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COURT OF APPEALS

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September 23, 2022

VIA FEDERAL EXPRESS

Hon. Lisa LeCours
Clerk of the Court
New York Court of Appeals
20 Eagle St.
Albany, New York 12227

Re: *St. Lawrence County et al v. City of Ogdensburg, et al*; APL-2022-00118

Dear Ms. LeCours:

I submit this letter on behalf of Appellants in response to the Court's jurisdictional inquiry letter dated September 12. In your letter to my partner John Murad dated September 16 out time to respond to the inquiry was extended to September 26.

We submit that the Order of the Appellate Division is final for purposes of this Court's requirements to retain jurisdiction of this appeal.

The Decision, Order and Judgment of Supreme Court, St. Lawrence County did not address on the merits Appellants' argument in the Petition/Complaint regarding the School District taxes as follows:

For two reasons, the Court does not at this time resolve, on the merits, that portion of the Petition which concerns District taxes, or the collection and/or enforcement of those taxes. First, the District has not submitted any motion for affirmative relief. Second, December 8, 2021, correspondence to the Court by counsel for the City (see Docs. 52-53) states that the City Council has scheduled a public hearing for January 10, 2022, with respect to an amendment to the City Charter "which will affirm the City's responsibility to enforce and collect delinquent City School District taxes for properties located within the

City's boundaries.” See Doc. 52 at pg. 1. If this proposed amendment to the City Charter (see Doc. 53 at pg. 4) is enacted, it would appear that so much of this action as concerns District taxes will be rendered moot. In any event, the Court does not, and may not, issue an advisory opinion regarding a proposed amendment which the City may, or may not, enact.

Nonetheless, at oral argument, counsel for the District raised the concern that its certificates for District taxes must be tendered prior to the City Council's January 10, 2022, scheduled meeting. For this reason, the District's counsel made an oral motion for the Court to issue a preliminary injunction against any new or different action by the City with respect to the collection or enforcement of delinquent District taxes until such time as the City considers and takes action on the proposed City Charter amendment. By e-mail dated December 10, 2021 (uploaded by the Court to NYSCEF as Doc. 56), counsel for the City consented - albeit with limitations - that the District's oral motion be considered and determined by the Court. The Court now does so. The Court grants a preliminary injunction against the City taking any new or different action with respect to enforcement or collection of District taxes until the City Council hears and takes final action with respect to the proposed amendment to the City Charter.²

2. At oral argument, counsel for the City made a good faith oral representation to the Court and other counsel on the stenographic record that City Council will hear and take action on the proposed Amendment to the City Charter at its January 10, 2022 meeting. However, the Court makes clear that the preliminary injunction being issued does not expire January 10, 2022, but remains in effect until such time as the City has taken formal action on the proposed amendment. The Court, upon City counsel's representation, expects formal action will be taken at the January 10, 2022, City Council meeting.

Copies of Documents 52 and 53 are enclosed for the Court's convenience. Also enclosed is a copy of the Minutes of the City Council meeting of January 10,

2022 wherein on pp 8-9 the Council approved a Local Law providing for changes in the Ogdensburg City Charter to affirm the City's responsibility for the enforcement of delinquent City School District taxes. Thus, the City Council performed the task that made the remaining issue of the School District taxes moot according to Justice Farley.

In short, the four decretal paragraphs of the Trial Court Judgment disposed of all aspects of the litigation as follows:

For the forgoing reasons, the Court:

DENIES the County's Petition as against the City; and,

DECLARES pursuant to C.P.L.R. 3001 Local Law §§ 2 (City Charter § C-80), 3 (City Charter § C-81), 4 (deleting former City Charter § C-83), and 6 (effective date) to be valid and enforceable; and,

GRANTS the District's oral motion, and issues a preliminary injunction against the City taking any new or different action with respect to District taxes until the City Council hears and takes final action with respect to the proposed amendment to the City Charter.

Any relief requested which is not specifically granted herein is denied.

Judgment at 8-9 (Bold in original; footnote omitted)

Paragraph 1 disposed of the County's action and dismissed the Petition/Complaint; Paragraph 2 found that the City Charter had been amended in a constitutional fashion; Paragraph 3 granted the preliminary injunction of the School District pending amendment of the charter for the City to assume the School District responsibility, at which time the injunction would be lifted by operation of law; and Paragraph 4 dismissed all other claims in their entirety not previously addressed.

Moreover, the Appellate Division held (slip op at 2-3, n1) that the issue regarding the enforcement of, and responsibility for, the School District taxes is moot as follows:

In January 2022, the City enacted City of Ogdensburg Local Law No. 1-2022, amending the City Charter to expressly affirm the City's

obligation to enforce delinquent taxes on behalf of respondent Ogdensburg City School District for properties located within the City (City of Ogdensburg Charter § C-80, as amended by Ogdensburg Local Law No. 1-2022 § 1; *see* RPTL 1322). As such, any challenge to the impact of Local Law No. 2 upon delinquent school taxes has been rendered moot (*see Lasky v Town Bd. of Town of Amherst*, 57 AD3d 1392, 1392-1393 [2008]; *compare Dalton v Pataki*, 5 NY3d 243, 267 [2005], *cert denied* 546 US 1032 [2005]).

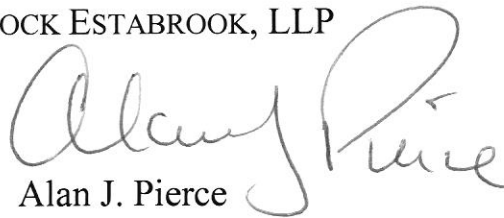
There is nothing in the Appellate Division Order “which contemplates further judicial or quasi-judicial action ***.” New York Court of Appeals Civil Practice Outline, at 31 (available at <https://www.nycourts.gov/ctapps>).

Alternatively, the Order appealed from is final under this Court’s exceptions for ministerial action, complete relief obtained, and/or conditional orders. *See id.* at 32-33; Arthur Karger, Powers of the New York Court of Appeals § 4:10, at 73-77 (3d ed rev 2005).

Enclosed is an affidavit of service demonstrating service of a copy of this letter and enclosures to counsel of record. Thanking you in advance for your continued consideration in this matter, I remain

Very respectfully yours,

HANCOCK ESTABROOK, LLP



Alan J. Pierce

AJP/
Enclosures
cc: Counsel of Record



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December 8, 2021

VIA NYSCEF

Hon Mary M. Farley
St. Lawrence County Supreme Court
St. Lawrence County Courthouse
48 Court Street
Canton, New York 13517

Re: St. Lawrence County et ano. v. City of Ogdensburg et al.
Index No.: EFCV-21-161083

Dear Judge Farley:

This Firm represents the Respondents-Defendants City of Ogdensburg and the individually named City officials in the above-referenced action/proceeding.

