm on Monday, November 22, 2021, and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication, in the newspaper so designated for the publication of legal notices, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed Local Law in summary form.

The vote was:

CARRIED, AYES ALL

7. Councillor Kennedy moved a resolution authorizing the City Manager to enter into a contract with Perras Excavation for the marina dock improvements, Request for Bids #2021-005, and Councillor Skamperle seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A CONTRACT WITH
PERRAS EXCAVATING, INC

WHEREAS, the City of Ogdensburg solicited bids to improve the existing Dobisky Center Docks, specifically the steel pipe piles and floats on the docks along the northern portion of the marina; and

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WHEREAS, Perras Excavating, Inc. of Massena, NY and has proven their capacity and ability to perform the work to the City's satisfaction;

NOW, THEREFORE BE IT RESOLVED that the City Manager or his designee is authorized to enter into a contract with Perras Excavating, Inc., for a sum not to exceed \$281,000, for the Marina Dock Improvement Project.

BE IT FURTHER RESOLVED that expenses for this project will be charged to Capital Project H711002 - consisting of the following:

- General Fund (35% of project costs)
- State and Municipal Facilities (SAM) Grant 6361 (65% of project costs)

Councillor Skamperle asked if the docks will be removed and adjusted, and Director of Planning and Development Andrea Smith said yes. Councillor Kennedy said the improvements are long overdue, adding she hopes the work will be completed before May 1, 2022. Councillor Fisher asked if there was a \$97,000 shortfall for the project. City Manager Stephen Jellie said yes and noted we had planned on using in-kind services, but there are ample funds available for this project in the 2021 budget. Mr. Jellie explained he is concerned with our DPW staff performing the work only because we would like it completed by May 1, 2022, and DPW has so many other duties to perform. Mayor Skelly said this project goes along with plans to refurbish the City. Councillor Fisher said 212 Ford Street will be demolished in November at an expense of \$278,000, and now this project requires another \$100,000. Councillor Fisher questioned how much revenue is generated from the marina. Councillor Kennedy said it is approximately \$46,000 each summer, adding four additional spots can be rented after the repairs are completed. Mr. Jellie explained if the incline gets any worse, we will be forced to close the marina. Councillor Skamperle said it is definitely a safety issue. Councillor Fisher asked if the docks will be installed the same way, and Mr. Jellie said yes after the repairs are completed. Councillor Fisher asked if there is a better way to place the docks, and Mr. Jellie explained the docks are exposed to the weather no matter how they are placed. Councillor Rishé requested that the plastic caps be placed over the pipes this year.

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The vote was:

CARRIED, AYES ALL

NEW BUSINESS

1. Councillor Skamperle said it was announced today that the State is talking about closing Ogdensburg Correctional Facility and suggested a resolution for the next Council meeting expressing Council's displeasure with that decision. City Manager Stephen Jellie said he spoke with St. Lawrence County Industrial Development Agency Chief Executive Officer Patrick Kelly today, and they are planning to meet on Wednesday. Mr. Jellie explained he learned about the announcement through the media, and he plans to obtain the facts and figures to share with Council. Councillor Skamperle said the last time there was talk about closing that facility, the community pulled together and rallied for weeks. Councillor Skamperle suggested a similar plan begin to try to save the prison. Mayor Skelly said we should have been doing more all along, adding 2,000 signatures were secured one year but Councillors Powers and Skamperle were upset by that being done. Councillor Kennedy said it is sometimes better to not draw attention unnecessarily. Councillor Kennedy noted the announcement indicates closure proceedings will begin immediately with the facility being completely closed by March 10, 2022.

ITEMS FOR DISCUSSION

1. City Manager Stephen Jellie said he believes the request for proposals process is working well for the City. Mr. Jellie explained the 420 Lafayette Street parcel is not a small parcel, and he would like feedback from Council in regards to proceeding with an RFP. Mr. Jellie said staff does not plan to propose an RFP for every City-owned parcel but suggested an RFP for this parcel just to see what proposals we receive. Councillor Kennedy asked how the parcel is zoned. Director of Planning and Development Andrea Smith said moderate density residential (MDR).

