

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

July 28, 2016
5:30 P.M.

MINUTES

Present: Mayor James Calnon, Councilors Rachele Armstrong (W1), Mike Kelly (W2), Dale Dowdle (W3), Paul O’Connell (W4), Becky Kasper (W5), Joshua Kretser (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on July 14, 2016 are approved and placed on file among the public records of the City Clerk’s Office.

By Councilor Kasper; Seconded by Councilor Kelly

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the weeks ending July 20, 2016 in the amount of \$ 506,510.91 and July 27, 2016 in the amount of \$ 109,703.99 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 Armstrong; Seconded by Councilor Kretser

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the weeks of July 14 - 27, 2016
- Report from the Building Inspector’s office July 13 – 26, 2016
- Report from the Parking Violations Bureau for June 2016
- Report of Public Hearing held by the Zoning Board of Appeals on July 18, 2016
- Report from City Engineer to Establish Traffic Zone Designation No. 959

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

By Councilor Kelly; Seconded by Councilor O’Connell

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the weeks ending July 22, 2016 in the amount of \$ 382,633.99 and July 29, 2016 in the amount of \$ 1,939,737.31 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 Kasper; Seconded by Councilor Dowdle
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL: None

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves MLD to write-off unpaid final bills from April 1, 2015 to April 30, 2015 in the total amount of \$7,799.07. The percentage of write-offs for this period is .36%.

By Councilor Kelly; Seconded by Councilor Dowdle
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves the Building Inspector to refund \$80.00 to Ryan's Masonry for Building Permit # 1823 (for 175 Prospect Ave) because the homeowner has cancelled the contract with Ryan's Masonry for the proposed work.

By Councilor Dowdle; Seconded by Councilor O'Connell
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

C. MAYOR CALNON REQUESTS PERMISSION TO APPOINT JANELLE HENRY TO WATER RESOURCE CHEMIST IN THE WATER POLLUTION CONTROL PLANT AT RANGE 2 STEP 9 AT A SALARY OF \$52,160 ON THE MANAGEMENT SALARY SCHEDULE EFFECTIVE JULY 29, 2016.

By Councilor Kretser; Seconded by Councilor Dowdle
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves SUNY Police to divert and direct one-way traffic in a westerly direction (as in past school years) on Rugar St between the Myers Building and Sanborn Ave on August 27, 2016 from 7am to 7pm.

By Councilor Kasper; Seconded by Councilor Kelly
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

E. RESOLVED: In accordance with a request from Clinton County Emergency Services the Common Council approves removing "Bernards Way, Lake Way and Freedom Way" as official private Right-of-Way's established for 911 purposes only since the purpose of these property's has changed and it is no longer necessary to have a named private right-of-way.

By Councilor O'Connell; Seconded by Councilor Dowdle
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves the North Country Co-op "Prep Room" be awarded to Dan Dessurault/Handy Dan Construction for the total amount of \$ 23,232.00 and preparing the area to receive the new walk-in cooler for \$ 1,600.00.

By Councilor Kelly; Seconded by Councilor Armstrong
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

G. RESOLVED: In accordance with the request therefore the Common Council approves Environmental Manager to advertise for Request for Proposals for Beach Swimming Area Improvements.

By Councilor Kretser; Seconded by Councilor Armstrong

Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

H. RESOLVED: In accordance with the request therefore the Common Council approves Erin McCartan to hold the Plattsburgh Polar Plunge at the Plattsburgh City Beach on November 13, 2016 to benefit the Special Olympics.

By Councilor Kasper; Seconded by Councilor Kelly
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

I. RESOLVED: In accordance with the request therefore the Common Council approves Clinton Dederick to hold a medieval demonstration at Waterhouse park on September 3, 2016.

By Councilor Armstrong; Seconded by Councilor Kelly
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

J. Motion to waive rule 4 for initial consideration "Request from City Engineer Kevin Farrington with respect to the city marina expansion project.

