

1. Agenda

Documents:

[AGENDA 01-24-19.PDF](#)

2. Supporting Documents

Documents:

[MEETING DOCS 012419.PDF](#)

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK**

January 24, 2019

**5:30 P.M.**

**AGENDA**

**Pledge of Allegiance**

(RC)

**Present:** Mayor Colin Read, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Elizabeth Gibbs (W3), Peter Ensel (W4), Patrick McFarlin (W5), Jeff Moore (W6)

**Absent:**

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**MAYOR'S COMMENTS:**

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** That the Minutes of the Regular Meeting of the Common Council held on January 17, 2019 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending January 23, 2019 in the amount of \$\_\_\_\_\_ are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:**

- Minutes from the Finance and Budget Committee held on January 17, 2019
- Report from the Parking Violations Bureau for December 2018

• **COUNCILOR/DEPARTMENT CHAIR COMMITTEE REPORTS:**

**Governance, Strategy, and City Operations-** Chair Councilor Armstrong

**City Infrastructure** – Chair Councilor Moore

**Finance and Budget** – Chair Councilor Kelly

**Public Safety** – Chair Councilor Gibbs

**Plattsburgh Public Library** – Chair Councilor Ensel

**MLD - MLD Board President** Councilor McFarlin

**RESOLVED:** That the reports as listed are hereby ordered received and any written reports are placed on file among the public records of the City Clerk’s Office.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

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**4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None**

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**5. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills Audited by the Common Council for the week ending January 25, 2019 in the amount of \$\_\_\_\_\_ are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

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**6. PERSONS ADDRESSING COUNCIL ON AGENDA ITEMS ONLY:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**7. OTHER ITEMS:**

**A. WHEREAS,** pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law of the State of New York and the statutory powers vested in the Common Council of the City of Plattsburgh (“Common Council”) to regulate and control land use and to protect the health, safety and welfare of its residents, pursuant to Local Law P-3 of 2018, which was adopted on March 15, 2018, the Common Council declared an eighteen (18) month moratorium on all applications or proceedings for

applications, for the issuance of approvals or permits for the commercial cryptocurrency mining operations in the City of Plattsburgh (“City”); and

WHEREAS, pursuant to Local Law P-3 of 2018, the aforementioned moratorium may be terminated earlier than eighteen (18) months if the Common Council determines by resolution that the purpose of the local law have been fulfilled;

WHEREAS, the City formed a cryptocurrency zoning committee to study the matter; and

WHEREAS, on March 19, 2018, the New York State Public Service Commission adopted an Order Approving Tariff Amendments with Modifications (“Rider-A”) impacting High Density Load Customers to mitigate/minimize any utility surcharges experienced by residential customers as a result of incremental purchase power costs; and

WHEREAS, on October 25, 2018, the Common Council adopted Local Law P-6 of 2018, which established zoning regulations, fire suppression requirements, heat controls, noise limits, and nuisance abatement provisions for commercial cryptocurrency mining operations in the City.

NOW THEREFORE IT IS HEREBY RESOLVED that the Common Council determines that the purpose of the Commercial Cryptocurrency Mining Operation Moratorium established by Local Law P-3 of 2018 have been fulfilled and the Moratorium is hereby terminated, effective the date this resolution is approved.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**B. RESOLVED:** In accordance with the request therefore the Common Council approves continuing the contract with James Burgess as the Nuisance Animal Control Officer for 2019 for the same total cost as in 2018 of \$25,000.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**C. RESOLVED:** In accordance with the request therefore, the Common Council determines that the

“WPCP Upgrades” CWSRF Project No. C5-5502-01-00 is a Type II Action under SEQR and no further action is required.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**D. RESOLVED:** In accordance with the request therefore, the Common Council authorizes the retention of GAR Associates, LLC to perform certain real estate appraisal services for the assessment litigation involving Georgia Pacific v. City of Plattsburgh, per the terms as set forth in their engagement proposal, dated June 27, 2018, which was sent to the City’s special counsel.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**8. TRAVEL REQUEST:**

**A. RESOLVED:** In accordance with the request therefore the Common Council approves Building Inspector Joseph McMahan, Housing Inspector Kyle Burdo and Municipal Code Inspector James Welch to attend the 24th Annual Northern Adirondack Continuing Education Conference promoting the Code Officials Role as a First Preventer” in Lake Placid, New York from March 3-7, 2019 at a cost not to exceed \$915. This codes education conference provides mandatory training hours to retain Code Enforcement Certification.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

\*\*\*\*\*

**B. RESOLVED:** In accordance with the request therefore the Common Council approves for two Police Department employees to attend “Homeland Security Initial Response to Active Shooters Training” from January 28-29, 2019 in Oriskany, NY. The total cost will not exceed \$276 and will be

expensed out of the Asset Forfeiture Fund. The registration and the lodging will be paid for by the Department of Homeland Security.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**9. RESOLUTIONS FOR INITIAL CONSIDERATION: None**

