

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

*\*Councillor Powers participated in this meeting remotely from 255 Patroon Creek Blvd., Albany, NY 12209.*

#### PRESENTATION

1. Police Chief Mark Kearns provided Council with an update on the Police Department. (A copy of his presentation follows these minutes.) Councillor Skamperle said he read that City Manager Stephen Jellie had issued an order to remove a detective from narcotics investigations. Chief Kearns explained that decision to pull the narcotics investigator means the department will be giving up that function. Mayor Skelly asked if Chief Kearns had requested assistance from the St. Lawrence County Sheriff and the New York State Police with narcotics investigations. Chief Kearns explained the New York State Police have only two narcotics investigators assigned to St. Lawrence County and the Sheriff's Department has only two investigators with one being new. Chief Kearns said a narcotics investigation cannot be done with just one detective. Mayor Skelly asked if all law enforcement departments are in the same position, and Chief Kearns said it is a nationwide issue. Councillor Fisher asked what shifts the detectives work. Chief Kearns explained they are used as needed because that position is not included in the contract for shift work. Councillor Fisher asked what shift the detectives worked last month. Chief Kearns said they worked ten-hour days. Councillor Fisher said most drug investigation work is done at night, and if they are scheduled on a day shift, they might be called in for overtime at night. Councillor Fisher said the St. Lawrence County Drug Task Force will always send help, and he has never seen a department turned down when asking for assistance from that agency. Chief Kearns said his department will be left with only one detective to handle all investigations. Councillor Fisher said every officer is authorized to investigate any crime regardless of title.

## CITY COUNCIL MEETING

May 23, 2022

Page 170

Councillor Skamperle asked if Chief Kearns supported getting rid of one detective. Councillor Fisher said the officer is needed to cover patrol. Councillor Skamperle said the police department being understaffed was discussed at budget time. Mayor Skelly said the City needs revenue growth to increase staffing. City Manager Stephen Jellie said the department was at 19, minus the Chief and Lieutenant which brings staffing at 17. Mr. Jellie explained when you account for the two detectives and three officers out on injuries, the total staffing drops to 12. Mr. Jellie said one is still in the academy so that leaves 11 with two of those positions being funded by Ogdensburg Bridge and Port Authority for those assignments. Mr. Jellie explained that is essentially 10 patrol officers plus staff so he decided to pull one detective and is considering pulling both detectives. Mr. Jellie said one detective does not stand between drugs in the community. Mr. Jellie said he will brief Council at the next meeting. Mr. Jellie explained you cannot have the police department operate with only 19 people, noting there are things that are not going to get done. Mr. Jellie said Council needs to decide where the City is going with the police department. Mr. Jellie explained once Council assigns the resources to the department, Chief Kearns will decide what can and cannot be done. Mayor Skelly said it would be better if New York State was doing their part in the City. Chief Kearns explained the State Police are also trying to hire and are aiming to hold two academies per year. Mr. Jellie explained the State Police are happy to help, and if Council passes a resolution with a specific request to the State Police, he will forward it to them for consideration. Mayor Skelly said the Gouverneur police department pulled their night shift. Chief Kearns said he understood the Gouverneur police department was staffed 24 hours per day, and the State Police are not in Gouverneur. Councillor Powers said it is a nationwide issue and asked what is being done to locate potential recruitments. Councillor Powers explained great work has been done with shared services including sizeable drug busts. Councillor Powers said he sympathizes with Chief Kearns and the entire department. Councillor Powers asked if Chief Kearns was familiar with the VALOR program for officer wellness, and Chief Kearns said yes. Councillor Powers said there are now fake pills being distributed that appear to be Tylenol or Naproxen, adding he had to call the police a few days ago for people who were under the influence of some type of substance at Walmart and commended the police department for their response under the circumstances.

## CITY COUNCIL MEETING

May 23, 2022

Page 171

Councillor Rishe asked if the federal grant money can be used for overtime pay. Chief Kearns explained the Stonegarden funding cannot be used to bolster shifts but covers overtime. Chief Kearns said he current devotes an entire shift of three marked units and one unmarked unit to Stonegarden duty, adding it is a great success because they do not have time for those types of investigations on a typical shift. Chief Kearns said there is \$64,000 available for 2022. Councillor Rishe asked how much was budgeted for overtime in 2022, and Chief Kearns said \$200,000. Councillor Fisher asked how much of the amount budgeted is remaining. Chief Kearns said just over 50% has been used. Councillor Rishe asked if Stonegarden funds can are used for mandatory or volunteer overtime, and Chief Kearns said it is all voluntary. Chief Kearns explained he encourages an entire shift at one time to get officers out of the mundane routine. Councillor Rishe asked if Chief Kearns knew of any specific reason for the uptick in complaints. Chief Kearns said he can look into it and will send a breakdown to Mr. Jellie to be shared with Council.