Whereas, the City of Plattsburgh intends to expand the City Marina

Whereas, pursuant to SEQR, the Common Council has determined the proposed action to be a Type 1 Action; and

Whereas, the proposed action requires the approval of several agencies, including the Common Council; and

Whereas, the Common Council desires to serve as Lead Agency for the purpose of conducting an environmental review of the proposed action in accordance with SEQR regulations; and

Whereas, the City intends to prepare a Notice of Intent to Serve as Lead Agency for the purpose of establishing itself as lead agency; and

Whereas, the City intends to prepare an Environment Assessment Form to evaluate the potential impacts of the proposed action;

Now, therefore, be it resolved, that provided no other involved agency indicates a desire to serve as Lead Agency within thirty days of the date of this notice, the Common Council will serve in that capacity, in accordance with SEQR regulations.

It is further resolved, that this resolution will be effective immediately.

By Councilor Kasper; Seconded by Councilor Armstrong

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

RESOLVED:

Whereas, the City of Plattsburgh intends to expand the City Marina

Whereas, pursuant to SEQR, the Common Council has determined the proposed action to be a Type 1 Action; and

Whereas, the proposed action requires the approval of several agencies, including the Common Council; and

Whereas, the Common Council desires to serve as Lead Agency for the purpose of conducting an environmental review of the proposed action in accordance with SEQR regulations; and

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Whereas, the City intends to prepare an Environment Assessment Form to evaluate the potential impacts of the proposed action;

Now, therefore, be it resolved, that provided no other involved agency indicates a desire to serve as Lead Agency within thirty days of the date of this notice, the Common Council will serve in that capacity, in accordance with SEQR regulations.

It is further resolved, that this resolution will be effective immediately.

By Councilor Kasper; Seconded by Councilor Armstrong

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves City Clerk Sylvia Parrotte to attend “Fall Training School for City and Village Clerks” in Saratoga Springs, NY from September 12-16, 2016 at a cost not to exceed \$1,000.

By Councilor Kelly; Seconded by Councilor O’Connell

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves one Police Department employee to attend “Forensic Interviewing Training” from August 8-11, 2016 in Canton, NY at a cost not to exceed \$205 which will be reimbursed by CAC and NY State.

By Councilor Armstrong; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from City Engineer Kevin Farrington with respect to the city marina expansion project.

Whereas, the City of Plattsburgh intends to expand the City Marina

Whereas, pursuant to SEQR, the Common Council has determined the proposed action to be a Type 1 Action; and

Whereas, the proposed action requires the approval of several agencies, including the Common Council; and

Whereas, the Common Council desires to serve as Lead Agency for the purpose of conducting an environmental review of the proposed action in accordance with SEQR regulations; and

Whereas, the City intends to prepare a Notice of Intent to Serve as Lead Agency for the purpose of establishing itself as lead agency; and

Whereas, the City intends to prepare an Environment Assessment Form to evaluate the potential impacts of the proposed action;

Now, therefore, be it resolved, that provided no other involved agency indicates a desire to serve as Lead Agency within thirty days of the date of this notice, the Common Council will serve in that capacity, in accordance with SEQR regulations.

It is further resolved, that this resolution will be effective immediately. **(Move to agenda under “Other Items” Letter J)**

10. NEW BUSINESS:

Councilor Armstrong asked for an update on the Library steps.

City Engineer Kevin Farrington indicated he has contacted the contractor.
[Further discussion]

Councilor Dowdle asked if all departments using new logo.

Mayor Calnon indicated we are phasing in so as not to incur big cost.

Councilor Dowdle asked about base infrastructure meeting with Janet Duprey.

Mayor Calnon gave update.

Councilor Dowdle inquired about survey being done for downtown regarding Downtown Rising events on Friday nights.

Mayor Calnon indicated survey has gone out getting results back and will give Council report after all received.

Councilor Dowdle asked if any Brownfield money left.

City Engineer Kevin Farrington indicated on current projects, no.

Mayor Calnon there is Brownfield money in the State. Is there a Brownfield we haven't worked on that you have in mind?