In paragraphs 13-15 of my affirmation dated December 2, 2021 (NYSCEF Doc. No. 39), I stated that the City Council intends to introduce a subsequent amendment to the City Charter that will affirm the City's responsibility to enforce and collect delinquent City School District taxes for properties located within the City's boundaries. At the time of that submission to the Court, the City had informed me that the City Council would be introducing such an amendment at its December 6, 2021 meeting. However, on the day of the meeting, I was informed that, due to the City Council's extensive agenda that evening, which included the debate and adoption of the City's 2022 budget, it was not feasible to include the introduction of the Charter amendment on the December 6, 2021 agenda.

Notwithstanding the foregoing, the City remains fully committed to introducing the aforementioned Charter amendment, and now intends to do so at the City Council's December 13, 2021 meeting. For the information of the Court and the parties to this action/proceeding, I have enclosed herewith a copy of the proposed amendment and the accompanying resolution calling for a public hearing thereon, which will be held on January 10, 2022, as I previously stated in my affirmation. In short, only the amendment's introduction date has changed; the date of the public hearing and the anticipated vote has not.

Thank you for your attention to this correspondence. If the Court should have any questions, please feel free to contact me.

Respectfully submitted,
COUGHLIN & GERHART, LLP

A handwritten signature in black ink, appearing to read 'Nicholas S. Cortese', written over a horizontal line.

Nicholas S. Cortese, Esq.
Associate

cc: Stephen D. Button, Esq. (*via NYSCEF*)
Kate I. Reid, Esq. (*via NYSCEF*)

Business of the City Council
City of Ogdensburg

SUBJECT: Resolution calling for Public Hearing and Public Notice regarding a Local Law to amend the City Charter

FOR AGENDA OF: December 13, 2021

BILL #: 83

DEPT. OF ORIGIN: City Manager

DATE SUBMITTED: December 8, 2021

APPROVED AS TO FORM BY CITY ATTORNEY _____ EXHIBITS: Resolution, Local Law

APPROVED BY CITY MANAGER FOR SUBMITTAL _____

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: -0-	BUDGETED: -0-	REQUIRED: -0-

SUMMARY STATEMENT

A resolution to call for a public hearing and public notice regarding proposed changes to the City Charter to affirm the City's responsibility for the enforcement of delinquent City School District taxes.

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR SKELLY _____	COUNCILLOR DILLABOUGH _____
COUNCILLOR FISHER _____	COUNCILLOR KENNEDY _____
COUNCILLOR POWERS _____	COUNCILLOR RISHE _____
COUNCILLOR SKAMPERLE _____	

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 to affirm the City's responsibility for the enforcement of delinquent City School District taxes, said public hearing to be held on January 10, 2022 at 6:00 pm in the City Council Chambers, City Hall, and

BE IT FURTHER RESOLVED, that the City Clerk is directed to publish notice of said hearing at least seven days before the date of said hearing in the official newspaper of the City of Ogdensburg.

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, of a notice setting forth the time and place and describing the proposed Local Law in summary form.

Business of the City Council

City of Ogdensburg

SUBJECT: FOR AGENDA OF: January 10, 2022
A Local Law regarding changes to the BILL #: 1 (#83 of 2021)
City Charter DEPT. OF ORIGIN: City Manager
DATE SUBMITTED: December 8, 2021
APPROVED AS TO FORM BY CITY EXHIBITS: Local Law
ATTORNEY
APPROVED BY CITY MANAGER FOR SUBMITTAL

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: -0-	BUDGETED: -0-	REQUIRED: -0-

SUMMARY STATEMENT

A Local Law providing for changes in the Ogdensburg City Charter to affirm the City’s responsibility for the enforcement of delinquent City School District taxes.

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR SKELLY	_____	COUNCILLOR DILLABOUGH	_____
COUNCILLOR FISHER	_____	COUNCILLOR KENNEDY	_____
COUNCILLOR POWERS	_____	COUNCILLOR RISHE	_____
COUNCILLOR SKAMPERLE	_____		

LOCAL LAW # ___ of 2022

AMENDING THE OGDENSBURG CITY CHARTER TO AFFIRM
THE CITY'S RESPONSIBILITY FOR THE ENFORCEMENT OF
DELINQUENT CITY SCHOOL DISTRICT TAXES

A Local Law providing for changes in the Ogdensburg City Charter to affirm the City's responsibility for the enforcement of delinquent City School District taxes.

Be it enacted by the City Council of the City of Ogdensburg as follows:

SECTION 1. Article XVII, § C-80 of the City Charter of the City of Ogdensburg entitled Unpaid Taxes shall be amended as follows:

§ C-80 Unpaid Taxes

The County shall be responsible for the enforcement of delinquent City taxes in accordance with Article 11 of the Real Property Tax Law. The City Comptroller shall be responsible for the enforcement of delinquent City School District taxes for properties located within the boundaries of the City in accordance with Article 13 of the Real Property Tax Law and other applicable law.

SECTION 2. EFFECTIVE DATE. This local law shall take effect upon filing with the New York State Secretary of State.

CITY COUNCIL MEETING

January 10, 2022

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

PRESENT: Mayor Skelly, Councillors Dillabough, Fisher,
Kennedy, Powers, Rishe and Skamperle

ABSENT: None

Councillor Fisher participated in the meeting remotely from 2311 Rochelle Avenue, Kissimmee, FL 34746. Councillor Rishe announced that he was participating remotely from 107 Jersey Avenue, Ogdensburg, New York.

PRESENTATION

1. City Manager Stephen Jellie explained new legislation requires all meeting material to be made available to the public no less than 24 hours prior to a meeting. Mr. Jellie explained nothing will be able to be included at the last minute, and correspondence received today will be included in the January 24, 2022 meeting agenda. Mr. Jellie said a copy of the legislation will be forwarded to Council.

2. Director of Planning and Development Andrea Smith introduced Planning Board Member Ryan Frary. Mr. Frary made a presentation to Council regarding the Planning Board recommendations regarding cannabis regulations. (A copy of his presentation follows these minutes.) Councillor Skamperle asked if the 500' from residential property noted is New York State law. Mr. Frary explained that is the recommendation from the Planning Board. Councillor Skamperle asked if public comments were taken by the Planning Board. Ms. Smith noted a Public Hearing was held on December 7, 2021, but no comments were received. Councillor Kennedy asked how the law will affect the Ogdensburg Housing Authority. Ms. Smith explained those properties are outside of the Planning Board authority. Councillor Skamperle asked for an update on the residential cultivation regulations. Ms. Smith said those requirements are outlined in detail in the Marihuana Regulation and Taxation Act and reviewed the same for Council.

