

At 5:00pm: Motion to enter Executive Session to discuss matter of the City of Plattsburgh and an AFSCME employee.

By Councilor Kasper; Seconded by Councilor Ensel

Roll call: Councilors Armstrong (*participated via Skype*), Kelly, Dowdle, Ensel, Kasper

(All voted in the affirmative)

ADJOURNED: 5:17 pm

Mayor Read stated no actions were taken during Executive Session. A decision will be made later on in the agenda.

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

April 12, 2017

5:30 P.M.

MINUTES

Pledge of Allegiance

(RC)

Present: Mayor Colin Read, Councilors Rachelle Armstrong (W1) (*participated via Skype*), Mike Kelly (W2), Dale Dowdle (W3), Peter Ensel (W4), Becky Kasper (W5)

Absent: **Councilor Joshua Kretser (W6)**

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on April 6, 2017 are approved and placed on file among the public records of the City Clerk’s Office.

By Councilor Kelly; Seconded by Councilor Ensel

(All in Favor/opposed)

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

(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 12, 2017 in the amount of **\$ 457,055.09** 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 Ensel; Seconded by Councilor Dowdle

(All in Favor/opposed)

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

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report from the Building Inspector’s office April 3- 7, 2017
- Statement from the City Clerk’s Office of all monies received during the month March 2017 in the total amount of \$11,805.26
- Report from City Engineer to Establish Traffic Zone Designation No. 960

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 Dowdle
(All in Favor/opposed)
Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, Kasper
(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 14, 2017 in the amount of \$ 493,248.26 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 Dowdle; Seconded by Councilor Ensel
(All in Favor/opposed)
Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, Kasper
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL ON AGENDA ITEMS ONLY: None

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves MLD to write-off unpaid final bills from January 1, 2016 to January 31, 2016 in the total amount of \$4,143.18. The percentage of write-offs for this period is .21%.

By Councilor Kelly; Seconded by Councilor Kasper
Discussion: None
(RC) Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, Kasper

(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves Seth Silver of 40 Trafalgar Drive to close down part of Trafalgar Drive on June 3, 2017 from 11 am to 7 pm to have a safe area for their eighth annual block party.

By Councilor Ensel; Seconded by Councilor Dowdle
Discussion: Yes
(RC) Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, Kasper
(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 settlement agreement between the City of Plattsburgh and AFSCME employee Justin Jock regarding a grievance on or about March 31, 2016 and pay the sum of \$2,950, minus applicable deductions, in full and complete satisfaction of the claims contained in the grievance.

By Councilor Dowdle; Seconded by Councilor Kelly
Discussion: None
(RC) Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, Kasper
(Councilors Armstrong, Kelly, Dowdle, Ensel voted in the affirmative. Councilor Kasper voted in the negative)
ACTION TAKEN: Adopted
Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to increase the 2017 General Fund budget by a net \$13,630.80 based on the list of adjusting entries in the budget transfer memo included as part of the documents for the meeting

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

E. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to adjust the 2017 Sewer Fund budget through a transfer of \$1,686.00 between the

WPCP plant flow budget and the flow pumping stations budget resulting in no increase to appropriations.

By Councilor Kasper; Seconded by Councilor Dowdle

Discussion: None

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

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign Limited Hazardous Materials Survey Services Agreement with Atlantic Testing Laboratories for Fire Station 2 (7 South Platt Street). The cost associated with this service is \$1,888.

By Councilor Ensel; Seconded by Councilor Dowdle

Discussion: None

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

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

G. RESOLVED: In accordance with the request therefore the Common Council approves Contract # 2017-05 “Former Highway Oil Building Demolition” be awarded to Jeda Environmental for the quoted price of \$29,880. Sufficient Funding is available in 2017 Capital Project H5110.63 40 Bridge Street Project.

By Councilor Kasper; Seconded by Councilor Kelly

Discussion: Yes

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

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

H. Motion to waive rule 4 for initial consideration and vote on resolution “Request from City Clerk to update the City of Plattsburgh’s FOIL Policy Procedures adopted on December 18, 2014. The entire text of which has been distributed to and read by the members of the Common Council.”

By Councilor Kasper; Seconded by Councilor Dowdle

Discussion: None

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

(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 one Police Department employee to attend the “International Association of Chiefs of Police Annual Technology Conference in St. Louis, MO from May 21-25, 2017. The total cost will not exceed \$2,293 and will be expensed out of Asset Forfeiture fund.

By Councilor Dowdle; Seconded by Councilor Ensel

Discussion: None

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

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

- 1. Request from City Clerk to update the City of Plattsburgh’s FOIL Policy Procedures adopted on December 18, 2014. The entire text of which has been distributed to and read by the members of the Common Council. **(Move to “Other Items” Letter H)**

10. NEW BUSINESS AND COUNCILOR REPORTS:

Councilor Kelly reminds MLD Board next meeting April 20, 2017 which is the annual organizational meeting. Next Department meeting is Public Administration on April 27, 2017.