Councilor Dowdle No.

Councilor O'Connell discussed Circus using Crete without captive animals and email they received from Steve and was anything sent back to group.

[Further discussion]

Councilor Kelly proposed adding to the resolution passed on June 16, 2016; Seconded by Councilor Armstrong

Resolution passed at a Regular Meeting of the Common Council held on June 16, 2016:

“Resolution by this Council affirming the Recreation Superintendent’s decision not to allow our facilities to be used in captive animal performances.”

Councilor Kelly amended to:

Resolution by this Council affirming the Recreation Superintendent’s decision not to allow our facilities to be used in captive animal performances, nor circus companies that use captive animals elsewhere for performances.

[Further discussion]

Mayor Calnon said Councilor Kelly proposed language on the table. Councilor Armstrong seconded. Do we want to consider that language or amend that language, it’s your call.

Councilor Kelly retracted amended resolution.

Councilor Kelly said as long as there is an understanding between us that just because you don’t bring animals to Plattsburgh, if you’re abusing them elsewhere, that’s not ok. As long as we have that understanding then I guess we don’t need a resolution

Councilor O’Connell spoke about a visit he had from a resident that has had to remove 9 skunks. It’s near the garden at Bailey Avenue.

Mayor Calnon indicated they are working on problem.

Mayor Calnon sets Public Hearing on Thursday, August 11, 2016 at 5pm:

THE CITY OF PLATTSBURGH IS HOLDING A PUBLIC HEARING A HEARING WILL BE HELD TO RECEIVE PUBLIC COMMENTS ON THE FOLLOWING PROPOSED LOCAL LAW P-6 OF 2016: A LOCAL LAW AMENDING THE TABLE OF CONTENTS, SECTION C1-8, SECTION C2-7, SECTION C3-8(H), SECTION C3-9, ARTICLE IV, ARTICLE V, ARTICLE VI AND ARTICLE VII OF THE CITY CHARTER OF THE CITY OF PLATTSBURGH, CHANGING THE CURRENT FORM OF GOVERNMENT, WITH A STRONG MAYOR, TO A FORM OF GOVERNMENT WITH A CITY MANAGER.

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor O’Connell; Seconded by Councilor Kasper

Roll call Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

Mayor Calnon recognized that Councilor Armstrong made a donation to the Saratoga Replica tree house project at the beach. He thanked her and said he appreciated it.

MEETING ADJOURNED: 6:05pm

Mayor Calnon introduced 07-28-16. Set Public Hearing
Thursday, August 11, 2016 at 5pm.

Local Law No. P-6 of the year 2016.

A local law amending the Table of Contents, Section C1-8, Section C2-7, Section C3-8(H), Section C3-9, Article IV, Article V, Article VI and Article VII of the City Charter of the City of Plattsburgh.

This Local Law is enacted pursuant to the provisions of Sections 10 and 23 of the Municipal Home Rule Law of the State of New York.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

1. The Table of Contents of the City Charter of the City of Plattsburgh at Article IV is amended and re-stated to read as follows:
“ARTICLE IV. MAYOR AND CITY MANAGER.
C4-1 Mayor Term; Mayor Qualifications
C4-2 Mayor Compensation
C4-3 Mayor Powers and Duties
C4-4 Mayor Pro Tem
C4-5 City Manager Appointment; Qualifications; Compensation
C4-6 City Manager Removal
C4-7 Acting City Manager
C4-8 City Manager Vacancy
C4-9 City Manager Powers and Duties”
2. The Table of Contents of the City Charter of the City of Plattsburgh City Code at Article VII is amended to read as follows:
“C7-5 Hiring a City Manager”
3. The City Charter of the City of Plattsburgh at Section C1-8 is amended so that the definition of “Officer” includes:
“d. The city manager.”
4. The City Charter of the City of Plattsburgh at Section C2-7 is amended and re-stated to read as follows:
“The city manager and each city board having appointive powers may remove any city officer appointed by them for dishonesty, incapacity, neglect of duty, or other irregularities, or for the reason that there are no longer any duties to be performed, giving such officers reasonable notice thereof and a reasonable opportunity to be heard, and such officer may be suspended pending an investigation of the possible grounds for removal. A hearing shall be had before the city manager or a hearing officer appointed by the city manager upon written charges, a copy of which shall be furnished to the accused.”