CITY COUNCIL MEETING

January 10, 2022

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Ms. Smith explained we are looking at recommendations at a local level to regulate time, place and manner in which commercial cannabis would be permitted. Ms. Smith said outside of that, all other regulations fall under New York State MRTA. Councillor Powers asked if residential cultivation was for personal use only, and Ms. Smith said yes that is detailed in the New York State legislation. Ms. Smith said a map was previously provided to Council outlining the areas where commercial operations would be prohibited under New York State Education Law regarding proximity to schools and religious institutions. City Manager Stephen Jellie said it appears it will be 2023 before these types of operations begin, but our Planning Board addressed it early.

3. Director of Planning and Development Andrea Smith made a presentation to Council to provide an update on the 2021 Consolidated Funding Application and all grants. (A copy of her presentation follows these minutes.) Ms. Smith explained the City is in a position to file the deed on the former Augsbury property and take ownership. Ms. Smith explained the City's intention is to work with the New York State Department of Environmental Conservation and New York State Comptroller's Office to pursue the cleanup with the State then being responsible for seeking reimbursements from any responsible parties. Ms. Smith said the City would need to be responsible for reimbursing the State 50% of the sale price up to but not to exceed cleanup costs. Councillor Dillabough asked if the City owns the parcels on both sides of the former Augsbury property. Ms. Smith said not yet and noted the taxes on those parcels are current. City Manager Stephen Jellie said staff will meet with all involved parties, noting there is a desire to make the entire stretch of waterfront available for development. Mr. Jellie explained he will update Council after the meeting. Councillor Rishe said he was pleased to hear this and appreciates staff efforts. Councillor Rishe asked how many years a project like this takes to complete. Ms. Smith said it is a good time to get into this project, noting the State indicated they are in a position to move expeditiously if the City produced the agreement. Councillor Rishe said this was one of their campaign promises and part of the Comprehensive Development Plan.

CITY COUNCIL MEETING

January 10, 2022

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Councillor Powers asked how long the City had the NBRC grant for the pump station project. Ms. Smith said the granting period is through September 30, 2024. Mr. Jellie explained there are plans to meet with the engineer and get the project out to bid, adding staff hopes to have a proposal to Council in the next couple meetings. Mr. Jellie said this is the year to move on this project, and the City will try to obtain some funding through USDA. Councillor Rishe asked if there is COVID funding remaining, and Mr. Jellie said yes. Councillor Rishe explained he believes the pump station would be an eligible COVID expense and asked for an update on the St. Lawrence Psychiatric Center pump station. Mr. Jellie said that pump station is in decent shape, and he plans to meet with representatives again and iron something out by the end of the year.

Councillor Rishe asked if the new census data is available yet, and Ms. Smith said census data is available, but that HCR has not yet updated its numbers. Ms. Smith explained as of this moment the City is not eligible to apply for CDBG infrastructure funding as this is considered a community wide benefit project, and the City does not meet the income threshold criteria. Councillor Rishe asked if we are working toward our target areas this year, and Ms. Smith said yes. Ms. Smith said the City may not be eligible for infrastructure funding this year, however we received preliminary engineering funds for East David Street, and we will look at targeted income survey information for implementation of those improvements. Councillor Rishe suggested Main Street area development, including the Main Street pump station and demolition and improvements at the former Cheese Plant. Councillor Rishe asked for the amount of the maximum funding for housing, and Ms. Smith said it is \$500,000.

PUBLIC HEARING

1. A public hearing regarding the City's Community Development Block Grant Imminent Threat (CDBGIT) project, entitled: 2017 Flood Impact Improvements was held. No one being present to speak, the hearing was declared closed.

CITY COUNCIL MEETING

January 10, 2022

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2. A public hearing regarding proposed changes to the City Charter to affirm the City's responsibility for the enforcement of delinquent City School District taxes was held. No one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Jennifer Stevenson addressed Council and read a letter from Ronald Bouchard. (A copy of the letter follows these minutes.)

2. Michael Tooley addressed Council and said he wanted to speak regarding his recent Letter to the Editor. Mr. Tooley said a press release from City Manager Stephen Jellie regarding County property tax collection was posted on the City website on December 28, 2021 and questioned if it is the official position of the City that he is a self-proclaimed expert who issues baseless opinion letters on issues impacting City residents.

3. Penny Sharrow addressed Council and read a prepared statement. (A copy of her statement follows these minutes.)

4. James Slevin addressed Council and said he is the Assistant Vice President of the IAFF Union. Mr. Slevin said it is baffling the City is looking at staffing cuts in this day and age. Mr. Slevin explained cuts have already been made in the City, and there is a belief that volunteers from surrounding communities would come in to the City to supplement the City's paid fire department. Mr. Slevin said there is recruitment difficulty for firefighters across the State, adding more and more departments are looking to hire full-time paid firefighters to insure there is a guaranteed response in the community. Mr. Slevin described an unfortunate incident in the Long Island area where the community switched from a paid fire department to volunteers, and there was a delay in volunteers arriving to a scene. Mr. Slevin said the federal government is currently providing SAFER grants to help communities fund their fire departments to increase safety measures and supplement their staffing and retention.

CITY COUNCIL MEETING

January 10, 2022

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Mr. Slevin said he understood the City had submitted a poorly written SAFER grant application last year, and the goal was not to get the grant. Mr. Slevin offered grant writing assistance to the City at no charge for an application this year. Mr. Slevin said you cannot have tax cuts when you are going to jeopardize public safety. Mr. Slevin explained he is advocating on behalf of his union members but when his members are safe, the residents of the City of Ogdensburg are safe. Mr. Slevin said IAFF will provide the Ogdensburg firefighters every single resource available to them in this fight and show what adequate fire protection is to keep City residents safe. Mr. Slevin explained the City cannot rely on a volunteer source that may or may not be there. Mr. Slevin urged Council to put the residents of the City first and maintain adequate fire protection. Mr. Slevin said under current OSHA standards, the Ogdensburg Fire Department is unable to adequately respond to fire calls with the current staffing levels. Mr. Slevin said cutting staffing to three firefighters per shift will make it impossible for the firefighters to be safe and keep the residents of the City safe. Mr. Slevin said he has over 26 years' experience, and he has seen tragedies when there is a delay in response, noting he would not want to see that happen in the City of Ogdensburg. Mr. Slevin urged all members of Council to put the residents of the City first and make the right decision. Mr. Slevin said there was a fair agreement reached and a contract is valid until 2025, and IAFF will have the backs of the Ogdensburg firefighters to see that agreement is enforced.

