

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

PRESENT: Mayor Skelly, Councillors Dillabough,  
Fisher and Kennedy

ABSENT: Councillors Powers, Rishe and Skamperle

Councillor Fisher participated in the meeting remotely from 2311 Rochelle Avenue, Kissimmee, FL 34746. Councillor Kennedy participated in the meeting remotely from 404 Rensselaer Avenue, Ogdensburg, NY 13669.

Mayor Skelly said Councillor Skamperle asked to be excused for a personal family matter, Councillor Powers asked to be excused and Councillor Rishe asked to be excused because he is ill. There was a consensus of Council to excuse Councillor Skamperle, Councillor Powers and Councillor Rishe.

#### PERSONAL APPEARANCE

1. Michael Tooley addressed Council and read a prepared statement. (A copy of his statement follows these minutes.)

#### CONSENT AGENDA

Mayor Skelly moved that the claims as enumerated in General Fund Warrant #02-2022 in the amount of \$962,301.65 and Library Fund Warrant #02-2022 in the amount of \$0.00 and Capital Fund Warrant #02-2022 in the amount of \$286.50 and Community Development Fund Warrant #02-2022 in the amount of \$0.00 and Community Renewal Fund Warrant #02-2022 in the amount of \$4,875.46 as audited, be and the same are ordered paid and Councillor Dillabough seconded the motion.

The vote was:

CARRIED, AYES ALL

Councillor Kennedy said the agenda included correspondence. Mayor Skelly said the correspondence would not be read.

#### APPOINTMENTS

1. Mayor Skelly moved to appoint Barb Barlow to a five-year term on the Board of Assessment and Review, term to begin January 24, 2022 and end September 30, 2026, and Councillor Dillabough seconded the motion.

The vote was:

CARRIED, AYES ALL

#### ITEMS FOR COUNCIL ACTION

1. Mayor Skelly moved a resolution allowing the St. Lawrence County Department of Highways to be held harmless for providing shared services such as paving, signage, road stripping, blasting and other routine maintenance activities to the City of Ogdensburg, and Councillor Dillabough seconded to wit:

#### RESOLUTION HOLDING HARMLESS THE COUNTY OF ST. LAWRENCE FOR PROVIDING SERVICE FOR THE CITY OF OGDENSBURG 2022

WHEREAS, the City of Ogdensburg is desirous of St. Lawrence County Department of Highways providing shared services such as paving, signage, road stripping, blasting, and other routine maintenance activities to the City, and

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WHEREAS, both the City of Ogdensburg and the County of St. Lawrence are desirous of promoting partnering efforts for the safety of the traveling public in St. Lawrence County, and

WHEREAS, in this joint cooperative endeavor the City of Ogdensburg and the County of St. Lawrence desires to be reimbursed for their expenditures, and

WHEREAS, the City is aware that the County may incur liability in the providing of the services and wishes to indemnify the County in this regard,

NOW, THEREFORE, BE IT RESOLVED that to the fullest extent permitted by law, the City of Ogdensburg will indemnify and hold harmless the County, their officers, directors, partners, representatives, agents and employees from and against any and all claims, suits, liens, judgments, damages, losses and expenses, including legal fees and all court costs and liability (including statutory liability) arising in whole or in part and in any manner from injury and/or death of person or damage to or loss of any property relating to or arising out of any negligent or intentional acts and/or omissions of the City of Ogdensburg or any of its directors, officers, employees, contractors, representatives, or agents.

BE IT FURTHER RESOLVED that the following request for General Liability (GL) coverage is as follows:

General Liability Insurance

On an "Occurrence" basis, with the following limits:

- \$1,000,000 Each Occurrence
- \$3,000,000 General Aggregate
- \$1,000,000 Products Aggregate
- \$1,000,000 Personal Injury
- \$ 50,000 Fire Damage Legal Liability
- \$ 5,000 Medical Payment Expense

BE IT FURTHER RESOLVED, that St. Lawrence County shall be an additional insured on the GL Policy, via ISO endorsement CG 2026.

The vote was:

CARRIED, AYES ALL

2. Mayor Skelly moved a resolution providing for public notice and public hearing with regard to an amendment to the Administrative Regulations, and Councillor Dillabough seconded to wit:

RESOLUTION

INTRODUCING ORDINANCE # \_\_\_ FOR 2022

BE IT RESOLVED that proposed Ordinance # \_\_\_ of the year 2022 entitled:

Amendment to the Administrative Regulations 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 6:00 pm on Monday, February 14, 2022, 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

3. Councillor Dillabough moved a resolution authorizing and approving settlement agreements to an action related to the opioid crisis regarding several defendants, and Mayor Skelly seconded to wit:

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

WHEREAS, there is pending litigation against several defendants regarding the opioid addiction crisis, in which the City of Ogdensburg is a named plaintiff therein or has the opportunity to sign onto settlement agreements (the “Action”); and

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

WHEREAS, it is in the best interest of the City of Ogdensburg to resolve this matter with respect to defendants without further litigation and enter into proposed Agreements as such shall settle all allegations against the defendants 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 any proposed Agreements is hereby authorized, and City Manager Stephen Jellie, his designee, is hereby authorized, subject to the recommendation of Opioid Litigation Counsel and City Attorney approval, and directed to execute the proposed Agreements in a form substantially similar thereto and execute such other documents as may be necessary and appropriate to effectuate settlement with said defendants.