5. The City Charter of the City of Plattsburgh at Section C3-8(H) is amended and re-stated to read as follows:
 - H. To authorize the city manager or a designated city officer, to enter into contracts and execute deeds.

6. The City Charter of the City of Plattsburgh at Section C3-9 is amended and re-stated in its entirety to read as follows:
 - “A. Appointments and Removals. Neither the common council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.
 - B. Interference with Administration. Except for the purpose of inquiries, and investigations under §C3-9, the council or its members shall not deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.”

7. The City Charter of the City of Plattsburgh at Article IV is amended and re-stated so that the section headings in Article IV replicate and correspond with the Table of Contents of the City Charter of the City of Plattsburgh as set forth and described in Paragraph 1, above.

8. The City Charter of the City of Plattsburgh at Section C4-2 is amended and re-stated to read as follows:

“The compensation of the mayor shall be two and one half times the compensation of city councilor. Changes in such compensation may not be effective during the term of office during which the change is approved.”

9. The City Charter of the City of Plattsburgh at Section C4-3 is amended and re-stated in its entirety to read as follows:
 - A. The mayor shall be a voting member of the common council and shall attend and preside at meetings of the council, represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards and commissions, present an annual state of the city message, appoint the members and officers of council committees, assign council agenda items to committees, and perform other duties specified by the council. The mayor shall be recognized as head of the city government for all public purposes but shall have no administrative duties, except as expressly delegated herein.
 - B. Mayoral approval or veto.

- (1) Every ordinance or resolution of the common council except for, the adoption of council rules, appointment of council officers and the adoption of the annual city budget and implementing ordinances and resolutions, shall be subject to approval or veto by the mayor before it becomes effective.
 - (2) If the mayor is in attendance at a meeting where the council passes an ordinance or resolution, he or she shall approve it, veto it or state his or her intention to defer a decision on approval or disapproval of the measure. If the mayor does not state his or her approval, veto or deferral of a decision, the measure shall be conclusively presumed to have been approved.
 - (3) If the mayor defers a decision on approval or disapproval, or is not in attendance at the meeting where the measure passed, within three business days of such meeting the city clerk shall deliver a copy to the mayor. Within five business days of receipt of the measure the mayor shall file his written approval or veto with the city clerk or the measure shall be deemed adopted. The measure may be delivered to the mayor by electronic mail addressed to the mayor's City of Plattsburgh email address. The mayor may file his approval or veto by electronic mail addressed to the city clerk's city of Plattsburgh's email address.
 - (4) If a measure is vetoed at a council meeting, it may not be reconsidered at that meeting, but may be reconsidered at council meeting held within 30 days. If upon reconsideration the measure receives four affirmative votes, it shall be adopted.
 - (5) The mayor shall have the power to veto a local law. The procedure for approving or vetoing a local law shall be as set forth in the Municipal Home Rule Law.
- C. Five Year Plan. The mayor shall appoint and chair a committee of the council responsible for preparing a five year plan required under charter section C3-8G.
- D. Community Growth and Development. The mayor shall act as liaison for the council in its dealings with the city manager on community development programs and projects.”
10. The City Charter of the City of Plattsburgh is amended so that Section C4-5 entitled “City Manager Appointment; Qualifications; Compensation” is added and shall read as follows:
“The common council by a majority vote of its total membership shall appoint a city manager for an indefinite term and fix the manager's compensation. The city manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. The manager need not be a resident of the city or state at the time of appointment, but may reside outside the city while in office only with the approval of the council. No mayor or councilor shall be appointed city manager during his or her term in office or within one year after such term expires, however, the mayor or a councilor may be appointed acting city manager.”