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**10. NEW BUSINESS AND COUNCILOR REPORTS:**

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**11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:**

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Motion to Adjourn by Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**MEETING ADJOURNED:** \_\_\_\_\_



**Plattsburgh Police Department**  
45 PINE STREET  
**Plattsburgh, New York**

518-563-3411  
518-566-9000 (FAX)

January 11, 2019

Mayor Colin L. Read  
And Members of the Common Council  
41 City Hall Place  
Plattsburgh, NY 12901

Dear Mayor and Council Members;

Attached please find the monthly report of the Parking Violations Bureau for December 2018.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "L. Ritter", is written over the typed name.

Chief Levi J. Ritter  
Plattsburgh Police Department

PARKING VIOLATIONS BUREAU

Monthly Report for December 2018

|                    | <u>Dec 2018</u> | <u>Dec 2017</u> |
|--------------------|-----------------|-----------------|
| TICKETS ISSUED:    | 11              | 45              |
| TICKETS COLLECTED: | 96              | 29              |
| REVENUE FOR MONTH: | \$4,120.50      | \$1,320.25      |

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YEAR TO DATE TOTALS:

|                    | <u>Dec 2018</u>   | <u>Dec 2017</u> |
|--------------------|---|-----------------|
| TICKETS ISSUED:    | 720   | 648             |
| TICKETS COLLECTED: | 626   | 581             |
| REVENUE:           | \$23,755.50   | \$20605.75      |
| COMPARISON:        | Parking tickets issued for Dec. 2018: DOWN 34<br>Parking tickets collected for Dec. 2018: UP 67<br>Revenue for Dec. 2018: UP \$2,800.25<br>Amount Dismissed: \$0.00 |                 |





**Plattsburgh Police Department**  
45 PINE STREET  
**Plattsburgh, New York**

518-563-3411  
518-566-9000 (FAX)

January 11, 2019

Mayor Colin L. Read  
And members of the Common Council  
41 City Hall Place  
Plattsburgh, NY 12901

Ladies and Gentlemen:

I respectfully request your approval to sign the attached contract for Animal Control Services for 2019. The annual cost of \$25,000.00 for 2019 is at the same rate as 2018.

If you should have any questions or require additional information, please feel free to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Ritter", is written over the typed name.

Chief Levi Ritter  
Plattsburgh Police Department

**CITY OF PLATTSBURGH  
CONTRACT AGREEMENT  
FOR NUISANCE ANIMAL CONTROL**

This Agreement made and entered into the \_\_\_ day of \_\_\_\_\_, 2019, by and between THE CITY OF PLATTSBURGH, New York, a municipal corporation with offices at City Hall, 41 City Hall Place, Plattsburgh, New York, hereinafter referred to as the "CITY" and James R. Burgess, an individual doing business as Nuisance Wildlife Control, at PO Box 426, Saranac Lake, New York 12983, hereinafter referred to as the "Contractor".

WITNESSETH, that the Contractor and the CITY for the considerations stated herein mutually agree as follows:

**Article 1. STATEMENT OF WORK**

The Contractor is JAMES R BURGESS. This contract may not be assigned to another person without the City's written consent.

The contractor shall furnish all transportation, services, equipment and supplies necessary to perform the work. The work is described in exhibit A.

The contractor shall also provide the following insurances, licenses and certifications.

1. General Liability Insurance with the CITY as Names Insured for no less than \$1 million Dollars.
2. Proof of Workers Compensation Insurance Coverage for all employees, (if any).
3. For all vehicles used in the performance of the work, proof of automobile liability insurance coverage with limits of not less that 500,000/1,000,000.
4. A valid Nuisance Wildlife Control Officer license issued by the NYDEC.

**Article 2. THE CONTRACT PRICE**

The CITY will pay the Contractor a lump sum price of Twenty Five Thousand Dollars (\$25,000.00) for the performance of the work during the year 2018. The contract price will be paid in monthly installments at the end of each month. Payment vouchers shall be submitted to the Police Department for approval and transmitted by the Police Department to the Chamberlain for payment.

Article 3. THE CONTRACT TERM

This contract shall commence on the \_\_\_\_ day of January 2019, and terminate on \_\_\_\_ day of January, 2020.

Article 4. STATUTORY COMPLIANCE

The Contractor shall comply with all applicable laws in the performance of the services, including the New York State Agriculture & Markets Law and City Code.

Article 5. TERMINATION

This contract may be terminated by either party on 30 days written notice to the other. If during the term of this contract, the Contractor fails to respond to three calls for service without just cause, the CITY may terminate the contract on 24 hours notice to the Contractor. The parties agree that if either of them has any concerns about the scope or manner of performing the services they will meet, discuss and attempt to resolve their concerns.

