

At 5:07 pm a Motion to enter Executive Session to discuss litigation issues regarding City of Plattsburgh Retirees Association, Falcon Seaboard, Article 7 with McDonalds and Webb Island Bridge.
By Councilor Kretser; Seconded by Councilor Armstrong
Roll call: Roll call: Councilors Armstrong, Kelly, Dowdle, Kretser
(All voted in the affirmative)

Returned at 5:58pm

Mayor Read stated we returned from Executive Session discussed issue of potential land conveyance in the City of Plattsburgh, Three litigation issues with regards to City of Plattsburgh Retirees Association, Article 7 over property owned by McDonalds and Falcon Seaboard litigation, and an issue involving an individual person employed by the City. No decisions were made in Executive Session.

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

March 28, 2018
5:30 P.M.

MINUTES

Pledge of Allegiance
(RC)

Present: Mayor Colin Read, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Dale Dowdle (W3), Peter Ensel (W4) [*participated via Skype*], Patrick McFarlin (W5), Joshua Kretser (W6)

Absent: None

MAYOR'S COMMENTS: spoke about settlement with City of Plattsburgh Retirees Association and grateful that we could finally settle this not only in the best interest of the taxpayers but also the retirees.

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on March 22, 2018 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Kelly; Seconded by Councilor Dowdle
(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin, 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 week ending March 28, 2018 in the amount of **\$ 435,728.90** 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 McFarlin

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin, Kretser

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Minutes from the Public Safety Committee held on March 22, 2018
- **COUNCILOR/DEPARTMENT CHAIR COMMITTEE REPORTS:**

Governance, Strategy, and City Operations- Chair Councilor Kretser indicated he and Councilor Armstrong had a productive meeting with Taxi Company owners, some wanted to increase rates and it is not mandatory for all to do. Still researching Strategic Planning software and they met with Bryan Brayton this week. **Councilor Dowdle** asked about Ethics Board status. **Councilor Kretser** indicated they are working on it looking at other models.

City Infrastructure – Chair Councilor Ensel stated no report at this time. He will be meeting with some members regarding a flag pole request and Mead Dam.

Finance and Budget – Chair Councilor Kelly stated nothing specific to report he is working with Management Compensation committee (Councilor Dowdle and Ensel) to come up with a package to put on agenda next week. Would like to invite all Managers to a meeting on Tuesday, April 3, 2018 at 4:30pm in the Council Chambers to present proposal in detail and the goal is to make you whole.

Public Safety – Chair Councilor Dowdle stated nothing new to report.

Plattsburgh Public Library – Chair Councilor Armstrong gave updates.

MLD - MLD Board President Councilor McFarlin stated last Thursday had board meeting and Mayor is working on getting together a group to meet regarding Bitcoin moratorium.

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 Armstrong; Seconded by Councilor Dowdle

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin, 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 week ending March 30, 2018 in

the amount of \$ 1,372,818.55 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 Kretser; Seconded by Councilor Dowdle
(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin, Kretser
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL ON AGENDA ITEMS ONLY: None

7. OTHER ITEMS:

A. RESOLVED: that the settlement of the litigation between the Plattsburgh City Retirees' Association and others, as Plaintiffs, and the City of Plattsburgh, as Defendant, currently pending in New York State Supreme Court for the County of Clinton (Index Number 2015-1625) as set forth in the attached Settlement Agreement and Order, is hereby approved and the Mayor and Corporation Counsel are hereby authorized to execute the Settlement Agreement and Order along with any and all documents necessary to effectuate the terms of the settlement, but such Settlement Agreement and Order shall not be effective until signed by a Justice of the New York State Supreme Court for the County of Clinton assigned to the matter.

Councilor Kretser made a motion to waive reading and move resolution. Councilor Dowdle asked that the full resolution be read. Councilor Kretser withdrew his motion and the resolution was read in its entirety.

By Councilor Kelly; Seconded by Councilor Kretser

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin, Kretser

(Councilor Armstrong, Kelly, Ensel, McFarlin and Kretser voted in the affirmative. Councilor Dowdle abstained)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore, the City of Plattsburgh hereby satisfies a judgement in the litigation captioned as "Farrington/Peters v City of Plattsburgh," Index No.:SC-112-17 and SC-113-17 respectively and authorizes payment there on in amount of \$2,159.80 to Mr. Farrington and \$757.83 to Mr. Peters.

By Councilor Armstrong; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign Boyajian Retainer agreement for opioid litigation.

By Councilor McFarlin; Seconded by Councilor Kelly

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin, 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 that the Mayor is authorized to sign “FirstLight Fiber Pole Attachment” agreement between the City of Plattsburgh and TVC Albany, Inc. dba Firstlight Fiber.

By Councilor McFarlin; Seconded by Councilor Armstrong

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves amending Appendix 243-A Taxicab Rates/Zones table of Chapter 243 of the Code of the City of Plattsburgh. The rate table has been distributed to Council and is available as part of the minutes of this meeting.