11. The City Charter of the City of Plattsburgh is amended so that Section C4-6 entitled “City Manager Removal” is added and shall read as follows:

“If the city manager declines to resign at the request of the common council, the common council may suspend the manager by a resolution approved by the majority of the total membership of the common council. Such resolution shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the city manager. The city manager shall have fifteen days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the common council by a majority vote of its total membership may adopt a final resolution of removal. The city manager shall continue to receive full salary until the effective date of a final resolution of removal.”
12. The City Charter of the City of Plattsburgh is amended so that Section C4-7 entitled “Acting City Manager” is added and shall read as follows:

“By letter filed with the city clerk, the city manager shall designate a city officer or employee to exercise the powers and perform the duties of city manager during the manager's temporary absence or disability; the common council may revoke such designation at any time and appoint another officer of the city to serve until the city manager returns.”
13. The City Charter of the City of Plattsburgh is amended so that Section C4-8 entitled “City Manager Vacancy” is added and shall read as follows:

“The council shall act promptly to fill a vacancy in the office of city manager.”
14. The City Charter of the City of Plattsburgh is amended so that Section C4-9 entitled “City Manager Powers and Duties” is added and shall read as follows:

“The city manager shall be the chief executive officer of the city, responsible to the council for the management of all city affairs placed in the manager's charge by or under this charter. The city manager shall:

 - A. Appoint and suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
 - B. Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law;
 - C. Attend all common council meetings. The city manager shall have the right to take part in discussion but shall have no vote.

- D. See that all laws, provisions of this charter and acts of the common council , subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed;
- E. Prepare and submit the annual budget and capital program to the common council, and implement the final budget approved by council to achieve the goals of the city;
- F. Submit to the common council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- G. Make such other reports as the common council may require concerning operations;
- H. Keep the common council fully advised as to the financial condition and future needs of the city;
- I. Make recommendations to the common council concerning the affairs of the city and facilitate the work of the common council in developing policy;
- J. Provide staff support services for the mayor and council members;
- K. Assist the council to develop long term goals for the city and strategies to implement these goals;
- L. Encourage and provide staff support for regional and intergovernmental cooperation;
- M. Promote partnerships among council, staff, and citizens developing public policy and building a sense of community; and
- N. Perform such other duties as are specified in this charter or may be required by the common council.”

15. The City Charter of the City of Plattsburgh at Section C5-1(B) is amended and re-stated to read as follows:

“Direction by city manager. All departments, offices, and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the direction and supervision of the city manager. With the consent of council, the city manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more of them.”

16. The City Charter of the City of Plattsburgh at Section C5-1(E)(5) is amended and re-stated to read as follows:

“At the direction of the city manager, serve as a management representative in collective bargaining negotiations.”

17. The City Charter of the City of Plattsburgh at Section C5-4-1(A) is amended and re-stated to read as follows:

“Appointment.

There shall be a city clerk who shall be appointed by the city manager subject to confirmation by the common council. The city clerk shall be directly responsible to the city manager.”

18. The City Charter of the City of Plattsburgh at Sections C5-4-2(A) and (B) are amended and re-stated to read as follows:

- A. “Establishment; qualifications, appointment, term. There shall be a Department of Law headed by a corporation counsel who shall be appointed by the city manager subject to confirmation by the common council. He or she shall have been admitted to practice before the courts of the State of New York for not less than five years prior to appointment. Unless otherwise prescribed by state law, the corporation counsel’s term shall commence on the first day of February following commencement of the mayor’s term in office and shall end on January 31st following the expiration of the mayor’s term in office. The corporation counsel may be compensated on a salaried or hourly rate basis, or a combination thereof. The corporation counsel may engage in the private practice of law so long as it does not conflict with his or her duties and such practice is not conducted on city premises.
- B. Powers and Duties. The corporation counsel shall serve as chief legal adviser to the city manager, the common council and all city departments, offices and boards, and shall represent the city in all legal proceedings, and shall perform any other duties prescribed by state law, this charter and local law or ordinance. The corporation counsel may bring such actions and proceedings as are authorized by the city manager or common council. No claim, case or proceeding that requires the payment of money by the city may be settled without authorization by the common council. The corporation counsel may, with the written consent of the city manager employ counsel to assist him in the conduct of important cases or proceedings in which the city is interested or a party and may also, with the consent of the city manager and common council appoint an assistant corporation counsel to act in his or her place and stead, in case of his or her absence or disability.