Article 6. JURISDICTION; WAIVER OF JURY TRIAL

Any action or legal proceeding arising out of this Agreement shall be heard in a court of competent jurisdiction in Clinton County, New York. Both parties waive the right to a trial by jury of any claim arising out of this contract.

Article 7. CONTRACTOR STATUS

The Contractor represents to the CITY that he is engaged in the business of animal control; that he has other clients for whom he provides such services; that he has and will supply all tools, equipment and supplies necessary to perform the work; that he is an independent contractor and the compensation paid to him will not be subject to tax or other withholding. The CITY acknowledges and agrees that the CITY will have no control or supervision over the means or methods the Contractor uses to perform the work except to insure that the Contractor is in compliance of the law.

IN WITNESS WHEREOF, the parties to this Agreement have hereunto set their hand and seals and have executed this Agreement the day and year first above written.

ATTEST:

JAMES R. BURGESS  
(CONTRACTOR)

CITY OF PLATTSBURGH  
(OWNER)

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Street: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_

City: \_\_\_\_\_

ATTACHMENT: EXHIBIT A; SCOPE OF SERVICES

## EXHIBIT A; SCOPE OF SERVICES

The Contractor shall provide the following services to the City of Plattsburgh and perform such incidental tasks as are necessary to accomplish the work.

- 1) Assisting the City of Plattsburgh Police Department by conducting investigations related to dogs running at large, habitually barking, causing damage, chasing or harassing a person, biting or causing physical injury to a person, being unlicensed, or whose owner fails to remove feces;
- 2) Assisting the City of Plattsburgh Police Department by apprehending and transporting dogs to a designated shelter;
- 3) Assisting the City of Plattsburgh Police Department with investigations related to any complaint alleging a vicious or dangerous dog;
- 4) Investigating and responding to nuisance wildlife complaints concerning nuisance species listed by NYDEC, such as skunks, wood chucks and raccoons. Nuisance wildlife, when possible, shall be trapped with a "have a heart" trap and relocated, but all means of capture and disposal shall comply with DEC laws and regulations.
- 5) Humane euthanization of severely injured animals and disposal of their carcasses according to the New York State Health Department rules and guidelines.
- 6) The Contractor shall endeavor to respond to calls concerning sick or injured animals within 20 minutes.
- 7) Where a domesticated or wild animal does not appear to have sustained a life threatening injury, the Contractor shall: a) in the case of a domestic animal, contact the Police Department for authorization to obtain treatment at a veterinarian; b) in the case of a wild animal, transport the sick, injured or orphaned animal to a wild life rehabilitation center.
- 8) The Contractor shall not be responsible for paying the cost of animal shelter or veterinarian services; such costs to be invoiced and paid by the City of Plattsburgh.
- 9) The Contractor shall submit monthly reports in a form provided by the Police Department which will include information about complaints received, animals captured, euthanized, impounded, or transported for veterinary care.
- 10) Participation in court proceedings.



# Plattsburgh, New York

Jonathan P. Ruff, P.E.  
Environmental Manager

53 Green Street  
Plattsburgh, NY 12901  
Phone: 518-536-7519

[ruffj@cityofplattsburgh-ny.gov](mailto:ruffj@cityofplattsburgh-ny.gov)

January 22, 2019

To: Mayor Read and Members of the Common Council

Fr: Jonathan Ruff

Re: WRRF Mitigation Project  
Type II SEQR Determination

The work associated with the above project is considered a Type II Action under SEQR. With Type II Actions, normally all that is required is to document the determination in the project file and no formal resolution is necessary. However, Environmental Facilities Corporation (EFC) is used to receiving a SEQR resolution so they can check it off their list of requirements. EFC seems to be struggling to advance the financing process due to the lack of a resolution. The simplest way to resolve the issue is for the Council to formally declare the project a Type II SEQR Action by resolution and provide it to EFC. Therefore:

**It is respectfully requested that the Common Council make a determination that the "WPCP Upgrades" CWSRF Project No. C5-5502-01-00 is a Type II Action under SEQR and no further action is required.**

Attached are letters from Corporation Counsel and CDM Smith supporting this determination.

Please contact me if you have any questions.



11 British American Blvd, Suite 200  
Latham, New York 12110  
tel: 518 782-4500

May 23, 2017

Mr. Jonathan Ruff, P.E.  
Environmental Manager  
City Hall  
41 City Hall Place  
Plattsburgh, New York 12901

Subject: WPCP Upgrades – SEQR Review

Dear Mr. Ruff:

The upgrade project at the Water Pollution Control Plant (WPCP) including; primary clarifier, dewatering equipment, odor control system and aeration system upgrades; relocation of the septage receiving station; and WPCP façade enhancements was reviewed for compliance with the State Environmental Quality Review Act (SEQRA).