The vote was:

CARRIED, AYES ALL

4. Mayor Skelly said there was no longer a need for the resolution approving the salary of Acting Fire Chief Stephen Jellie for 2022.

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5. Mayor Skelly moved a resolution to provide for public notice and public hearing with regard to a Local Law to amend the City Charter to remove the residency requirement for the position of Chief of Police, 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 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 February 14, 2022, at 6:00 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 Kennedy said the amendment to include the residency requirement was just made in the last year and questioned the thought process for reversing it now. Mayor Skelly said some members of Council changed their mind after reflection. Councillor Kennedy said she believes the amendment is for the best. Mayor Skelly said we have a great candidate for the position and would like to make the appointment permanent.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Director of Planning and Development Andrea Smith said she was looking for feedback from Council following the presentation regarding commercial cannabis at the last meeting. Ms. Smith said Council may wish to discuss it at a future meeting given the light attendance of Council members that evening.

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Mayor Skelly agreed, adding he doesn't know much about the subject and is putting his trust in the recommendations of staff and the Planning Board. Councillor Dillabough questioned if the regulations pertain to selling cannabis. Ms. Smith said the regulations would govern consumption, sales and distribution. Councillor Dillabough said he was contacted by someone who might want to open a business in the City. City Manager Stephen Jellie said an extensive packet was handed out at the last meeting and asked Council to email feedback to staff so we can add the topic to the next meeting agenda.

2. City Manager Stephen Jellie provided Council with an update regarding the School Resource Officer (SRO) position. Mr. Jellie said a meeting was held last week with the school board. Mr. Jellie explained the school district really wants an active law enforcement officer in the district and prefers an Ogdensburg Police Department officer. Mr. Jellie said there was good discussion on a pending program that could provide a State funded safety officer which will likely be addressed in the next legislative session. Mr. Jellie explained we have an immediate job to do here, but the City does not have a trained SRO on staff. Mr. Jellie said we budgeted funds to provide support to the school district, but it will not be a full-time SRO. Mr. Jellie said Council needs to make a decision regarding the next school year because we must advise the school by April. Councillor Kennedy said the school district is very desirous of an Ogdensburg Police Department officer for the SRO, and she believes the current contract runs through 2024. Councillor Kennedy explained she spoke on behalf of Councillor Powers and Councillor Skamperle at the meeting who also want to see the position filled by an Ogdensburg Police Department officer. Councillor Kennedy said there was discussion about two officers sharing the work load, either by semester or dividing the year. Councillor Kennedy said there were great ideas discussed at the meeting, adding the school district clearly wants an Ogdensburg Police Department officer and she supports that as well. Councillor Fisher said it was a good meeting, and Council needs to support the school district. Councillor Fisher said he will support the SRO for this school year and would like to revisit the subject after the legislative session ends. Councillor Fisher explained the legislation proposes to change the type of officers who can perform the job and establishes grants to pay for the service. Councillor Fisher said it would be foolish for the school district to pay the City when there would be State funding available, adding he prefers an SRO at each school.

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Councillor Fisher explained he will support the position this year, but if the legislation passes, he intends to vote no in next year's budget. Councillor Fisher said he understands the school district prefers an Ogdensburg Police Department officer, but anyone with a badge is capable of performing the duties. Councillor Fisher explained there would be one SRO program with one policy and procedure for the whole County under the St. Lawrence County Sheriff's Department. Councillor Fisher said one SRO officer is not enough, but we cannot afford three. Mr. Jellie said the funding for the SRO officer was approved in the 2022 budget, and he will instruct Acting Police Chief Mark Kearns to do what he can and to work with the school district. Mr. Jellie explained he will bring the matter back to Council soon for discussion regarding the 2022 – 2023 school year since a decision must be made by April.

### ITEMS FOR DISCUSSION

1. City Manager Stephen Jellie said a bound copy of the 2022 budget has been prepared for each member of Council, and it has also been posted on the City website.