19. The City Charter of the City of Plattsburgh at Section C5-4-4 is amended and re-stated in its entirety to read as follows:

“There shall be a Department of Finance headed by a city chamberlain who shall be appointed by the city manager subject to confirmation by the common council. He or she shall be qualified on the basis of his or her training and experience in financial management. He or she shall be directly responsible to the city manager.

A. Powers and duties.

The Chamberlain shall:

- (1) Be the chief fiscal officer of the city responsible for all financial administration of the city; specifically, he or she shall:
 - a) Collect, receive, have custody of, deposit and disburse all fees, revenues and other funds of the city or for which the city is responsible.

- b) Review and pay all payrolls, approved claims, expenses and other authorized disbursements of the city.
 - c) Perform the duties of an “enforcing officer” under the Real Property Tax Law.
 - d) Conduct the sale of all bonds pursuant to the provisions of the Local Finance Law and keep a record of all indebtedness, bonded or otherwise, of the city.
 - e) Provide adequate insurance and surety bond coverage to protect the city from all reasonable risks of loss or damage.
 - f) Submit to the city manager and the common council at the end of each quarter of the fiscal year, and such other times as requested, a complete statement of city finances as specified in the Administrative Code.
- (2) Advise and assist the city manager and Council in the preparation of the mayor’s budget and the Council’s budget. Prepare for the corporation counsel’s review: laws, ordinances and resolutions adopting the city budget and the levying taxes.
- (3) Act as the chief auditing and accounting officer of the city; specifically, he or she shall:
- a) Maintain records of appropriations, encumbrances and expenditures and prescribe approved methods of accounting for all units of city government, unless otherwise required by the State Comptroller.
 - b) Certify the availability of funds for all requisitions, contracts, purchase orders and other documents by which the city incurs financial obligations or for the expenditure of funds for which the city is responsible.
 - c) Audit for approval of payment all lawful claims or charges against the city or against funds for which the city is responsible, in whole or in part, in the manner provided in the Administrative Code.
 - d) Audit the financial records and accounts of all units of city government charged with duties relating to funds of the city or for which the city is responsible.
 - e) Provide for budget controls and allocation of appropriated funds in efficient, economical and justifiable manners.
 - f) Review, evaluate and recommend changes to the city’s purchasing policy and procedures.
- (4) Deputy Chamberlain. There shall be a deputy chamberlain appointed by the city manager and confirmed by the common council. The deputy chamberlain shall, unless otherwise prescribed by law, possess the powers and perform the duties of the chamberlain during the absence or inability to act of the chamberlain, or during a vacancy in the office.

20. The City Charter of the City of Plattsburgh at Section C6-1 is amended and re-stated in its entirety to read as follows:

“On or before October 8 of each year, the city manager shall submit to the common council, and file with the city clerk a budget for the ensuing fiscal year and an accompanying message. The budget and message shall be available to the public and the clerk shall publish notice of a public hearing to be held not sooner than October 15, or later than October 22. As used in this article, the term "publish" means to print in the contemporary means of information sharing, which includes but is not limited to, one or more newspapers of general circulation in the city, and, if available, a city web site.”