City Comptroller Angela Gray provided Council with an update on the Comptroller's office. (A copy of her presentation follows these minutes.) Ms. Gray explained the City has collected 45% of the budgeted revenue and is on track to collect the \$3 million budgeted. Ms. Gray said she spoke with St. Lawrence County Treasurer Renee Cole regarding the City's reimbursements from the County, and Ms. Cole explained the City will be reimbursed quarterly in accordance with the resolution passed by the County Legislature. Councillor Powers asked if any candidates had applied for the vacant position in the Comptroller's office, and Ms. Gray said no. Councillor Powers asked how long the position has been posted, and Ms. Gray said in excess of five months. Councillor Rishe asked how far along we are in the long-term funding process for the loan for the Wastewater Treatment Plant Capital Improvement project. Ms. Gray said she believes we have the ability to modify the loan. Councillor Rishe said it seems like the City should be writing a letter to EFC to consider the funding a grant instead of a loan, adding there was a lot of money allocated for these types of projects. Councillor Rishe said there is a workshop being hosted on Tuesday at 11:00 a.m. Councillor Rishe said we would be derelict in our duties if we did not make the request before we finalize the loan. Ms. Gray said she believes the City still has time to make the request because we are early in the process.

## CITY COUNCIL MEETING

May 23, 2022

Page 172

City Manager Stephen Jellie said the City previously asked and was told no, and we will ask again and be told no again. Mr. Jellie said he has suggested that Council go to Albany to advocate. Councillor Rishe said he has requested that a meeting be scheduled and suggested Mr. Jellie set it up and everyone attend. Councillor Skamperle, Councillor Powers and Councillor Kennedy agreed. Councillor Rishe asked Ms. Gray to repeat her presentation comments regarding sales tax. Ms. Gray explained the City will be on track if the current collection pattern continues, adding we could meet our goal but we will need \$250,000 per month. Councillor Rishe asked if the first payment from the State will be in June. Ms. Gray explained the State is very specific, and our first payment is anticipated in August which will represent the first quarter of the year. Councillor Rishe asked if the \$1.3 million collected to date includes the County's portion. Ms. Gray explained it includes December, January and February, and we will receive the money from the State for April. Ms. Gray said there is about a two-month lag. Councillor Rishe asked if it is too early to make a comparison with the receipts from the State. Ms. Gray said yes, noting we have not collected one full quarter yet. Councillor Rishe asked if the New York State Comptroller determines the figures for within the City limits, and Ms. Gray said yes.

2. City Manager Stephen Jellie provided Council with an update on the ARPA Phase 3 Individual Assistance Program. Mr. Jellie explained 415 applications were received and sorted by income demographics and project description with critical projects such as electrical, heating and leaking roofs being the first to be reviewed. Mr. Jellie said the first round of approvals will be issued in the next ten to fourteen days. Mr. Jellie explained he will provide a lengthier update at the next meeting. Mr. Jellie said applications are still being accepted for round two. Councillor Rishe said it looks like about twenty people will be approved based on the funds available. Mr. Jellie explained the average amount requested is \$3,000, not the full \$5,000. Mr. Jellie said the intent is to review all categories and look at all projects. Councillor Rishe said the response to the program shows the need exists and suggested writing a CDBG grant application.

PERSONAL APPEARANCE

1. Greg McNamara addressed Council and said he spoke at the last meeting regarding the City Attorney being used in his case. Mr. McNamara asked City Manager Stephen Jellie when he would receive an answer. Mayor Skelly said Mr. McNamara could not address people directly. Mr. McNamara said it was stated later in the last meeting that the matter should be discussed in Executive Session. Mr. McNamara said Mr. Jellie told Councillor Powers it was impossible for the City Attorney to prosecute his case. Mr. McNamara explained he received a copy of a letter from the office of the City Attorney and read the letter. Mr. McNamara asked why Mr. Jellie lied in chambers. Mayor Skelly said this is a legal matter. Mr. McNamara said an eye witness fabricated a statement weeks before his trial began, and he has proof that the man lied on the stand. Mr. McNamara said he hopes Council looks into the issue and does what is right. Mr. McNamara said it is misconduct when it is not done right. Councillor Skamperle said the question is whether the City Attorney was used in a personal matter. Mr. McNamara said he was found guilty of a City Code violation.

Mr. Jellie said Mr. McNamara was charged with trespassing which is a violation handled by the District Attorney. Mr. Jellie said Mr. McNamara was also charged with littering which is a City Code violation that the City Attorney would typically handle. Mr. Jellie explained the City Attorney asked the District Attorney to handle both charges rather than have two attorneys handle the matter. Mr. Jellie said Mr. McNamara was found not guilty of the trespassing charge and guilty of the littering charge.

2. Rick Polniak encouraged Council to listen to Police Chief Mark Kearns and increase the number of staff at the police department. Mr. Polniak explained the majority of investigations are done with our own people, and we had a very proactive program which began in the 1980's. Mr. Polniak said they started pursuing federal charges and did so with a three-man minimum. Mr. Polniak said each individual had a role, and it was very effective and efficient. Mr. Polniak explained there were very few trials because everything was done properly. Mr. Polniak said the detective is a result of a community group requesting a narcotics detective.

## CITY COUNCIL MEETING

May 23, 2022

Page 174

Mr. Polniak explained a general investigator is not able to handle everything without a narcotics detective. Mr. Polniak named all of the officers in an investigative group and said a uniformed officer was occasionally brought in. Mr. Polniak said he knows money is tight, and there were tough budgets when he was Chief of Police. Mr. Polniak urged Council to support Chief Kearns. Mr. Polniak said the current City Manager has previously stated there is a drug house on every corner, and it is only going to get worse.