5. Doug Loffler addressed Council and said there was discussion concerning the School Resource Officer at the last Council meeting, adding City Manager Stephen Jellie stated he was going to contact the school superintendent. Mr. Loffler asked if a meeting had been scheduled yet and for an update on the status of that position.

6. Brian Mitchell addressed Council and said City Manager Stephen Jellie stated the Governor wants transparency and information needs to be released to the public before a meeting. Mr. Mitchell said public updates still are not posted on the City website, and unless you are on a Facebook Town Hall page run by a person who is not a City resident you do not receive information. Mr. Mitchell said spokesman John Lovely is putting out all of the information under fake names.

CITY COUNCIL MEETING

January 10, 2022

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Mr. Mitchell said if the City Manager is going to be honest with the people, information should be put on the City website under public updates and not on a website that you just feel like spewing out information that is pretty much false. Mr. Mitchell thanked Mayor Skelly for posting all of his County tax bills and congratulated him for doing well financially. Mr. Mitchell recommended Mayor Skelly raise the City Manager's rent on his apartment to be able to pay those bills. Mayor Skelly instructed City Clerk Cathy Jock to terminate Mr. Mitchell's audio connection.

8. Maureen Brashaw addressed Council and read a prepared statement. (A copy of her statement follows these minutes.)

9. Ann Loffler addressed Council and said she did not agree with only three firemen on duty each shift. Ms. Loffler said the firefighters would have to wait for mutual aid and questioned if we would let a child or an elderly person die inside the house while waiting for someone else to arrive here to help. Ms. Loffler questioned if the members of Council care about the residents of the City and how they would feel if one of their family members were impacted. Ms. Loffler said she will personally hold everyone legally responsible who backed this ridiculous plan. Ms. Loffler said people are going to die and no one cares. Ms. Loffler said City Manager Stephen Jellie accused her of sitting on the couch and obviously he does not know her. Ms. Loffler said she volunteers her time every day to help people and cautioned Mr. Jellie to know what he is talking about before talking trash about her on social media. Ms. Loffler said the residents voted Council members in to office to make sure the public is safe, and Mayor Skelly and Councillors Dillabough, Fisher and Rishe lied. Ms. Loffler said if someone dies in a fire five people will have blood on their hands, and she hopes they can live with it.

10. Brenda Hill addressed Council and said she does not agree with only three firemen on duty each shift. Ms. Hill questioned if the City will be providing mutual aid to Heuvelton since we call them for assistance. Ms. Hill said Mr. Mitchell should have been given his opportunity to speak for the full five minutes.

CITY COUNCIL MEETING

January 10, 2022

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11. Valerie Sovie addressed Council and attempted to read a prepared statement. Due to technical difficulties, Councillor Kennedy received a copy of the statement electronically and read it on behalf of Mrs. Sovie. (A copy of the statement follows these minutes.)

CONSENT AGENDA

Mayor Skelly moved that the claims as enumerated in General Fund Warrant #1-2022 in the amount of \$3,203,753.23 and Library Fund Warrant #1-2022 in the amount of \$9,323.83 and Capital Fund Warrant #1-2022 in the amount of \$1,234,169.40 and Community Development Fund Warrant #1-2022 in the amount of \$75.98 and Community Renewal Fund Warrant #1-2022 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Dillabough seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Skelly moved to appoint Rick Pirie and Mary Louise Markert to three-year terms on the Tree Commission, terms to expire January 10, 2022 and end December 31, 2024, and Councillor Kennedy seconded the motion.

The vote was:

CARRIED, AYES ALL

CITY COUNCIL MEETING

January 10, 2022

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ITEMS FOR COUNCIL ACTION

1. Mayor Skelly moved a Local Law providing for changes in the Ogdensburg City Charter to affirm the City's responsibility for the enforcement of delinquent City School District taxes, and Dillabough seconded to wit:

LOCAL LAW #1 of 2022

AMENDING THE OGDENSBURG CITY CHARTER TO AFFIRM
THE CITY'S RESPONSIBILITY FOR THE ENFORCEMENT OF
DELINQUENT CITY SCHOOL DISTRICT TAXES

A Local Law providing for changes in the Ogdensburg City Charter to affirm the City's responsibility for the enforcement of delinquent City School District taxes.

Be it enacted by the City Council of the City of Ogdensburg as follows:

SECTION 1. Article XVII, § C-80 of the City Charter of the City of Ogdensburg entitled Unpaid Taxes shall be amended as follows:

§ C-80 Unpaid Taxes

The County shall be responsible for the enforcement of delinquent City taxes in accordance with Article 11 of the Real Property Tax Law. The City Comptroller shall be responsible for the enforcement of delinquent City School District taxes for properties located within the boundaries of the City in accordance with Article 13 of the Real Property Tax Law and other applicable law.

SECTION 2. EFFECTIVE DATE. This local law shall take effect upon filing with the New York State Secretary of State.

CITY COUNCIL MEETING

January 10, 2022

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Councillor Powers asked if the City has it in writing from the school district that they will drop their lawsuit against the City. City Manager Stephen Jellie said the school district had attached to the action filed by the County, and there was an agreement for the school district to withdraw from that action if this Local Law is passed by Council.

The vote was:

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

NAYS: Councillor Powers

CARRIED, 6 TO 1

2. Mayor Skelly moved a resolution appointing a Deputy Mayor for the City of Ogdensburg for 2022-2023, and Councillor Dillabough seconded to wit:

RESOLUTION APPOINTING
A DEPUTY MAYOR FOR 2022 AND 2023

WHEREAS, the Ogdensburg City Charter provides that a Deputy Mayor is to be elected from the City Council members at the first Council meeting in January of even-numbered years,

NOW, THEREFORE, BE IT RESOLVED, that Councillor Steven Fisher is hereby elected Deputy Mayor of the Ogdensburg City Council for 2022 and 2023.

Councillor Rishe said he had discussed Councillor Fisher being appointed Deputy Mayor after a couple years in office, and he supports the resolution. Mayor Skelly congratulated Councillor Fisher on his appointment as Deputy Mayor.

