

At 5:04pm: Motion to enter Executive Session to update Council on discussions on the litigation between the Retirees vs City of Plattsburgh and the upcoming meeting between the attorneys for both sides and Judge Mueller on Thursday.

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

ADJOURNED: 5:32 pm

Mayor Read stated no decisions or actions were taken during Executive Session.

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

April 6, 2017

5:30 P.M.

MINUTES

Pledge of Allegiance

(RC)

Present: Mayor Colin Read, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Peter Ensel (W4), Becky Kasper (W5), Joshua Kretser (W6)

Absent: Councilor Dale Dowdle (W3)

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on March 30, 2017 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Kretser; Seconded by Councilor Kelly
(All in Favor/opposed)
Roll call: Councilors Armstrong, Kelly, Ensel, 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 week ending April 5, 2017 in the amount of **\$ 100,828.02** 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 Kasper; Seconded by Councilor Armstrong

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Ensel, Kasper, Kretser

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report from the Building Inspector’s office March 27 – 31, 2017

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 Armstrong; Seconded by Councilor Ensel

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Ensel, 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 week ending April 7, 2017 in the amount of \$ 580,454.93 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 Kelly; Seconded by Councilor Ensel

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Ensel, Kasper, Kretser

(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL ON AGENDA ITEMS ONLY:

Jeremiah Ward of the North Country Food Co-op spoke about their request on the agenda.

Councilor Kasper asked questions asked Building Inspector Joe McMahon if wooden parklet structure was acceptable.

Building Inspector Joe McMahon said he has forwarded the plans to City Engineer Kevin Farrington who is reviewing.

Kyle Dyer of SIP Plattsburgh spoke about their request on the agenda.

Mayor Read indicated that with the 2 requests on the agenda if approved would be 16 spaces. Asked Corporation Counsel if we are bound by that.

Corporation Counsel Dean Schneller said no that is a guideline and not bound by that the Council can approve more.

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves North Country Food Co-op located at 25 Bridge Street to use **one** parking space in front of their establishment for outdoor dining, seating subject to appropriate licensing by NYS Liquor authority, and subject to City permits issued by Building Inspector. All permits must be received prior to barrier placement.

The City is asked to permit the licensee to install a wooden parklet structure. The requested dates are from May 1, 2017 – September 30, 2017.

By Councilor Kretser; Seconded by Councilor Armstrong

Discussion: Yes

(RC) Roll call: Councilors Armstrong, Kelly, Ensel, 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 SIP Plattsburgh LLC located at 22 Brinkerhoff Street to use **two** parking spaces in front of their establishment for outdoor dining, seating subject to appropriate licensing by NYS Liquor authority, and subject to City permits issued by Building Inspector. All permits must be received prior to barrier placement.

The City is asked to permit the licensee to use concrete barricades. The requested dates are from May 1, 2017 – September 30, 2017.

By Councilor Armstrong; Seconded by Councilor Kelly

Discussion: None

(RC) Roll call: Councilors Armstrong, Kelly, Ensel, Kasper, 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 the City Chamberlain to create capital project H5110.63, 2017 40 Bridge Street Demolition, for the estimated cost of \$60,000, where \$54,000 is to be provided by an EDS Grant from NYS.

By Councilor Kasper; Seconded by Councilor Ensel

Discussion: Yes

(RC) Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, 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 the City Chamberlain to establish accounts with the New York Cooperative Liquid Assets Securities System (NYCLASS) by authorizing the City to enter into a NYCLASS Municipal Cooperation Agreement for the purpose of increasing interest earnings on surplus funds within the numerous City accounts.

By Councilor Kelly; Seconded by Councilor Kasper

Discussion: Yes

(RC) Roll call: Councilors Armstrong, Kelly, Ensel, Kasper, 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 that the Mayor is authorized to sign an Independent Contractor Agreement for the purpose of establishing a Can/Am Beach Soccer Tournament Director for the City of Plattsburgh's Can/Am Beach Soccer Tournament on July 15 and 16, 2017. "

By Councilor Ensel; Seconded by Councilor Armstrong

Discussion: None

(RC) Roll call: Councilors Armstrong, Kelly, Ensel, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves Water Filtration Plant Assistant Chief Plant Operator Miceal Stoutenger to attend the AWWA Conference in Saratoga Springs, NY from April 24 – 27, 2017 to earn continuing education credits for his 1A license at an approximate cost of \$1,000.

By Councilor Kelly; Seconded by Councilor Armstrong

Discussion: None

(RC) Roll call: Councilors Armstrong, Kelly, Ensel, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION: None

10. NEW BUSINESS AND COUNCILOR REPORTS:

Councilor Kasper asked Building Inspector Joe McMahon to update them on Lakeside Apartments.

Building Inspector Joe McMahon stated nothing definitive at this point. He has spoken to owner today and he is working on financing and hopes to have info on timeline of project next week.

Councilor Armstrong updated everyone on Strategic Planning Committee. Presentation being planned to bring everyone up to date on what they are doing.

Mayor and Council continued discussion on Strategic Planning and DRI.

Councilor Ensel reminded everyone that on Sunday, April 9th at 4:30pm SUNY Plattsburgh will be having a parade on Rugar Street to honor 2017 NCAA Women’s hockey champions all are welcome. Also, on Monday he and Councilor Kelly had their budget meeting with Richard.

Mayor Read spoke about Special Events Committee that is being formed by Promotions and Special Events Coordinator Sandra Geddes. Anyone interested in getting involved should contact her.

11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:

Chris Bleaux City Retiree spoke on behalf of the group. Feels they are entitled and should be put back on Blue. Read and submitted statement in to minutes.

Motion to Adjourn by Councilor Ensel; Seconded by Councilor Kelly (RC) Roll call Councilors Armstrong, Kelly, Ensel, Kasper, Kretser (All voted in the affirmative)

MEETING ADJOURNED: 6:14pm

04/06/17: Read and submitted in to minutes
by Chris Bleaux.

Abstracts from Judge Robert Muller's ruling
Dated February 22, 2017

On August 01, Julie Bodenski, a Group Medicare Account Executive with Humana, sent correspondence to [Judy] Tyo advising that Humana "would not be able to continue its Medicare Advantage relationship in 2017 for the City of Plattsburgh" because Clinton County would no longer be part of Humana's service area.

If the court had been apprised, prior to the September 2016 Decision and Order, that the Humana Plan would no longer be available after December 31, 2016 this would obviously have been taken into account when calculating the additional undertaking. IN THIS ACCOUNT THE COURT IS ENTIRELY UNCONVINCED THAT THE CITY WAS NOT AWARE OF THIS INFORMATION UNTIL AFTER THE ISSUANCE OF THE SEPTEMBER 2016 DECISION AND RULING. (Emphasis is mine). Tyo was advised of the discontinuance on August 1, 2016 and IT IS BEYOND BELIEF that she would wait over a month before apprising the City. This August 1 date is also significant given the following statement by Tyo in an affidavit sworn to October 6, 2016 and submitted in support of the instant motion to vacate the preliminary injunction:

"Since the issuance of the Court's September 1, 2016 Decision and Order, Humana has advised First Niagara...that it will be unable to renew the Humana Plan for 2017..."

No; Humana advised First Niagara one month prior to issuance of the September 2016 Decision and Order. It would appear that this statement by Tyo is less than forthright. Under the circumstances, the City's motion to vacate the preliminary injunction is denied in its entirety.