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

4. Scott Sargent addressed Council regarding staffing at the police department and the movement of the drug enforcement officer. Mr. Sargent explained he has zero ties to the police department and is speaking as a tax paying citizen who supports safety and services. Mr. Sargent said he has often experienced firsthand the benefits of contact with the narcotics detective unfortunately. Mr. Sargent explained he has never been treated with anything other than professionalism by the members of our police department. Mr. Sargent said he absolutely respects the opinion of Chief Kearns and the police department on this matter. Mr. Sargent said he cannot imagine what our police department does every day, especially with the infestation of drugs and drug related crime in our city, but with them trying to do a job with already limited resources, he absolutely respects their opinion on this matter. Mr. Sargent explained all the best plans of revitalization of this city will be nonexistent with the continued cuts to our fire and police departments and to think otherwise is unrealistic. Mr. Sargent suggested we let the professionals, the ones actually doing the job, do their job. Mr. Sargent said Chief Kearns has spoken, and real true leaders and City representatives need to be willing to listen more than they talk and post on social media.

5. Ann Loffler addressed Council and agreed with Mr. Polniak and Mr. Sargent. Ms. Loffler said Council needs to do whatever it takes to give Chief Kearns what he needs to get the job done. Ms. Loffler questioned if the City has applied for grants for our police department or approached Senator Schumer. Ms. Loffler said too many people are dying and asked what will be done with all of the current drug investigations now that we only have one detective.

## CITY COUNCIL MEETING

May 23, 2022

Page 175

Ms. Loffler asked who will pick up those investigations that were being handled by the narcotics detective. Ms. Loffler suggested Council members go into the neighborhoods, talk to the people and listen. Ms. Loffler said this is not fear or fiction, it is reality in Ogdensburg. Ms. Loffler asked Council to do the right thing and give the police department what they need.

6. CSEA representative Josh Schick addressed Council regarding the employees at the Wastewater Treatment Plant. Mr. Schick said he is concerned about the outsourcing of positions at the plant, adding he understands it might not happen. Mr. Schick asked Council members to talk with the employees to understand how professional they are, how they go above and beyond and how they adapt to new challenges.

7. Jason Bouchard 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 #09-2022 in the amount of \$911,637.05 and Library Fund Warrant #09-2022 in the amount of \$0.00 and Capital Fund Warrant #09-2022 in the amount of \$79,542.01 and Community Development Fund Warrant #09-2022 in the amount of \$1,353.26 and Community Renewal Fund Warrant #09-2022 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 Rishe moved a resolution instructing the City Manager to continue to pay “Hazard Pay” to the employees of the Fire Department represented by IAFF Local 1799 in the amount of \$3 per hour, and Councillor Skamperle seconded to wit:

A RESOLUTION INSTRUCTING THE CITY MANAGER TO CONTINUE TO PAY “HAZARD PAY” TO THE EMPLOYEES OF THE FIRE DEPARTMENT REPRESENTED BY IAFF LOCAL 1799 IN THE AMOUNT OF \$3 PER HOUR

WHEREAS, the City of Ogdensburg, NY and IAFF Local 1799 are parties to a collective bargaining agreement that is effective during the period January 1, 2020 – December 31, 2025, and

WHEREAS, Article 18, Section (c) of the collective bargaining agreement states “Hazard Pay – Any bargaining unit employee assigned to a shift with less than 6 assigned members shall receive \$3 per hour in addition to their regular salary, with an additional \$3 per hour added for each subsequent reduction to the number of assigned shift members. This section 18 (c) Hazard Pay shall apply for the period of this contract only or until a successor agreement is reached”, and

WHEREAS, the City of Ogdensburg has fully honored Article 18, Section (c) since reducing organizational staffing in the fire department in 2021, and it fully honored Article 18, Section (c) until 1 April 2022 when it became “impossible” for the City to hire additional firefighter personnel due to exhausting the NYS Civil Service list of eligible candidates by reinstating the one remaining laid off firefighter to duty on or about 11 June 2022, and by canvassing the only other one candidate on the eligible list that declined to be considered for hire, and

WHEREAS, the City Manager believes the impossibility to hire additional staff should require the City to pay only \$3 additional pay instead of \$6 additional pay to each member, and the amount being paid was reduced on 1 April 2022 to \$3, and



CITY COUNCIL MEETING

May 23, 2022

Page 177

WHEREAS, IAFF Local 1799 immediately filed a grievance that was rejected at Step 1 by the immediate supervisor (whom is a member of the IAFF Local 1799), and after an offer to settle the matter by the Fire Chief was rejected by IAFF Local 1799, the grievance was rejected and sent to the City Manager for Step 3 review, and

WHEREAS, the City Manager continues, as instructed by Majority City Council (Skelly, Rische, Fisher, Dillabough), to defend the City against the illegal, irresponsible and fiscally crippling sections of this collective bargaining agreement that were forced upon the City Taxpayers and the incoming 2020 City Council in the wake of a staggering election defeat of the sitting Mayor (Ashley) and 3 City Councillors (Price, Stevenson, Davis), and

WHEREAS, in the opinion of the City Manager it is an abuse of City General Funds to continue paying Hazard Pay at \$6 per hour, per employee when there are zero candidates eligible for hire, and the number of personnel assigned to a work shift does not represent the number of personnel on duty daily, therefore further illustrating this Article is not a Hazard Pay clause but rather an unquestionable Job Security clause intentionally designed to force the City to maintain a specified overall organization staffing number or pay the remaining employees more money, and