2. City Manager Stephen Jellie said he will send an email to all members of Council regarding the goal and objective work session scheduled for January 31, 2022 since three members of Council were missing from the meeting. Mr. Jellie explained there was no funding established in the 2021 budget for the Comprehensive Development Plan or the beach. Mr. Jellie said he will have staff line up their current priorities for Council, adding he believes this may have been better to address in the summer before the 2023 budget season begins. Mr. Jellie cautioned he will not let staff be put in a position to do major projects that were not approved in the budget, adding there is not one dollar of discretion in the 2022 budget. Mr. Jellie said a recent North Country Now article referred to the work session as a town hall meeting, adding he did not believe Council intended to hold a town hall meeting. Mr. Jellie said he has no issue with the public listening to the meeting, but he believes it is best to get the information to Council for the first session and hold a second session for public feedback.



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CITIZEN PARTICIPATION

1. Margaret Haggerty addressed Council and thanked all City workers, adding the community is grateful for all of their hard work. Ms. Haggerty started to read a prepared statement. Mayor Skelly said no personal attacks are permitted and instructed City Clerk Cathy Jock to terminate Ms. Haggerty's audio connection.

Mayor Skelly said there was no longer a need for the Executive Sessions shown on the agenda.

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

## COMMENTS TO OGDENSBURG CITY COUNCIL

JANUARY 24, 2022

Good evening, I am Michael Tooley, I live at 214 Hamilton Street, and I appreciate the opportunity to speak with you this evening.

My comments tonight respond to those made about me at the last City Council meeting.

First, I thank Councillors Kennedy, Powers and Skamperle for speaking on my behalf in support of having certain language removed from the City Manager's press release posted on the City of Ogdensburg's official website on December 28.

At the last meeting Mayor Skelly did not address the concerns I asked City Council to consider but instead made comments to the effect that while I am well respected, I continually use incorrect numbers in my comments to City Council. He stated I use incorrect numbers from one side of an issue to support the outcome I want, and that because of my status I should do a better job and come to City Council with correct numbers.

Members of City Council, I can assure you of the following:

1. When I refer to historical numbers pertaining to city finances, I find my information at the city's official website, looking at city's past audited financial statements and/or adopted city budget reports, which include actual detail revenue and expense for prior years. I trust these figures are accurate.
2. When I attempt to forecast future revenue and expense for a given period, I look at prior financial history for information, for trends, and I refer to information shared with City Council by the City Manager and/or the City Comptroller.

In both circumstances, I attempt to interpret the information available in making judgments. I do not develop a preconceived idea and then make up numbers or skew numbers to fit them into such a judgment.

People can look at financial information and form differing opinions about the same set of numbers, that doesn't make the numbers incorrect. When forecasting people can come up with different estimates of revenue and expense based on their interpretation of the information at hand. When you ask the City Comptroller for estimates I trust the information she shares with you, and I use it in part as the basis for judgments I might comment on regards city finances.

I assure you my motives are honorable.

Next, based on comments made by the City Manager at the last meeting I think there is confusion about one concern I brought to City Council. As Councillor Powers indicated at the last meeting, my concerns about public comments made by city officials are specific to the city's official website, [www.ogdensburg.org](http://www.ogdensburg.org). There was reference at the last meeting about other social media sites where discussions occur about city affairs, please know that I am not active in any of these other media sites, I do not participate in discussions at these sites. The concerns I express

to City Council are about communications posted at the city's official website, [www.ogdensburg.org](http://www.ogdensburg.org).

The following statements are included in the City Manager's press release posted on the City's official website on December 28: "...Please don't be fooled by the relentless local government disruptors to use this as an opportunity to advance criticism of the proactive changes taking place in the City and don't rely on the baseless opinion letters written by self-proclaimed experts expressing disappointment that City Leaders no longer pander to County officials determined to destroy the City." In my view, this type of editorial comment is not appropriate at a municipality's official website. It may be more appropriate at other social media sites, or as a letter to the editor in local newspapers, but not at the City's official website.

At the end of the last meeting when I described this as a "one-way Facebook posting", the point I was trying to make was that there is no opportunity for rebuttal to be posted at the site.

I personally find another statement made in this press release troubling. The City Manager states, "2022 is an opportunity for County Residents to replace each and every corrupt and incompetent County Elected and Appointed Official. Please encourage your family, friends and neighbors that possess high degrees of integrity, concern for public trust and commitment to reform local government to seek office." Does City Council believe this is a statement allowable on the city's official website? Is this an official position of the City of Ogdensburg? How would you react if a neighboring community published a statement at their website seeking the defeat of current City Council members who might run for re-election in 2023? Would you think it an appropriate comment at their municipal website?

As I stated in the past, it is up to City Council to determine if editorial comment is appropriate on the City's website. I suggest it is not.

Thank you.

Michael J. Tooley