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Councillor Kennedy said she is in favor of an RFP for this parcel to see what ideas are out there. Councillor Fisher said he believes the RFP process is being used too frequently. Councillor Fisher explained the property is surrounded by residential properties, and it would be best for this parcel to also be residential. Councillor Fisher said the Cherry Street parcel is longer than a block and was just sold at public auction for \$2,500. Councillor Fisher explained parcels are sold faster by public auction, adding it would not be difficult to subdivide the parcel and add infrastructure. Councillor Fisher said typically when a house is torn down, adjacent property owners split the vacant lot to increase their lot size. Councillor Rishe said he also prefers the public auction method. Councillor Skamperle said he would like to try the RFP process with this parcel, adding if there are no responses we could proceed with a public auction. Mayor Skelly agreed with the recommendation from staff. Councillor Dillabough said the parcel should be sold at public auction. Councillor Skamperle said he does not want to see someone sit on the vacant parcel with no development. Councillor Fisher questioned what the difference was with the Cherry Street parcel. Councillor Kennedy asked if there was anything buried on site, and if the property was suitable for single family homes. Director of Planning and Development Andrea Smith said the parcel is approximately two acres, which qualifies the parcel for development either through MDR or planned development district (PDD) process, and the City is unaware of any contamination. Ms. Smith explained a Phase 2 assessment was not completed, and the foundation was cleaned of asbestos materials and rubblelized below grade on site as a cost saving measure. Councillor Fisher said the underground rebar will surface. Mr. Jellie said at the moment the City has no knowledge of any contamination, and a resolution will need to be approved by Council to move forward.

Councillor Dillabough asked how many lots could be developed from the parcel. Ms. Smith explained the minimum size lot for the MDR zone is 55' x 60', and there is frontage on all four streets. Ms. Smith said she is not sure the parcel lends itself to single family homes, but she is not a developer. Ms. Smith explained multi-family housing or professional offices could be developed on the parcel in accordance with MDR zoning, adding there are other permitted uses.

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Ms. Smith said the RFP is approximately 75% complete, and it will not take long to finish it. Mayor Skelly asked if there was any idea of a minimum price for the parcel. Ms. Smith explained the parcel has not been appraised, and it would be in the City's best interest to have an appraisal done. Mayor Skelly said it is a great development opportunity for multi-family homes, and Councillor Skamperle added for offices as well. Mr. Jellie said Council will need to decide to proceed one way or the other, adding the planned development district leaves the options wide open. Mr. Jellie there are many other parcels that will move through the auction process, adding the goal is to get parcels back on the tax roll. Councillor Dillabough suggested a resolution for Council's consideration at the next meeting. Councillor Kennedy said she prefers the RFP process because there is a defined timeline for development. Councillor Fisher said the small parcel at the corner of Ford and Paterson Streets was not even offered at public auction, and the buyers have invested a lot of money in that property. Councillor Fisher said the new owner of the Cherry Street property will only be paying taxes on \$2,500, adding that parcel is not much larger. Ms. Smith said this parcel is more than double the size of the Cherry Street parcel.

2. City Manager Stephen Jellie described the Jackson Street parcel and said he would send a copy of the survey to Council. Mr. Jellie explained the surveyor has marked the parcel, and there is more work to be done before a recommendation can be brought to Council. Mr. Jellie said there was an agreement several years ago to transfer the parcel to Fort la Presentation which has not moved forward at all. Mr. Jellie said he will forward the legal opinion on that matter to Council. Mr. Jellie explained there is a potential for contamination, and the City has owned the parcel for quite some time. Councillor Skamperle asked if a Phase 1 assessment has been completed, and Mr. Jellie said the City has done nothing with the parcel. Mr. Jellie explained there has been some discussion with Fort la Presentation representatives regarding the agreement. Mr. Jellie said it is a valuable piece of waterfront property, and we want to get something going with it.

CITIZEN PARTICIPATION

1. Margaret Haggerty addressed Council and asked that everyone speak clearly into the microphones. Ms. Haggerty said the St. Lawrence County Public Health guidelines indicate in-person attendance is permitted for meetings. Ms. Haggerty said the Governor's Executive Order was rescinded on July 15, 2021.

Mayor Skelly said there was a need for Executive Session to discuss proposed, pending or current litigation and 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 Skamperle 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 Rishe moved a resolution authorizing and approving a settlement agreement to an action related to the opioid crisis regarding defendants McKesson Corporation, Cardinal Health, Inc., Amerisource Bergen Drug Corporation, PSS World Medical, Inc., Kinray, LLC, Bellco Drug Corporation and American Medical Distributors, Inc., and Councillor Dillabough seconded to wit:

**A RESOLUTION AUTHORIZING AND APPROVING A SETTLEMENT
AGREEMENT TO AN ACTION RELATING TO THE OPIOID CRISIS**

WHEREAS, there is pending litigation against Purdue Pharma, L.P., et al., regarding the opioid addiction crisis, in which the City of Ogdensburg is a named plaintiff therein (the "Action"); and