WHEREAS, \$3 per member for fiscal year 2022 will cost \$6,240 for each member which equates to \$106,080 for the total organization and \$6 per member for fiscal year 2022 will cost \$12,480 per member which equates to \$212,160 for the total organization, and the total approved budget line for this expense is \$181,000, and

WHEREAS, the City Manager intends to once again offer a settlement agreement to IAFF Local 1799, and if disapproved, reject the grievance at Step 3 review, and that rejection will likely result in the matter being advanced to arbitration or the City requesting judicial intervention to “stay arbitration” on the grounds the Hazard Pay clause is “impossible” to comply with, and

## CITY COUNCIL MEETING

May 23, 2022

Page 178

WHEREAS, the recent defeat of several proactive resolutions to study potential long term future savings in the public safety departments were defeated with a majority vote of City Council (Rishe, Skamperle, Powers, Kennedy), the City Manager needs clarification if the majority City Council continues to support the defense of the City against this Article of the collective bargaining agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby instructed to continue to pay Hazard Pay in the amount of \$3 per member for the remainder of the fiscal year and to continue to vigorously defend the City against any legal action brought against it as a result of this action and to continue saving the City from financial ruin while working in parallel to accelerate the revival of the fiscal state of the City and ultimately protect the taxpayers of the City from unnecessary increases in property taxes.

Councillor Rishe said the matter is contractual and legal and questioned why it was on the agenda and not planned for Executive Session. Councillor Fisher said it is regarding an existing contract. Councillor Rishe said it should be discussed in Executive Session because there is current or pending litigation.

Councillor Rishe made a motion to move to Executive Session to discuss proposed, pending or current litigation, and Councillor Fisher seconded the motion. City Manager Stephen Jellie said both resolutions will require action after Executive Session.

Councillor Powers said he does not believe Executive Session is required for an existing contract, but it is not a valid resolution and there could be violations of Taylor Law. Mayor Skelly said Taylor Law is not involved. Councillor Rishe said that is even more reason to go into Executive Session. Councillor Fisher said he did not object to Executive Session. Councillor Kennedy said there is an existing contract and questioned why we just do not pay in accordance with the contract. Councillor Powers suggested the City Attorney be present for Executive Session, and Councillor Rishe agreed. Mayor Skelly said Councillor Powers should abstain due to his role with the unions. Councillor Kennedy said she does not believe Executive Session is necessary, but she will agree. Councillor Skamperle said he wanted the City Attorney present.

The vote to adjourn to Executive Session was:

AYES: Mayor Skelly, Councillors Dillabough, Fisher,  
Kennedy and Rishe

NAYS: Councillors Powers and Skamperle

CARRIED, 5 TO 2

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

Councillor Rishe said he believes the hazard pay issue will resolve itself over time, noting some people do not like that clause in the contract. Councillor Rishe explained it needs to be addressed in future contracts, but he does not want to spend money on attorney fees and we should just pay whatever the contract says. City Manager Stephen Jellie disagreed, noting the City has been paying since it dropped to five per shift. Mr. Jellie explained it is impossible to fill positions because there are no candidates. Mr. Jellie said it has nothing to do with the number of people on duty, and it is not a hazard. Mr. Jellie said the hazard pay is a waste of money. Councillor Powers thanked Mr. Jellie for his opinion but said Council makes the decision.

The vote was:

AYES: Mayor Skelly, Councillors Dillabough and Fisher

NAYS: Councillors Kennedy, Powers, Rishe and Skamperle

DEFEATED, 3 TO 4

2. Councillor Rishe moved a resolution instructing the City Manager and Fire Chief to maintain daily minimum staffing at or below 4 personnel at the Fire Department as indicated by the personnel and funds available in the approved 2022 City Budget, and Councillor Skamperle seconded to wit:

A RESOLUTION INSTRUCTING THE CITY MANAGER AND FIRE CHIEF TO  
MAINTAIN DAILY MINIMUM STAFFING AT OR BELOW 4 PERSONNEL AT  
THE FIRE DEPARTMENT AS INDICATED BY THE PERSONNEL AND  
FUNDS AVAILABLE IN THE 2022 APPROVED CITY BUDGET

WHEREAS, the City of Ogdensburg, NY and IAFF Local 1799 are parties to a collective bargaining agreement that is effective during the period January 1, 2020 – December 31, 2025, and

WHEREAS, Article 18, Section (e) of the collective bargaining agreement states “A minimum of 5 bargaining unit employees (4 firefighters plus 1 officer), or (3 firefighters plus 2 officers) shall be on-duty at all times unless otherwise mutually agreed to in writing for the period of this contract.”, and

WHEREAS, in order to save the City from financial ruin, the Majority City Council instructed the City Manager in November 2020 to take all necessary actions to defend the City against the illegal, irresponsible and fiscally crippling sections of this collective bargaining agreement forced upon the City Taxpayers and the incoming 2020 City Council in the wake of a staggering election defeat of the sitting Mayor (Ashley) and 3 City Councillors (Price, Stevenson and Davis), and

WHEREAS, effective 1 January 2021 the daily minimum staffing was established at 4 personnel, where it remains to date, and