21. The City Charter of the City of Plattsburgh at Section C6-2 is amended and re-stated in its entirety to read as follows:
- “The city manager’s message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the city for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position, including factors affecting the ability to raise resources through debt issues, and include such other material as the city manager deems desirable. The term “major change” includes but is not limited to: a deficit or surplus that is more than five percent (5%) of the current year’s budgeted amount for a department or program; a new program or activity which will include a description of the need, cost, and funding source.”
22. The City Charter of the City of Plattsburgh at Section C6-4(C) is amended and re-stated to read as follows:
- “C. Failure to Adopt. If the common council fails to adopt a budget within 14 days of the start of the fiscal year, the budget submitted by the city manager and all implementing ordinances shall take effect.”
23. The City Charter of the City of Plattsburgh at Section C6-6 is amended and re-stated in its entirety to read as follows:
- “The budget may be amended after it is adopted, as follows:
- A. Supplemental Appropriations. If during the fiscal year the city manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the common council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
 - B. Emergency Appropriations. To meet a public emergency, or to pay a judgment against the city, or a catastrophic loss in an amount in excess of the city’s insurance coverage, the common council may make emergency appropriations. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the council may borrow funds to pay such costs on such terms as are permitted by the Local Finance Law.
 - C. Reduction of Appropriations. If it appears to the city manager that there is likely to be insufficient revenue or unappropriated funds to pay an appropriation, he or she shall promptly inform the common council of the amount of the estimated deficit and recommend a course of action. The common council may, by ordinance or resolution, reduce one or more unencumbered appropriations to eliminate such deficit.

- D. Transfer of Appropriations. The common council may, by resolution, transfer an unencumbered appropriation from one budget category to another. The city manager may transfer an appropriation for an activity or program within a department to another activity or program within such department and shall inform the council of such action on or before the next regular council meeting.
- E. Public Borrowings. Nothing in this Article shall be construed to limit the city's borrowing powers under the Local Finance Law."
24. The City Charter of the City of Plattsburgh at Section C6-7(A) is amended and re-stated to read as follows:
"A. The city manager shall prepare and submit to the common council a five year capital program no later than October 8th of each year."
25. The City Charter of the City of Plattsburgh at Section C6-10 is amended and re-stated in its entirety to read as follows:
"No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the city manager or the city chamberlain first certifies that there is an unencumbered appropriation to pay such expense. Any authorization of payment, or incurring of obligation, in violation of the provisions of this article shall be void, and any payment so made illegal. Any city officer or employee who knowingly pays, or causes the city to become obligated to pay any expense without an appropriation sufficient to pay the cost thereof shall be liable to the city for the amount so paid, and may be removed from office or discharged. This section does not prohibit the city from entering into contracts, leases or other obligations which require the city to make payments over more than one fiscal year."
26. The City Charter of the City of Plattsburgh at Section C7-1 is amended and re-stated in its entirety to read as follows:
"These Charter amendments shall be submitted to the electors of the City of Plattsburgh for approval at the general election occurring November 8, 2016. Except as otherwise provided, these Charter Amendments shall, upon approval by referendum in the manner provided by law, become effective as of January 1, 2020. This Charter, inclusive of these amendments, shall supersede the City of Plattsburgh Charter in effect on the date of the 2016 general election."
27. The City Charter of the City of Plattsburgh is amended so that Section C7-5 entitled "Hiring a City Manager" is added and shall read as follows:
"On or before March 1, 2018 the mayor shall appoint a search committee for the position of city manager which shall consist of the mayor and not less than two councilors. The committee shall submit recommendations to the common council for approval regarding qualifications and terms of employment for a city manager. The mayor's 2018 budget proposal for the 2019 fiscal year shall include an appropriation for the position. The

search committee shall invite the councilors elected at the 2018 general election to participate in employment interviews. The members of the common council who take office January 1, 2019 shall hire a city manager by July 1, 2019. The common council may appoint an acting city manager if the position of city manager cannot be filled promptly.

28. This Local Law shall take effect upon approval by the Mayor and filing with the New York Secretary of State and shall be submitted to the electors of the City of Plattsburgh for approval at the general election occurring November 8, 2016. This Local Law amending the Charter shall, upon approval by referendum in the manner provided by law, become effective as of March 1, 2018 and January 1, 2020, as described above and shall supersede the then current City Charter of the City of Plattsburgh.