CITY COUNCIL MEETING

January 10, 2022

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The vote was:

AYES: Mayor Skelly, Councillors Dillabough, Fisher and Rishe

NAYS: Councillors Kennedy, Powers and Skamperle

CARRIED, 4 TO 3

3. Councillor Skamperle moved a resolution authorizing the City Assessor authority to grant exemptions on the 2022 City assessment roll in accordance with Executive Order 11.1, and Councillor Kennedy seconded to wit:

RESOLUTION AUTHORIZING THE CITY ASSESSOR AUTHORITY TO
GRANT EXEMPTIONS ON THE 2022 CITY ASSESSMENT ROLL

WHEREAS, on December 26, 2021, Governor Kathy Hochul issued Executive Order No. 11.1, declaring a State disaster emergency for the entire State of New York due to the COVID-19 pandemic; and

WHEREAS, this State disaster emergency has resulted in limited hours in municipal offices in the City of Ogdensburg and rendered senior citizens and individuals with disabilities residing in Ogdensburg, New York homebound. These factors combined have made it difficult, if not impossible, for many in these populations to file their real property tax exemption applications in person and many, further, lack the ability to file such applications online; and

CITY COUNCIL MEETING

January 10, 2022

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WHEREAS, in recognition of the above problems caused by the pandemic, Governor Hochul issued Executive Order No. 11.1 on December 26, 2021, thereby extending Executive Order No. 11. This extension of the Governor's Executive Order modifies subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, the effect of which permits the governing body of an assessing unit, the Ogdensburg City Council, to adopt a Resolution directing the Assessor to grant exemptions on the 2022 assessment roll to all property owners who received such exemptions on the 2021 assessment roll (i.e., senior citizens and individuals with disabilities with limited income), thereby dispensing with the need for such persons to file renewal applications to request such exemptions, and further dispensing with the requirement that assessors mail renewal applications to such persons; and

WHEREAS, Executive Order 11.1 further allows the governing body of said assessing unit, in any such Resolution, at its option, to include procedures by which its City Assessor may require a renewal application to be filed if they have reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner or died; and

WHEREAS, pursuant to said Executive Order, the City Council of the City of Ogdensburg desires to adopt such Resolution directing the Ogdensburg City Assessor to grant exemptions on the 2022 assessment roll to all eligible senior citizens and individuals with disabilities with limited income, and granting the Ogdensburg City Assessor the authority to require renewal applications for due cause, as discussed above, utilizing procedures outlined below;

NOW THEREFORE, BE IT RESOLVED, pursuant to the authority granted by Executive Order No. 11.1, issued by the Governor of the State of New York, that the Ogdensburg City Council hereby directs the Ogdensburg City Assessor to:

CITY COUNCIL MEETING

January 10, 2022

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1. Grant exemptions on the 2022 assessment roll to all individuals who received the senior exemption on the 2021 assessment roll and all individuals who received the exemption on the 2021 assessment roll because they were recognized as a person with disabilities and limited income, thereby dispensing with the need for any such individuals to file renewal applications for such exemptions, except that;
2. The City Assessor may, in their sole discretion, require a renewal application to be timely filed with his office if he has reason to believe that any such individual, who qualified for the aforementioned exemption on the 2021 assessment roll, may have since changed their primary residence, added another owner to the deed for the relevant property, transferred such property to a new owner or died. If the City Assessor requires such renewal application be filed, they shall notify the owner of the subject property of such requirement by regular mail, with such notice shall containing instructions on how to file the renewal application. Said renewal application may be returned by mail or by making an appointment to drop same off at the City Assessor's office, 330 Ford Street, Ogdensburg, NY 13669.

BE IT FURTHER RESOLVED that this action shall constitute a Type II action in accordance with 6NYCRR 617.5 (c) (26) and therefore no further action is required.

City Assessor Mark Schnorr said the resolution was available last year also, and he has been holding off on sending renewals hoping Council would approve this resolution. Mr. Schnorr explained this will make it so much easier for seniors, especially with COVID. Mayor Skelly said it is wonderful. Mr. Schnorr said he very rarely sees people in person at his office. Councillor Skamperle said it was nice to meet Mr. Schnorr.

The vote was:

CARRIED, AYES ALL

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4. Mayor Skelly moved a resolution authorizing the City Manager to execute a contract for the City-wide Reassessment Project with GAR Associates, LLC, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING THE AWARD FOR SERVICES FOR
THE CITY OF OGDENSBURG CITY-WIDE REASSESSMENT
PROJECT

WHEREAS, the City of Ogdensburg recently solicited a Request for Proposals for Profession services for the update and reassessment of the City's tax roll (Section 1, 6 (land and buildings only) and 8 for the tax roll for 2023; and

WHEREAS, the City of Ogdensburg received proposals from two qualified firms; and

WHEREAS, the City of Ogdensburg staff has reviewed and evaluated the proposals and found them to be comparable, and is recommending GAR Associates LLC of Williamsville, NY, be awarded the contract for services.

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized to execute a contract for services between the City of Ogdensburg and GAR Associates, LLC, for a total contract sum not to exceed \$275,000 (including services list as "Options" in the proposal); and

BE IT FURTHER RESOLVED, that \$275,000 in City contribution topay for this work shall be derived from A1355.518.

Director of Planning and Development Andrea Smith said the City-wide reassessment would impact the school taxes in 2023 and City taxes in 2024. Mayor Skelly said it is a great approach, adding as assessed values increase the tax rate could decrease. Councillor Rishe asked what the current policy is for reassessing property in the City, noting it hasn't been done in the last two years. Councillor Rishe said this City-wide reassessment will take another two years, adding there should be a Local Law passed to complete it every five to seven years.

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Councillor Skamperle said once the City-wide reassessment is completed, we should be set for a few years. City Manager Stephen Jellie said a lot will depend on how property values change, but this will get everything equalized. Mr. Jellie said if the City Assessor keeps up with the reassessment process, we might decide to hire part-time staff for that office. Mr. Jellie explained the entire City will be assessed with the most fair and equitable values which will allow Council to adjust the tax rate. Mr. Jellie said we are trying to move away from the North Country trend of not making property improvements. Mr. Jellie said it is important to reach out to school board members because the timing with their tax rate will be important since the City-wide reassessment will impact the school taxes in 2023.

The vote was:

CARRIED, AYES ALL

5. Councillor Skamperle moved a resolution authorizing the City Manager to enter into a contract with Paradigm Environmental, LLC. Request for Proposals #2021-005, and Mayor Skelly seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A CONTRACT WITH
PARADIGM ENVIRONMENTAL, LLC

WHEREAS, the City of Ogdensburg solicited proposals to perform asbestos surveys at City-owned property; and

WHEREAS, Paradigm Environmental, LLC of Poughkeepsie, 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 Paradigm Environmental, LLC, for a sum not to exceed \$30,850, for asbestos surveys of the following properties:

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Parcel ID	Owner	Local Number	Local Name	Status	Facility Name	Asbestos Survey Cost
59.023-8-10	City of Ogdensburg	1127	Pickering Street	NOV. Foreclosure filed 12-17-2021	Residential Structure	\$2,250
48.078-7-14	City of Ogdensburg	7	Brown St	NOV. Foreclosure filed 12-30-2021	Residential Structure	\$2,250
59.022-2-9	City of Ogdensburg	405	King Street	NOV. Foreclosure filed 12-30-2022	Residential Structure	\$2,250
59.021-1-30	City of Ogdensburg	529	King Street	NOV. Foreclosure filed 12-30-2023	Residential Structure	\$2,250
48.071-3-18	City of Ogdensburg	131	Paterson Street	NOV. Foreclosure filed 12-30-2024	Residential Structure	\$2,500
48.072-6-3.1	City of Ogdensburg	1503	Greene Street	NOV. Foreclosure filed 12-30-2026	Residential Structure	\$2,250
48.073-2-7	City of Ogdensburg	624	Irvin Street	NOV. Foreclosure filed 12-30-2027	Residential Structure	\$2,500
48.065-4-17.1	City of Ogdensburg	504	Irvin Street	NOV. Foreclosure filed 12-30-2028	Residential Structure	\$2,250
48.073-1-10	City of Ogdensburg	1907	Jay Street	NOV. Foreclosure filed 12-30-2029	Residential Structure	\$2,500
48.079-7-17	City of Ogdensburg	605	Morris Street	NOV. Foreclosure filed 12-30-2030	Residential Structure	\$2,250
59.022-4-40	Bennett, Scott	402	New York Ave	FIRE/Prvt.	Residential Structure	\$2,500
						\$25,750
Parcel ID	Owner	Local Number	Local Name	Status	Facility Name	Asbestos Survey Cost
59.030-8-26	Ogdensburg City Of	1000	Jefferson Ave	Infrastructure	Park, neighborhood	\$1,750
59.023-1-1	Ogdensburg City Of	720	Mechanic St	Infrastructure	Pump House/Dam	\$3,350
						\$5,100
TOTAL						\$30,850

BE IT FURTHER RESOLVED that expenses for this project will be charged to FY2022 account numbers A8020.515

Director of Planning and Development Andrea Smith described each of the properties and the process involved to complete these projects. Councillor Powers said the resolution calls for surveys. Ms. Smith explained there will be asbestos surveys which will include testing of materials and a report for each property.

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The vote was:

CARRIED, AYES ALL

6. Councillor Skamperle moved a resolution authorizing the City Manager to submit a 2022 Northern NY Community Foundation Grant, and Councillor Kennedy seconded to wit:

A RESOLUTION TO AUTHORIZE THE SUBMISSION OF A
NORTHERN NEW YORK COMMUNITY FOUNDATION GRANT

WHEREAS, The Youth Philanthropy Council is an advisory committee of the Northern New York Community Foundation. It was chartered in 2010 to promote positive youth development and engage young people in meaningful activities that build their skills while deepening their understanding of community needs and educating them about community philanthropy and its impact on Northern New York. Council members grow to become critical thinkers as they engage in lessons that may never be taught in a classroom; and

WHEREAS, the Foundation awards grants in support of programs and projects that enhance the quality of life in communities across the region; and

WHEREAS, up to a total of \$20,000 is available, while one sole project could be funded, it has been the general practice to accommodate several grants that are meaningful in nature with the total funding available; and

WHEREAS, the City's Recreation Director recommends applying for funds to support the City's summer youth camps for the purpose of purchasing kayaks and life vests to expand our camp offerings for teens and young adults for the purpose of learning paddling techniques, safety procedures, kayak etiquette and how to enter and exit the water safely.

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NOW, THEREFORE, BE IT RESOLVED, the City Council supports the submission of this Northern New York Community Foundation application seeking up to \$2,500 to develop and implement a Kayaking Summing Camp for teens and young adults.

BE IT FURTHER RESOLVED, that the Ogdensburg City Manager or his designee is hereby authorized to submit a Northern New York Community Foundation funding application, and if received, to enter into any necessary contracts to accept and administer said grant in a timely manner.

Director of Planning and Development Andrea Smith described a plan to create a new summer camp for kayaking and canoeing for children, noting kayaking and canoeing were the biggest suggestions received following the summer camp survey. Councillor Kennedy asked if the kayaks and canoes would be available for rent when the camp is not in session. Ms. Smith said staff would be happy to discuss that option. Councillor Skamperle noted there is a business in town that offers kayak and canoe rentals.

The vote was:

CARRIED, AYES ALL

7. Mayor Skelly moved a resolution authorizing the City Manager to enter into a management services agreement with the Development Authority of the North Country for the Water/Wastewater Facilities, and Councillor Dillabough seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO
A MANAGEMENT SERVICES AGREEMENT WITH
THE DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY

WHEREAS, a management services agreement for the City Water/Wastewater Facilities has been negotiated between the City Manager and the Development Authority of the North Country (DANC), and

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NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the City Manager to enter into said agreement with the Development Authority of the North Country to provide professional services and management support for the Water/Wastewater Facilities, pending review and approval of the City Attorney.

Councillor Powers asked if DANC will be covering the plant twenty-four hours a day, seven days a week, and City Manager Stephen Jellie said yes. Councillor Powers asked if everything has been contracted out including all of our obligations. Mr. Jellie explained DANC will offer a multitude of services, noting the contract has a three-year term and is renewable for \$163,000 per year. Councillor Skamperle asked if this is a base rate and if there are any additional fees. Mr. Jellie explained all services to be provided by DANC for the City have been carved into one agreement. Mr. Jellie said Council will decide in the future if we want to stop the hybrid process. Councillor Skamperle questioned the purpose of Appendix B. Mr. Jellie explained if we require services above and beyond those covered in our contract, Appendix B outlines the fees for those services. Councillor Powers questioned if the contract is for management services, and Mr. Jellie said yes. Councillor Powers questioned if there is a savings for the City to run the plants ourselves. Mr. Jellie explained he does not have that figure, but there are plans to hire an Assistant to the Public Works Director with an engineering background which will likely be the same cost. Mr. Jellie said he plans to bring that information to Council for the 2023 budget process. Councillor Powers asked if this three-year contract is necessary to jumpstart our new wastewater treatment plant. Mr. Jellie described the current personnel at the plants and operator levels of each employee. Councillor Powers said he would like to see an analysis next year for information purposes. Councillor Powers recommended a sixty day with cause and ninety days without cause termination policy. Mr. Jellie said he would generally agree, however we do not have current staff with the proper credentials. Councillor Powers suggested if we continue in this manner that we reevaluate that termination policy in the agreement.

The vote was:

CARRIED, AYES ALL

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OLD BUSINESS

1. Councillor Powers asked for an update on the School Resource Officer position. City Manager Stephen Jellie said he is trying to establish a meeting date that is convenient for all who wish to attend, and he will reach out to the school superintendent again.