WHEREAS, the City and IAFF Local 1799 await the decision of the NYS Court of Appeals to entertain the City’s request for appeal of the decision of the Appellate Court that may, or may not, require the City and IAFF Local 1799 to present the issues to an arbitrator for binding decision, however it will not decide on the substance of the issue (minimum number of personnel), but rather only if the matter is subject to arbitration, and

WHEREAS, the City Manager and Fire Chief affirm that 4 personnel minimum daily staffing is adequate and allows for safe fireground operations that comply with all mandatory staffing laws (i.e. OSHA 2IN / 2 OUT), and

CITY COUNCIL MEETING

May 23, 2022

Page 181

WHEREAS, the approved 2022 City Budget only provides personnel and overtime resources to support a daily minimum staffing of 3 personnel, and

WHEREAS, the recent defeat of several proactive resolutions to study potential future savings to the City in the public safety departments were defeated, the City Manager needs clarification if the majority City Council continues to support the defense of the City against this Article of the collective bargaining agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby instructed to continue to maintain daily minimum staffing at or below 4 personnel at the Fire Department for the remainder of the fiscal year, and to continue to vigorously defend the City against any legal action brought against it, to include authorizing the City Labor Attorney to defend this matter at the NYS Court of Appeals, and to continue saving the City from financial ruin while working in parallel to accelerate the revival of the fiscal state of the City and ultimately protecting the taxpayers of the City from unnecessary increases in property taxes.

Councillor Rishe made a motion to amend the resolution to read as follows, and Councillor Kennedy seconded the motion:

A RESOLUTION INSTRUCTING THE CITY MANAGER TO MAINTAIN  
DAILY MINIMUM STAFFING AT THE FIRE DEPARTMENT AT  
FOUR (4) IAFF MEMBERS

WHEREAS, the City of Ogdensburg, NY and IAFF Local 1799 are parties to a collective bargaining agreement that is effective during the period January 1, 2020 - December 31, 2025, and

WHEREAS, Article 18, Section (e) of the collective bargaining agreement states "A minimum of 5 bargaining unit employees (4 firefighters plus 1 officer), or (3 firefighters plus 2 officers) shall be on-duty at all times unless otherwise mutually agreed to in writing for the period of this contract.", and

WHEREAS, effective 1 January 2021 the daily minimum staffing was established at 4 personnel, where it remains to date, and

CITY COUNCIL MEETING

May 23, 2022

Page 182

WHEREAS, the City and IAFF Local 1799 await a decision from the NYS Court of Appeals that may result in the need to go to binding arbitration, and

WHEREAS, the present Fire Chief affirms that 4 personnel minimum daily staffing is adequate and allows for safe fireground operations that comply with all mandatory staffing laws (i.e., OSHA 2IN / 2 OUT), and

WHEREAS, there is not an approved Civil Service list at this time to hire additional firefighters,

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby instructed to continue to maintain daily minimum staffing at FOUR (4) IAFF Members at the Fire Department until a Civil Service list is available and/or the city is approved for the SAFER grant through FEMA, and

BE IT FURTHER RESOLVED that the City Manager is hereby instructed to continue the legal action in the Court of Appeals, and

BE IT FURTHER RESOLVED that the City Manager is hereby instructed to seek a resolution from the City Council after the Court of Appeals decision that will determine how the City will proceed based on the outcome of that decision.

City Manager Stephen Jellie said the contract calls for five members per shift, there were a minimum of four in 2021 and four were assigned to each shift in 2022. Mr. Jellie said those changes are on record, well documented and clear, adding Council was well aware. Mr. Jellie said shift staffing has not dropped below four, and we are using overtime to maintain four. Mr. Jellie said he does not believe we can sustain a minimum of four, and if we do maintain four, we will need to move resources in the budget. Mr. Jellie said there have been multiple presentations, and the budget was funded with the recommended levels of staffing. Councillor Skamperle said the proposed amendment is still a violation of the contract, and Councillor Powers agreed. Councillor Rishe said a resolution should be brought forward to amend the budget if that is needed because we did not budget enough for hazard pay and overtime.

## CITY COUNCIL MEETING

May 23, 2022

Page 183

Councillor Rishe said we can address the matter when the Court of Appeals decision is received. Mr. Jellie said the Court of Appeals decision will not affect this matter, adding he is just looking for a decision from Council. Mayor Skelly said former City Manager Sarah Purdy pleaded with previous Councils for the same. Councillor Powers said the proposal still violates the contract. Councillor Skamperle said it is reflected in the December 6, 2021 minutes the he supported assigning five per shift and with twenty men that would have been a savings of \$63,000. Councillor Skamperle explained he stated his opinion, but it did not get approved. Mayor Skelly asked how providing twenty firemen saves \$63,000. Councillor Skamperle said because we would not be paying overtime. Mayor Skelly said the City cannot maintain twenty firemen. Mr. Jellie said if we increase minimum staffing to five, the number of staff members remains the same. Councillor Kennedy said if minimum staffing was restored to five, the fire department may waive the hazard pay. Mayor Skelly said every member is receiving \$12,000 extra for the hazard pay. Mayor Skelly said the problem is revenue and asked for ideas for revenue.