Councilor Dowdle gave an update on the Centennial City Hall committee and involving Sandra Geddes in recruiting volunteers.

Mayor Read added that Sandra is having a meeting to recruit volunteers for events. Mayor Read had the monthly Department Head meeting and they discussed constructive ways to help.

Councilor Dowdle asked Mike Brodi and Mike Bessette if something was being done to help the Keable family who suffered the loss of their home to fire.

Superintendent of Public Works Mike Brodi indicated there was a GO FUND me page set up etc.

11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:

John Linney spoke about \$4,000 bills he received from Excellus after surgery not only extra cost for
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prescription drugs now extra cost for things not covered. Urged the Council to resolve this.

Mayor Read indicated he has sat in on the Task Force meetings and Council would consider a recommendation from the Task Force if it something was brought before them.

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

MEETING ADJOURNED: 5:57 pm

City of Plattsburgh's FOIL Policy and Procedures

Section 1 Purpose and scope:

- (a) The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.
- (b) These regulations provide information concerning the procedures by which records may be obtained.
- (c) Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.
- (d) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

Section 2 Designation of records access officer:

- (a) The City of Plattsburgh is responsible for ensuring compliance with the regulations herein, and designates the following person(s) as records access officer(s):

Sylvia Parrotte, City Clerk
41 City Hall Place
Plattsburgh, NY 12901
parrottes@cityofplattsburgh-ny.gov
518-563-7702

- (b) The records access officer is responsible for ensuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

The records access officer shall insure that agency personnel:

- (1) Maintain an up-to-date subject matter list.
- (2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
- (3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
- (4) Upon locating the records, take one of the following actions:
 - (i) Make records available for inspection; or,
 - ii) Deny access to the records in whole or in part and explain in writing the reasons therefor.
- (5) Upon request for copies of records:
 - (i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
 - (ii) Permit the requester to copy those records.
- (6) Upon request, certify that a record is a true copy; and
- (7) Upon failure to locate records, certify that:
 - (i) The City of Plattsburgh is not the custodian for such records, or
 - (ii) The records of which The City of Plattsburgh is a custodian cannot be found after diligent search.

Section 3 Location:

Records shall be available for public inspection and copying at:

City Clerk
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901

Section 4 Hours for public inspection:

Requests for public access to records shall be accepted and records produced during all hours regularly open for business.

These hours are:

Monday thru Friday 8am to 4pm excluding holidays and weekends.

Section 5 Requests for public access to records:

(a) A written request may be required, but oral requests may be accepted when records are readily available.

(b) If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.

(c) A response shall be given within five business days of receipt of a request by:

(1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;

(2) granting or denying access to records in whole or in part;

(3) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or

(4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

(d) In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

(e) A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:

(1) fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;

(2) acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;

(3) furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;

(4) fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;

(5) determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;

(6) does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or

(7) responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Section 6 Subject matter list:

(a) The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.

(b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

(c) The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

Section 7 Denial of access to records:

(a) Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, [who or which] shall be identified by name, title, business address and business phone number.

(b) If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.

(c) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Mayor, City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
518-563-7701

(d) Any person denied access to records may appeal within 7 business days of a denial and shall submit such notice of appeal, including the information described in subsection (e), to both the Mayor and the City Clerk.

(e) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

- (1) the date and location of requests for records;
- (2) a description, to the extent possible, of the records that were denied; and
- (3) the name and return address of the person denied access.

(f) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

Section 8 Fees:

(a) There shall be no fee charged for:

- (1) inspection of records;
- (2) search for records; or
- (3) any certification pursuant to this part.

(b) Copies may be provided without charging a fee.

(c) Fees for copies may be charged, provided that:

(1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than 25 cents for such copies;

(2) the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or

(3) an agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

(d) The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:

(1) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and

(2) the actual cost of the storage devices or media provided to the person making the request in complying with such request; or

(3) the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

(e) When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with paragraph (d)(1) and (2) above.

(f) An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

- (g) An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
- (h) An agency may waive a fee in whole or in part when making copies of records available.

Section 9 Public notice:

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

Section 10 Severability: If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

MODEL PUBLIC NOTICE

YOU HAVE A RIGHT TO SEE PUBLIC RECORDS

The amended Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many public records.

The City of Plattsburgh has adopted regulations governing when, where, and how you can see public records.

The regulations can be seen at all places where records are kept. According to these regulations, records can be seen and copied at:

City Clerk's office
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
518-563-7702

The following officials will help you to exercise your right to access:

1. Agency officials who have in the past been authorized to make records available
2. Records Access Officer(s)

Sylvia Parrotte
City Clerk
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
518-563-7702

If you are denied access to a record, you may appeal to the following person(s) or body:

Mayor and City Clerk of the City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
518-563-7701