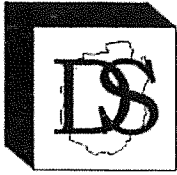
Based on section 617.5(c)(2) of SEQR "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;" is a Type II action. This applies to the primary clarifier, dewatering equipment and odor control system upgrades as well as the WPCP façade enhancements.

Based on section 617.5(c)(7) of SEQR "construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;" is a Type II action. This applies to the anticipated footprint of the new septage receiving and aeration blower building.

Therefore, this project is a Type II action. The City should keep this letter in the project files to document that a review of SEQR requirements was performed and no further action is required. Please don't hesitate to contact me at (518) 782-4507 with any questions.

Sincerely,

Greg Bold, P.E., BCEE  
Associate  
CDM Smith



LAW OFFICES OF  
DEAN C. SCHNELLER

121 Bridge Street | www.schnellerlaw.com  
Plattsburgh, NY 12901 | Phone: (518) 647-8877  
Fax: (518) 647-8316  
Dean@schnellerlaw.com

Corporation Counsel City of Plattsburgh

July 20, 2017  
VIA EMAIL AND REGULAR MAIL

New York State Environmental Facilities Corporation  
625 Broadway, #7  
Albany, NY 12207

**SUBJECT: WATER POLLUTION CONTROL PLANT UPGRADES – SEQRA Review**

To Whom it May Concern:

Please be advised that I represent the City of Plattsburgh as their Corporation Counsel. Based on discussions with John Ruff, the Environmental Manager for the City of Plattsburgh, regarding the above referenced project, I would like to set forth the City's position regarding the necessary review under SEQRA. Specifically, based on the plain language of the SEQRA, we believe this Water Pollution Control Plant upgrades project is a Type II Action under SEQRA which does not require any further review.

As you are aware, Type II actions are those actions, or classes of actions which have been found categorically to not have significant adverse impacts on the environment, or actions that have been statutorily exempted from SEQRA review. They do not require preparation of an EAF, a negative or positive declaration, or an EIS. The SEQRA regulations describe several types of Type II actions including: 617.5(c)(2) "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;" and 617.5(c)(7) "construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities." Based upon my discussions with Mr. Ruff, and my understanding of this project, the Water Pollution Control Plant upgrades fits squarely within the Type II actions as defined by 617.5(c)(2) and 617.5(c)(7). Accordingly, as this project is deemed a Type II action, no further review under SEQRA is required.

If you have any questions or concerns, please do not hesitate to contact my office.

Respectfully,

Dean C. Schneller

DCS/lw

Cc: Jon Ruff  
City file





Building and Zoning Department  
41 City Hall Place  
Plattsburgh, NY 12901  
Ph: 518-563-7707  
Fax: 518-563-6426

January 22, 2018

Mayor Colin Read  
And  
Members of the Common Council  
41 City Hall Place  
Plattsburgh, NY 12901

**Ref: Northern Adirondack Code  
Enforcement Officials Annual  
Training**

Dear Mayor Read and Councilors:

Permission is hereby requested for Building Inspector Joseph McMahon, Housing inspector Kyle Burdo, and Municipal Code Inspector James Welch to attend the "24<sup>th</sup> Annual Northern Adirondack Continuing Education Conference Promoting The Code Officials Role as a "First Preventer." This conference will be held at the Crowne Plaza Resort, 101 Olympic Drive, Lake Placid, NY on March 3 – March 7, 2019 at a cost not to exceed \$ 915.00. This codes education conference provides mandatory training hours to retain Code Enforcement Certification.

Sufficient funds are available in the 2019 Building Inspector Training and Education Budget, 3620-000-4461

Sincerely,

Joseph McMahon  
Building Inspector

/lb

CC: City Chamberlain



Plattsburgh Police Department  
45 PINE STREET  
Plattsburgh, New York

518-563-3411  
518-566-9000 (FAX)

LEVI J. RITTER  
Chief of Police

January 17, 2019

Mayor Colin L. Read  
And members of the Common Council  
41 City Hall Place  
Plattsburgh, NY 12901

Ladies and Gentlemen:

I respectfully request your approval to send two Police Department employee's to Oriskany, NY for the "Homeland Security Initial Response to Active Shooters Training", which is being held January 28-29, 2019, with a travel day of January 27, 2019. The total cost should not exceed \$276.00, as the registration and the lodging will be paid for by the Department of Homeland Security, and will be expensed out of the Asset Forfeiture Fund. Your consideration in this matter is very much appreciated. If you should have any questions or require additional information, please feel free to contact me.

Respectfully,

A handwritten signature in cursive script that reads "L. Ritter". To the right of the signature is a circular stamp containing the initials "LJR".

Chief Levi Ritter  
Plattsburgh Police Department