The vote to amend was:

AYES: Mayor Skelly, Councillors Fisher and Rishe

NAYS: Councillor Dillabough

ABSTAIN: Councillors Kennedy, Powers and Skamperle

DEFEATED, 3 TO 1

The vote on the original resolution was:

AYES: Mayor Skelly, Councillors Dillabough and Fisher

NAYS: Councillors Kennedy, Powers, Rishe and Skamperle

DEFEATED, 3 TO 4

## CITY COUNCIL MEETING

May 23, 2022

Page 184

### OLD BUSINESS

1. City Manager Stephen Jellie reviewed the survey results regarding City Hall being closed to the public one day per week. (A copy of the results follows these minutes.)

2. City Manager Stephen Jellie said we are about halfway through the testing process for the beach. Mr. Jellie explained the levels were low prior to the storm, and we will test five days straight following the storm. Mr. Jellie said we will then be able make a determination. Councillor Kennedy asked for the anticipated opening date. Mr. Jellie said it is projected for the July 4<sup>th</sup> weekend. Councillor Kennedy asked for the estimated cost to get the beach up and running. Mr. Jellie explained most of the work was completed last year, and we will need to consult with an engineer for ADA compliance. Councillor Skamperle asked if Ogdensburg Bridge & Port Authority was paid for the use of the beach last year yet, and Mr. Jellie said yes.

3. Councillor Skamperle asked what happens to the current investigations if the narcotics detective is removed. City Manager Stephen Jellie said he is planning to lay out the plans for law enforcement at the next meeting and will have all of the information for Council. Mr. Jellie said the position is not being abolished. Councillor Powers said narcotics are an ongoing issue in the City. Mr. Jellie said he will be better prepared to answer questions at the next meeting, adding it is not going to be easy but we need to keep patrols in cars. Mr. Jellie explained calls are received every day, and we have to get to three patrols before we can get to four. Councillor Kennedy agreed patrols are needed and reminded Council that a police academy is coming up. Councillor Kennedy said Chief Kearns is always professional and prompt and is asking Council for the nuts and bolts to do his job. Councillor Skamperle said he would like to see a resolution at the next meeting to add an officer. Councillor Powers said more officers are needed at the present time and were needed at budget time too. Councillor Powers questioned who will do the work the detectives are doing, noting there are more calls this year. Mayor Skelly questioned if anyone can come with up the revenue source to cover the cost of more officers.



## CITY COUNCIL MEETING

May 23, 2022

Page 185

Councillor Skamperle said the majority of Council cut the City's biggest revenue source. Mayor Skelly questioned what that was, and Councillor Skamperle said taxes. Mayor Skelly said high taxes were driving people out of the City, and Councillor Skamperle said now drugs will drive people away. Councillor Fisher said bail reform is the problem, and we need to talk to the representatives in Albany about that issue too. Councillor Rishe asked if there is a maximum of amount of time a person can be off on disability, and Mr. Jellie said not at the police department. Mr. Jellie said no one disagrees the police department needs more resources, noting the challenge is how to pay for it. Mr. Jellie said taxes were cut because the City was close to the constitutional tax limit. Mr. Jellie said he agrees the presentations by Chief Kearns are professional as were the presentations by former Police Chief Wescott. Mr. Jellie said he did not sense that any Council member opposed funding the police department. Mr. Jellie explained the fund balance is not recurring money and there will likely be a \$1 million or more gap next year if we do not change anything. Mayor Skelly said drug use increases in dwindling cities and with our population decreasing, less people are paying taxes. Mayor Skelly explained the fund balance was going to be depleted in 2023, adding if the City filed bankruptcy, we would have no say in regards to retirements. Mayor Skelly explained if we hire fire and police personnel that we cannot afford, we will be back in the same boat. Mayor Skelly said nothing will happen if changes are not made, and the City has so much potential. Mayor Skelly said he is thankful we now have a fund balance so we can do things and described various projects. Mayor Skelly said we received a new fire truck because of the Financial Restructuring Board (FRB). Councillor Kennedy said the FRB was designed to provide startup money, and we did what we were supposed to do with the instructions they provided. Councillor Skamperle said things were already being accomplished but just not at the same pace. Councillor Fisher said the forecast for 2022 was unknown because the status of sales tax was unknown.

4. Councillor Kennedy asked if another survey regarding City Hall being closed to the public could be completed with one of the options being "none of the above". Mayor Skelly said staff needs to have time to do their work.

## CITY COUNCIL MEETING

May 23, 2022

Page 186

Councillor Kennedy said the police and fire departments are being told to do more with less, and all staff should be told the same. Councillor Kennedy explained the police and fire departments cannot be closed one day per week. Mayor Skelly said the sheriff or State police could help.

### CITIZEN PARTICIPATION

1. Arlene Kiah addressed Council and said her neighborhood has been full of drugs for years, and there has been a shooting in her neighborhood. Mrs. Kiah said Council should not be worrying about a beach and questioned what about what the taxpayers want. Mrs. Kiah said the police department is short staffed, and fire department safety should be priorities, not a beach.