NEW BUSINESS

1. Councillor Rishe suggested a work session to discuss goals for the City be scheduled in the near future, possibly next Saturday or the following Saturday. Councillor Kennedy said Saturdays are tough with her schedule. Councillor Skamperle suggested Monday evenings when there is not a Council meeting scheduled. Councillor Powers said he could attend remotely. Councillor Kennedy suggested January 31, 2022, and Councillor Rishe and Councillor Skamperle agreed. Councillor Kennedy suggested 6:00 pm to 8:00 pm and questioned how long each member of the public would be permitted to speak. Councillor Rishe questioned how work sessions are conducted, and Councillor Kennedy said it is typically a round table discussion. Councillor Kennedy suggested five minutes per person on each topic of discussion with each person being permitted to speak on multiple topics. Councillor Fisher suggested the public submit their comments to City Clerk Cathy Jock. Councillor Kennedy said people want to speak and suggested limiting the session from 6:00 pm to 8:00 pm with the possibility of another session if needed. Councillor Skamperle suggested establishing categories for discussion. Councillor Fisher said specific topics or goals should be set so there are not just generic items. Councillor Rishe said the community development goals are outlined in the Community Development Plan, and he could prepare a summary. Councillor Kennedy suggested each member of Council submit one topic to the City Manager by the end of the week so a list of all topics submitted can be compiled. Councillor Powers asked how Open Meetings Law would apply.

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City Manager Stephen Jellie said the work session will be publicized, and the public will be permitted to attend remotely. Mr. Jellie agreed with Councillor Kennedy's suggestion of topics being submitted by each member of Council, adding he will send the list of topics and goals that he prepared for tonight's meeting to Council. There was a consensus of Council to hold a work session on January 31, 2022 from 6:00 pm to 8:00 pm.

2. Councillor Skamperle said members of the snowmobile clubs have asked for a passage way for snowmobilers through the City. Councillor Skamperle explained it would help businesses in the City. Councillor Skamperle explained it is unsafe for them to get across the river and suggested one side of the Lafayette Street bridge remain unplowed for their passage. Councillor Skamperle said he would like to see discussions begin and staff to start reviewing the possibilities. City Manager Stephen Jellie asked if Councillor Skamperle had a point of contact. Councillor Skamperle said he will send the contact information to Mr. Jellie.

3. Councillor Dillabough said the roof blew off the City-owned property at 1503 Greene Street, and there is glass everywhere. Councillor Dillabough explained a citizen asked if something could be done with the property. City Manager Stephen Jellie said staff will look into it.

ITEMS FOR DISCUSSION

1. Councillor Kennedy said the agenda cover sheet should be updated in light of the recent legislation regarding meeting material being made available in advance. City Manager Stephen Jellie agreed.

2. City Manager Stephen Jellie said the City will be applying for the SAFER Grant, and staff is already working on it. Mr. Jellie explained staff will also consult with IAFF representatives. Mr. Jellie said this is one of the few grants that are objective, noting the grant process has to do with financial resources. Mr. Jellie said we are currently sitting at the recommended staffing of four members per shift so hopefully the City will do better in the process this year.

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Mr. Jellie said Council just went through a very lengthy budget process, everyone knew the proposed staffing levels, and he didn't hear anything from any members of Council concerning staffing at the Fire Department. Councillor Rishe said he did not remember talk of three members per shift during the budget process. Mr. Jellie said that information was included in his preamble to the 2022 budget, and he is unsure how it was overlooked by everyone. Mr. Jellie said ultimately it is about where Council wants to put the money. Mr. Jellie explained he reached out to IAFF with an idea that could sustain the level of staffing at four members per shift for another year. Mr. Jellie said he proposed members give up the hazard pay, noting conditions are not hazardous until staffing drops below a minimum level. Mr. Jellie explained the savings on the hazard pay could be used towards overtime pay. Mr. Jellie said if Council authorized the funding for more firefighters tonight, it would be hard to hire new people because there are only one or two names on the list. Mr. Jellie explained if Council is not comfortable with the three-person minimum staffing it will eventually lead to no Fire Department, noting the average annual cost for a firefighter is \$153,000 and that figure is increasing every year. Mr. Jellie said all costs are increasing significantly and that is one of the reasons we are the only community in the County with a paid Fire Department. Mr. Jellie said the talk about houses burning and the safety of people should stop. Mr. Jellie said we need to determine how we can justify the cost under the old numbers when there were only five fires last year, adding we need to look realistically at what we do. Mr. Jellie said our Fire Department is covering enough EMS calls and goes when no one else can go, adding there is no sense in having multiple agencies show up at the same call. Mr. Jellie said our Fire Department is not going to fight much of a fire until mutual aid arrives, and the ideal number of staff is fifteen. Mr. Jellie explained the relationship between Heuvelton and Ogdensburg is the best it has ever been. Mr. Jellie said he understands the contract concerns, and the decision will be arbitration or not. Councillor Powers said there are many other grants out there and suggested staff explore them all. Mr. Jellie said there are not more grants for staffing. Councillor Powers said there was discussion about staffing at the Police Department at the meeting regarding the budget, and Mayor Skelly moved to vote and discussion ended. Councillor Kennedy asked if Heuvelton signed a mutual aid agreement with the City. Mr. Jellie explained there is a County-wide mutual aid program. Mr. Jellie said the four people minimum is an expensive proposition, and he hopes there is discussion during the upcoming work session.

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Mayor Skelly said the City lost a lot of revenue regarding sales tax, and mutual aid has worked great for the five fires last year. Councillor Skamperle said he supports minimum staffing of four per shift, and he believes there will be good discussion at the work session. Councillor Skamperle said he made it clear at budget time that he was opposed to cutting positions and that the 10% tax reduction is on the backs of public safety. Councillor Skamperle said this should be a topic of discussion at the work session. Mr. Jellie said the Fire Department has responded to EMS calls, but our department is not equipped or staffed for EMS calls. Mr. Jellie explained we are trying to use resources to bridge the gap because the City generates a lot of EMS calls. Mayor Skelly said it is ridiculous to blame our current City Manager and Fire Chief when nothing has been done for decades to increase revenue to afford the fire and police departments. Mayor Skelly questioned how it is the City Manager's fault that we only have so much revenue but not enough to cover our expenses.

2. City Manager Stephen Jellie said the County chargebacks to the City will be discussed at the upcoming work session. Mr. Jellie said citizens have no vote, and there is no public hearing held on these chargebacks, adding the charges are just imposed. Mr. Jellie explained there needs to be discussion about these charges with the County, adding some are allowed by law but the County has discretion. Mr. Jellie said he will break the numbers down for the work session. Mr. Jellie explained County sales tax revenue will be in excess of \$9 million more, but yet they keep charging these chargebacks and questioned what will be the next charge they add to their list. Mayor Skelly said other communities are not happy about it either.