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WHEREAS, the Action is against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS, the Action alleges several causes of action against defendants McKesson Corporation, Cardinal Health, Inc., Amerisource Bergen Drug Corporation, PSS Word Medical, Inc., Kinray, LLC, Bellco Drug Corporation and American Medical Distributors, Inc. (the “Distributors”) based on claims that the Distributors contributed to the opioid epidemic by failing to comply with their obligations under the federal Controlled Substances Act and the New York Controlled Substances Act to implement adequate measures to prevent diversion of the prescription opioids they distributed to pharmacies and others, all of which contributed to a public health crisis in Ogdensburg; and

WHEREAS, the Ogdensburg City Council has approved a settlement agreement and release (“Agreement”) and the Agreement is attached hereto as Exhibit “A”; and

WHEREAS, it is in the best interest of the City of Ogdensburg to resolve this matter with respect to the Distributors without further litigation and enter into the proposed Agreement as it shall settle all allegations against the Distributors and avoid protracted litigation;

NOW, THEREFORE, BE IT RESOLVED, that the execution and delivery on behalf of and in the name of the City of Ogdensburg by City Manager Stephen Jellie, or his designee, of the proposed Agreement attached hereto as Exhibit “A” is hereby authorized, and City Manager Stephen Jellie, his designee, is hereby authorized, subject to City Attorney approval, and directed to execute the proposed Agreement in a form substantially similar thereto and execute such other documents as may be necessary and appropriate to effectuate the settlement with the Distributors.

Councillor Skamperle said he believes the City should receive more money. Mayor Skelly asked if the City loses the money if an agreement is not reached by a certain date, and City Manager Stephen Jellie said yes. Councillor Rishe said the City will not receive the funding if we do not agree. Councillor Kennedy thanked former Councillor David Price and former City Manager Sarah Purdy for initially moving this matter forward.

The vote was:

CARRIED, AYES ALL

Councillor Rishe moved a resolution authorizing and approving a settlement agreement to an action related to the opioid crisis regarding defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc., and Councillor Skamperle seconded to wit:

A RESOLUTION AUTHORIZING AND APPROVING A SETTLEMENT
AGREEMENT TO AN ACTION RELATING TO THE OPIOID CRISIS

WHEREAS, there is pending litigation against Purdue Pharma, L.P., et al., regarding the opioid addiction crisis, in which the City of Ogdensburg is a named plaintiff therein (the “Action”); and

WHEREAS, the Action is against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS, the Action alleges several causes of action against defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc. (“J & J” based on claims that J & J contributed to the opioid epidemic by falsely promoting prescription opioids it manufactured and sold and by falsely promoting the increased use of opioids directly and generally through various “front groups” and failing to implement measures to prevent diversion of prescription opioids in connection with distribution of its products, all of which contributed to a public health crisis in Ogdensburg; and

WHEREAS, the Ogdensburg City Council has approved a settlement agreement and release (“Agreement”) and the Agreement is attached hereto as Exhibit “A”; and

WHEREAS, it is in the best interest of the City of Ogdensburg to resolve this matter with respect to J & J without further litigation and enter into the proposed Agreement as it shall settle all allegations against J & J and avoid protracted litigation;

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NOW, THEREFORE, BE IT RESOLVED, that the execution and delivery on behalf of and in the name of the City of Ogdensburg by City Manager Stephen Jellie, or his designee, of the proposed Agreement attached hereto as Exhibit "A" is hereby authorized, and City Manager Stephen Jellie, his designee, is hereby authorized, subject to City Attorney approval, and directed to execute the proposed Agreement in a form substantially similar thereto and execute such other documents as may be necessary and appropriate to effectuate the settlement with J & J.

The vote was:

CARRIED, AYES ALL

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

Zeke was born in 1936 in Ogdensburg, son of Albert & Elizabeth (Perkins) Montroy. He attended St. Mary's Academy, and Ogdensburg Free Academy. He married Patricia Gallup in 1958 in Watertown.

During his career he was employed on the St. Lawrence Seaway, Diamond National and later as a Postal Carrier in Ogdensburg where he was shop steward. After retirement he worked as an electrician.

Zeke loved playing sports. He won numerous titles and championships in bowling and throwing horseshoes where he was inducted into the Horseshoe Hall of Fame and held the title of 3rd in the world. He was a leader in the creation of the Greenbelt Horseshoe League in 1985. In any sport where he was involved Zeke was there to play and believed in setting up rules and following them. As an officer in the league, he expected players to do the same.

Longtime newspaperman Chuck Kelly was a regular observer at the horseshoe pits. He stated that the Greenbelt Horseshoe League was the most successful recreation program in the city. Dan, Zeke's son, said that his father would be honored to have the park named after him, but in looking at Zeke's effort to create and maintain the league it is our honor to recognize his years of service to city recreation.

Statement from City Historian Julie Madlin

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