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



# CITY OF OGDENSBURG

## Police Department



### PERSONNEL

- Funded Positions – 19 Sworn Officers  
2 dispatchers  
1 administrative aide
- 0 open vacancies
- 3 patrolman on modified duty
- 1 patrolman in academy (graduates May 26<sup>th</sup>)

### CRIME TRENDS

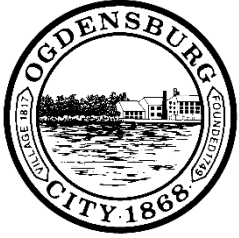
- Opioids
- Methamphetamine
- Noise
- Burglaries

### PROJECTS

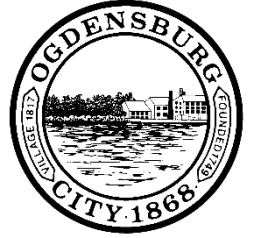
- ✓ Police Tip Line
- ✓ Evidence room management
- ✓ Upgrade of handguns
- ✓ Traffic Safety Grant
- Installation of LPR
- Officer Wellness Program
- Grants (C.O.P.S. / Ballistic Armor)
- Accreditation

### PROBLEMS

- ✓ Manpower
- ✓ Hiring process
- ✓ Vehicle and Traffic Enforcement



# CITY OF OGDENSBURG



## City Comptroller

### PERSONNEL

3 Funded Positions

- 1 Finance Supervisor - Vacant

### PRIORITIES

- Assist taxpayers and other parties with payments and information provided by this office
- Staffing Recruitment
- 2023 Budget

### PROJECTS

- Staffing Recruitment
- 2023 Health Insurance Renewal
- Real Property Tax & Utility Billing
- Time Keeping Implementation
- EFC Long Term Financing for Sewer – Phase 2
- 2023 Budget

### PROBLEMS

- Staffing
- Unknown sales tax revenue and impact on overall general fund finances

## COMMENTS TO CITY COUNCIL

MAY 23, 2022

Good evening, I am Michael Tooley, I live at 214 Hamilton Street, and as a citizen I thank you for the opportunity to speak with you this evening.

I apologize most of my comments are not as timely as I would have liked, but the April 25 meeting was cancelled and I was out of town on May 9, and I want to make these comments in person to you

First, I comment on Mayor Skelly's letter which was posted at the city's website following the April 11 City Council meeting.

When I offered comment about the city's fund balance at previous meetings, I stated the information I shared about fund balance was mentioned in the Financial Restructuring Board report of June 2019, and I specifically mentioned the fund balance benchmark of the Government Finance Officers Association. I did not research the issue further. Mayor Skelly's letter makes it clear I should have done more research on the topic before offering comment to city council. This falls on me, my bad. The GFOA website notes at times a municipality faces unique circumstances when it justifies achieving fund balance beyond the benchmark it promotes. I concur the City of Ogdensburg faces such circumstances. I thank Mayor Skelly for sharing this information in his letter.

I still maintain that the improving accumulation of fund balance the past two years, which continued the trend of general fund balance increase that began in 2017, could have been forecast two years ago, and demonstrates the city in the past two years could have honored the public safety contracts, significantly increase its fund balance, while adopting a 10% cut in the tax rate in 2021.

Next, while I do not participate in social media, someone shared with me comments that appeared to reference me issued by the City Manager shortly after the April 11 City Council meeting. Some observations:

1. I do not believe I have ever stated the city was not facing fiscal stresses these past years. A quick review – some of this is likely a repeat of discussion at your last meeting - at the end of 2016, the general fund balance was \$620,000, after having expenses exceed revenue by \$3 million the prior four years. To reverse this trend the city significantly increased its tax rate in 2017 by 13.3%, which resulted in an increase in fund balance in each succeeding year but created the problem of encroachment on the constitutional tax limit. This action made the city eligible for a review by the Financial Restructuring Board, and the city council, with city manager concurrence, applied for the review which resulted in the Board's June 2019 report.

The approach by the current City Council to address city fiscal stresses has been more aggressive than that of the prior City Council. I believe both councils had the same long-

term goal, fiscal stability with a reduction in property taxes, the pace and methods to achieve this dramatically different. As I have stated previously, I do not support the approach this council has taken and may take to achieve its goals. I think a majority of voters in the city believe as I do based on the overwhelming support Councillors Kennedy, Powers and Skamperle received in their re-election to City Council last November.

2. To clarify any misconception, I believe the city is being served well by City Comptroller Angela Gray and her firm. Personally, I enjoy reading her reports and listening to her presentations to city council. Any comments or suggestions I make about city finances, or questions I pose, are not intended to impugn on her integrity or on the quality of her work. Philosophically, I continue to prefer the city directly employ its city manager, but it is not because of the quality of Angela's work for the city.
3. The city manager states my "smooth talking, civilized tone" in addressing City Council and the public is intended to be intentionally deceptive. Since I began to take more active interest in city government two years ago, I have tried to be balanced in addressing you. When you have taken actions of importance that I agree with I have stated so publicly. When I pose questions of offer alternatives to issues City Council faces, I have done so in a respectful manner. It's sad that courtesy, civility and respect in my manner of speaking to you, my elected representatives, and to the public, is ridiculed by the City Manager.

Thank you.

May 23, 2022

Good evening council, my name is Jason Bouchard, 314 Oak St and I also serve as the President of IAFF Local 1799. Thanks for allowing me to speak

Looking over tonight's agenda, the items for council action certainly grabbed my attention. These items are nothing more than the manager's wordy way of asking for council's support of his reckless violations of our contract. These resolutions seem unnecessary because the city manager has already taken the illegal actions he is requesting council to approve. The vast majority of each resolution constitutes nothing more than the opinion of the city manager; not an official legal opinion presented to the entire council, which he will not allow; not the binding ruling of an arbitrator, which he consistently tries to avoid; but the opinion of a man who has repeatedly admitted both privately and publicly that he was brought here to "Challenge," aka, violate, our contract. The relationship between this administration and our union has been irreparably damaged by this city manager, that is undeniable. It now appears the manager would like this council to share in the blame for this damage. I'd caution council not to take the bait.