By Councilor Kretser; Seconded by Councilor Armstrong

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin, Kretser

(Councilors Armstrong, Dowdle, Ensel, McFarlin and Kretser voted in the affirmative. Councilor Kelly voted in the negative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLUTION AUTHORIZING SETTLEMENT OF PROPERTY ASSESSMENT CASES FILED BY MCDONALDS CORPORATION AND FRANCHISE REALTY INTERSTATE CORP.

WHEREAS, McDonalds Corporation and Franchise Realty Interstate Corp. (“Petitioners”), filed Article 7 Real Property Assessment Review cases against the City challenging the 2013, 2014, 2015, 2016 and 2017 assessments on real property located at 424 Margaret Street, Plattsburgh, New York (Tax Map Parcel No. 207.8-1-6) and 349 and 347 Cornelia Street, Plattsburgh, New York (Tax Map Parcel Nos. 207.17-2-4 and 207.17-2-5); and

WHEREAS, it appears to be in the best interests of the City to avoid the significant costs that would result if the litigation continues and goes to Trial; and

WHEREAS, the City Assessor now recommends proposed settlement terms which have been negotiated with Petitioners; and

NOW, THEREFORE, BE IT

RESOLVED, that the Common Council hereby approves the proposed settlement of the tax assessment cases filed by Petitioners for assessments years 2013, 2014, 2015, 2016 and 2017 as follows:

1) The assessments shall be reduced as follows:

424 Margaret Street (Tax Map Parcel No. 207.8-1-6)		
Assessment Year	Assessed Value	Reduced Assessed Value
2013	\$1,192,800	Discontinue
2014	\$1,192,800	Discontinue
2015	\$1,192,800	\$1,125,000
2016	\$1,192,800	\$1,125,000
2017	\$1,192,800	\$950,000

349 and 347 Cornelia Street (Tax Map Parcel Nos. 207.17-2-4 and 207.17-2-5)		
Assessment Year	Combined Assessed Value	Reduced Combined Assessed Value
2013	\$1,558,100	Discontinue
2014	\$1,558,100	Discontinue
2015	\$1,558,100	\$1,504,000
2016	\$1,558,100	\$1,504,000
2017	\$1,558,100	\$1,450,000

- 2) Refunds shall be paid based on the assessment reductions; and
- 3) Section 727 of the Real Property Tax Law will apply, fixing the assessments at \$950,000 for Tax Map Parcel No. 207.8-1-6, and \$1,450,000 for Tax Map Parcel Nos. 207.17-2-4 and 207.17-2-5 (combined) for the 2018, 2019 and 2020 Assessment Rolls unless the properties are further improved or the assessments are subject to some other exception under Section 727; and
- 4) The 2013 and 2014 Proceedings will be discontinued without refunds.

BE IT FURTHER, RESOLVED, that unless otherwise ordered by the Court, refunds based upon the assessment reductions shall be paid without interest provided they are paid within ninety (90) days after Petitioner serves a copy of the filed Court Order approving the settlement, with Notice of Entry, on the City together with a Demand for Payment; and

BE IT FURTHER, RESOLVED, that the Common Council further authorizes and directs the Mayor, City Assessor and/or its Special Counsel to execute settlement documents and take any additional steps necessary to effectuate the settlement in accordance with the terms of this Resolution.

Motion to Waive the Reading and Move the Resolution:

By Councilor Kretser; Seconded by Councilor Armstrong

(All voted in the affirmative)

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin, Kretser

(Councilors Armstrong, Kelly, Dowdle, Ensel and Kretser voted in the affirmative. Councilor McFarlin voted in the negative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION: None

10. NEW BUSINESS AND COUNCILOR REPORTS:

Councilor Kretser was excited to find out about the City receiving the \$1 million grant. Thanked Paul Dedominicas and Joel Wood for putting grant together and new Director of Community Development Matthew Miller.

Councilor Armstrong reminded council about digesting the Parking study and they need to get a plan together.

Councilor Dowdle asked how the new city finance office location is going.

Mayor Read indicated it was going well, thanked DPW for all their work on the renovations and they are going to work on the sidewalk on that side of the building to prevent puddling of water.

Councilor Dowdle asked if it was budgeted.

City Chamberlain Richard Marks said it was not budgeted.

Mayor Read indicated Tim Ryan of the Financial Restructuring Board indicated they may have funds available for this relocation of offices.

[further discussion from body]

Councilor Dowdle asked about South Platt park plans.

Public Works Superintendent Mike Brodi indicated work in process on field.

City Chamberlain Richard Marks nothing planned in budget.

11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:

Chris Bleaux, Vice President of the City of Plattsburgh Retirees Association thanked council for willingness to put an end and thanked Richard for input.

Unidentified Speaker spoke about ethics in government and feels that mayor's purchase of a building in the Downtown Revitalization Initiative area is a conflict of interest.

Motion to Adjourn by Councilor McFarlin; Seconded by Councilor Armstrong

Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin, Kretser

(All voted in the affirmative)

MEETING ADJOURNED: 6:46pm