3. Councillor Skamperle said Mike Tooley always presents himself in a gentleman fashion, and he believes the baseless opinion post should be taken down. Mayor Skelly said Mr. Tooley is well respected, but his numbers are not correct. Mayor Skelly said he tried to talk to Mr. Tooley, but he has been incorrect and should do a better job. City Manager Stephen Jellie said he is not taking his comment back, adding he is disinterested in Mr. Tooley spreading false information and his statement was false. Mr. Jellie explained St. Lawrence County Treasurer Renee Cole took every opportunity to make it difficult for City taxpayers, noting the tax collection date didn't need to be January 1st for fifty years.

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Mr. Jellie said the County just made the change without telling anyone even though the City had talked about it for six months, adding the only problem is that the County did not act when they should have taken action. Mr. Jellie said Mr. Tooley should be ashamed for supporting St. Lawrence County Treasurer Renee Cole's actions. Councillor Kennedy said she would like to see personal issues left off the City website. Mayor Skelly said if you do not make nice, you do not get nice. Councillor Powers said people are being called out, and it is defamation. City Manager Stephen Jellie said the comment was not on the City website. Councillor Powers said our job is to govern, and the City website is supported by property tax revenue and should be our portal. Mr. Jellie said the comment is not on the City website. Mayor Skelly said they were called a bunch of thugs, and Councillor Powers said that is not true. Councillor Fisher called a point of order and ask that Council continue on with the meeting.

CITIZEN PARTICIPATION

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

2. Michael Tooley addressed Council and said when the County sent their notice regarding the tax collection schedule in 2022, the City Manager expressed his displeasure with that surprise notice and lack of proper notification to taxpayers. Mr. Tooley said he advised Council back in September that the possibility of a January collection date existed and asked that the City follow up with the County. Mr. Tooley said although there may have been attempts by the City to reach out to the County and the County may not have responded to the City, it was never communicated to the citizens. Mr. Tooley said he believes the City could have been more proactive in notifying City taxpayers. Mr. Tooley thanked the County for opening an office in the City for the payment of County taxes. Mr. Tooley said the language in the notice and the timing of the office maybe could have been better, but at least there was communication to City taxpayers from the County while there was none from the City.

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Mr. Tooley said Council permits the City Manager to editorialize in his public comments and on social media, and the City website has basically become a one-way Facebook page which is disappointing. Mayor Skelly advised Mr. Tooley that his two minutes had expired. Mayor Skelly said Council is being proactive, has paid the County back for decades of debt and took action to relieve the City of its obligation to make the County whole on taxes. City Manager Stephen Jellie said the Town Hall for Ogdensburg Facebook site is not run and administered by the City. Mr. Jellie explained it is a completely private site that is run by a private individual, and no member of City staff administers that page. Mr. Jellie said the City is currently working to get our own Facebook page back up and running, but we have not been legally successful in completing that yet. Mr. Jellie explained all of the comments mentioned are posted on the Town Hall for Ogdensburg Facebook page and not on the City website. Councillor Skamperle said if an individual represents themselves as a member of Council or as the City Manager, you are representing the City. Councillor Skamperle said the Supreme Court has ruled on that matter. Mr. Jellie said he did not state he was representing the City when he commented. Mr. Jellie said if Council seeks to limit his interactions on social media and all media sources in his official capacity, he will take that direction. Mr. Jellie said at the current time he responds to all media sources that he finds are outrages, and Mr. Tooley's comments were not correct. Councillor Powers said he believed Mr. Tooley was referencing a comment on the City website, not the Town Hall Facebook page. Councillor Powers said he did not believe Mr. Tooley was implying that Facebook page is administered by the City and was simply stating it is one sided. Mr. Jellie said there is no ability to comment on the City website, adding it is one way information that we post. Mr. Jellie said the updates are listed on the City website as Newsflashes that can be amended for the section for updates.

3. Brenda Hill addressed Council and said the City could save some money if the City Manager cut his hours down if he is working so much. Ms. Hill said it is very discouraging how so many bridges are being burned tonight. Ms. Hill said Council members should just listen even if they do not like what is said. Ms. Hill explained when she asks a question, she gets no response but when Mike Tooley spoke there was a whole conversation about it.

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Ms. Hill said she thought people should get answers to their questions, but Mayor Skelly answers what he wants to answer when upset about something. Ms. Hill questioned what happens if we have a fire tonight and there are not enough firefighters on duty with the temperature dropping below zero and people using alternate heating sources.

4. Maureen Brashaw addressed Council and said she wanted someone to ensure that Councillor Fisher and Councillor Rishe were both muted. City Clerk Cathy Jock confirmed that both were showing muted. Mrs. Brashaw said Mayor Skelly had stated that people are not standing with him against the County on issues and questioned why people would because he is a known liar. Mrs. Brashaw said it has been stated that it is City Manager Stephen Jellie's job to deal with our issues and we must submit our issues to Mr. Jellie. Mrs. Brashaw said Mr. Jellie needs to check himself and his tone with Council members and the people of this City. Mrs. Brashaw said Mr. Jellie works for the citizens and serves at Council's pleasure, adding Mr. Jellie should not raise his voice and grandstand for the camera. Mrs. Brashaw said Mr. Jellie and Mayor Skelly represent themselves as City Manager and Mayor on Facebook, and it is like Dr. Jekyll and Mr. Hyde. Mrs. Brashaw explained they say whatever they want on Facebook, but then claim people are attaching them on the official record. Mrs. Brashaw asked why Phil Clemens is calling in regularly now to meetings and questioned if he was fired from the City. Mrs. Brashaw said he has no business calling in to meetings, and everyone has seen his negative comments about the City on Facebook.

5. Penny Sharrow addressed Council and said City Manager Stephen Jellie knew what the job was when he signed up for it, and he gets paid well to work hard. Mrs. Sharrow said it is not proper to debate over a person's name and mention where that person works, adding the discussion tonight about an individual was inappropriate.

6. Valerie Sovie addressed Council and attempted to read a prepared statement. Due to technical difficulties, Councillor Kennedy received a copy of the statement electronically and read it on behalf of Mrs. Sovie. (A copy of the statement follows these minutes.)

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7. Jennifer Stevenson addressed Council and said she advised the newer Council members two years ago that some training in governance would be very helpful. Ms. Stevenson encouraged members of Council and City Administration to reach out to the New York Conference of Mayors to register for speaking classes. Ms. Stevenson said she has never seen anyone treat staff, other Council members and citizens this way.

Councillor Rishe made a motion to adjourn to Executive Session to discuss 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. The motion died for lack of a second.

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