First, we will start with the resolution concerning minimum staffing. We stand by our argument that this article was negotiated by both parties as safety clause. If the city disagrees, we should follow the 5-0 appellate court decision and move to arbitration to straighten out this matter, not intentionally delay it in hopes of a promised deal.

However, there are a few issues for council concern within this proposal. The city manager affirms that 4 personnel is the minimum to adequately comply with the 2IN/2OUT industry standards on minimum staffing. In the very next breath, he admits to only budgeting overtime and resources for 3 personnel.

This begs the following questions; did the city manager intentionally under fund our department? Did the city manager adequately inform council of his budgeted plans to move us to three? Did the city manager discuss the safety ramifications of such a move with council and the public? What kind of fire chief would craft a budget that admittedly undermines the safety of the men he is supposed to lead? It is the opinion of our union that the manager purposely misled council with an under-inflated overtime budget of \$150k, which has already been exhausted by May, in an effort to have council eventually force us to work below safety standards, certainly blaming you all.

The other item from the manager's office this evening concerns itself with Hazard Pay. On April 1 of this year, claiming both inability to hire and inability to pay; the city manager issued an email/press release that he would be unilaterally withholding half of this contractual obligation.

Similar to my previous comments regarding minimum staffing; council should likewise be concerned with the mixed messaging of this proposal. First, the manager has repeatedly stated how he has, "successfully reduced organizational staffing within the fire department to where it needs to be," yet in the next breath claims that he cannot hire anyone. Claiming that this administration is in the business of ever hiring any firefighters without direction from a legal authority or receipt of the SAFER grant, is laughable. Their actions tell a much different story.

Second, comes the claim of inability to pay, even more mixed messaging here. The Hazard Pay clause has been present in our contract long before this administration arrived. The financial ramifications of his staffing violations in terms of hazard pay costs is easily calculable and should have been properly presented and budgeted for. Prior to this administration, our union had never collected one dollar of hazard pay. In fact, we have waived it numerous times. Pardon us for not waiving it for a group openly violating our current agreement.

Also, the inability to pay argument seemingly falls flat while boasting to the media about undeniable financial progress, creating lucrative positions for “retired employees” and granting additional pay raises to other units that they didn’t negotiate for.

As explained in the agenda, our union is currently challenging this contract violation through the grievance process. This proposal is littered with what constitutes nothing more than the manager’s opinion on hazard pay, and has absolutely nothing to do with its legality. In this case, the manager and the union have a clear disagreement on contract interpretation, which is the exact reason arbitration exists. We invite him to meet us there.

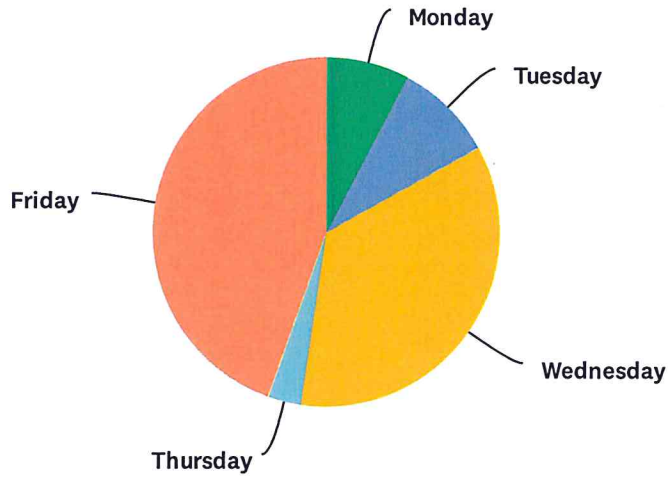
Since his arrival in July of 2020, the city manager has admitted time and again of the direction and objectives he was given by council when hired. There is little question that the manager made promises to certain members of council that he would use every tool at his disposal, legal or otherwise to break our union and force us to deal with he and this group. He has since issued countless “offers” combined with a heavy dose of public shame to achieve his task, he has failed.

As Union President I have stated this countless times in interviews with the media, via letters to the editor, via email, via telephone call, via multiple unanimous no-confidence votes, and in person to the manager himself; and now I’m stating it to you seven members of council and all those in attendance. Ogdensburg Firefighters Local 1799 will never come to any agreement with this city manager, or anyone who supports his violations of contract, EVER. Given that fact, I think it would behoove this council and more importantly all of Ogdensburg, if this administration re-focus the same amount of energy it has to dismantling our union and diminishing services in our community, to progressive revenue building endeavors such as attracting businesses, creating jobs, and mending the countless fractured relationships that this administration has left in its wake...this would indicate a true revival. Thank you.



# Q1 Which day of the week do you prefer City Hall to be closed to the public?

Answered: 65 Skipped: 0



| ANSWER CHOICES | RESPONSES |           |
|----------------|-----------|-----------|
| Monday         | 7.69%     | 5         |
| Tuesday        | 9.23%     | 6         |
| Wednesday      | 35.38%    | 23        |
| Thursday       | 3.08%     | 2         |
| Friday         | 44.62%    | 29        |
| <b>TOTAL</b>   |           | <b>65</b> |