

At 5:10pm a Motion to enter Executive Session to discuss the potential purchase of real property the public discussion of which would impact the value.

By Councilor Armstrong; Seconded by Councilor Kelly

Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel

(All voted in the affirmative)

Returned at 5:29pm

Mayor Read stated we returned from Executive Session discussed the potential purchase of real property the public discussion of which would impact the value. No decisions were made during Executive Session.

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

June 21, 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), Patrick McFarlin (W5)

Absent: Councilor Joshua Kretser (W6)

MAYOR’S COMMENTS: spoke about the FLW Fishing tournament largest tournament they have held here and going very well. Beach opened today full complement of staff. Tara working on all events everything going well. Spoke about upcoming road projects.

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on June 14, 2018 are approved and placed on file among the public records of the City Clerk’s Office.

By Councilor Ensel; Seconded by Councilor Armstrong

(All in Favor/opposed)

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

(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 June 20, 2018 in the amount of \$ 501,041.38 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 Dowdle; Seconded by Councilor Armstrong
(All in Favor/opposed)
Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin
(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of June 12 – 18, 2018
- Minutes from the City Infrastructure Committee held on June 14, 2018

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

Governance, Strategy, and City Operations- Councilor Armstrong stated no updates.

City Infrastructure – Chair Councilor Ensel indicated they met last week, discussed repaving various roads.

Finance and Budget – Chair Councilor Kelly indicated met earlier spoke about overtime issue.

Public Safety – Chair Councilor Dowdle indicated they will meet next week discuss overtime.

Plattsburgh Public Library – Chair Councilor Armstrong there is a Board meeting next week.

MLD - MLD Board President Councilor McFarlin indicated there will be a MLD Board meeting next week before Council meeting.

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 Ensel; Seconded by Councilor McFarlin
(All in Favor/opposed)
Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin
(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 June 22, 2018 in the amount of \$ 868,905.32 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 Armstrong; Seconded by Councilor Kelly
(All in Favor/opposed)
Roll call: Councilors Armstrong, Kelly, Dowdle, Ensel, McFarlin
(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 a request from the Assistant Superintendent of Public Works to revise the 2018 Capital Expenditure Plan by reducing the planned spending for the South Peru St. road rehabilitation from \$460,000 to \$190,000 and increase the Miscellaneous Paving planned spending from \$100,000 to \$370,000.

Motion to waive reading and move Resolutions A-C:

By Councilor Ensel; Seconded by Councilor Armstrong

Discussion: None

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

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves that Contract # 2018-02 “Maine Road Reconstruction (Dakota Street to Kansas Ave) be awarded to Real Construction Co. Inc for the bid price of \$1,920,000. Funding for the project is being provided under a capital project resolution adopted by the Common Council on June 1st, 2017, establishing capital project H5110.62 in the amount of \$2,495,000.

[See details under Item A]

ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to revise capital project H5110.62, 2017 Street Resurfacing, for a revision in the total cost of the Maine Road (South) project item, as well as, revising the funding sources for the project by adding the water infrastructure work to be performed and to reallocate the usage of the City’s CHIPS funding to provide for additional miscellaneous paving.

[See details under Item A]

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST: None

9. ORDINANCES:

1. BE IT ORDAINED by the Common Council of the City of Plattsburgh, as follows:

An Ordinance made pursuant to Section 241-3-5 of the City Code of the City of Plattsburgh authorizing the sale of tax foreclosed property to the record owner.

The City of Plattsburgh Common Council hereby ordains that the real property located at 43 Standish Street in the City of Plattsburgh (Tax Map No.: 221.7-4-44), which was deeded to the City subsequent to a Decision and Order by Clinton County Court Judge Keith Bruno dated May 14, 2018 under RJI No.: 09-0-2018-004, which Decision and Order granted the City’s motion made pursuant to Article 11 of the Real Property Tax Law, may be sold back to Beth Gebo, the prior record owner of 43 Standish Street under the following terms:

Within 10 days of adoption of this Ordinance, Ms. Gebo shall deliver a non-refundable fee in certified funds in the amount of \$300.00 to the City Chamberlain; then, within 90 days of the adoption of this Ordinance, Ms. Gebo shall deliver the purchase price in the amount of \$12,906.34 to the City Chamberlain. The purchase price shall include \$10,728.49, which represents the unpaid real property taxes, interest and penalties levied against the subject property; \$ (0), which represents any outstanding utility or refuse bill in the name of Ms. Gebo; \$805.00, which represents the legal costs and expenses incurred by the City in connection with the foreclosure of the tax lien and re-conveyance of the subject real property; and \$1,072.85 which represents the auction company’s redemption/repurchase fee; and \$300.00 fee for advertising services associated with this property; for a total purchase price of \$12,906.34. Upon receipt of the total purchase price in certified funds, the City shall deliver to Ms. Gebo a quit claim deed and other conveyance documents to be recorded by Ms. Gebo at her expense.

RESOLVED: That this ordinance shall take effect immediately upon approval by the Mayor and publication of the ordinance, or a summary thereof, one time in the official newspaper of the City of Plattsburgh.

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

10. RESOLUTIONS FOR INITIAL CONSIDERATION: None

11. NEW BUSINESS AND COUNCILOR REPORTS:

Councilor Dowdle introduced Local Law P-5 of 2018. A local law amending, renaming and restating in its entirety Chapter 161, Article III, Sections 14-15 of the City Code of the City of Plattsburgh.

A local law amending, renaming and restating in its entirety Chapter 161, Article III, Sections 14-15 of the City Code of the City of Plattsburgh.

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

The title of Chapter 161, Article III of the City Code of the City of Plattsburgh shall be amended and restated as “Pigeons, Feral Cats, and Other Animals”.

City Code Section 161-14 is amended and restated as follows:

Nuisance Declared

“The unnatural presence of pigeons, feral cats, and other wild animals, including but not limited to raccoons, deer, skunk, opossums, coyotes, birds, squirrels or fox, in the City of Plattsburgh, New York is hereby declared to be a public nuisance, the same being a menace to the health of the community.”

City Code Section 161-15 is amended and restated as follows:

Harboring, Keeping or Feeding Pigeons, Feral Cats and Other Animals Unlawful

- A. No person, firm, corporation or association shall intentionally feed, harbor or keep any pigeons, feral cats, and other wild animals, including but not limited to raccoons, deer, skunk, opossums, coyotes, birds, squirrels or fox within the City of Plattsburgh, New York. This section does not apply to bird feeders.
- B. Notwithstanding the foregoing, a person, firm, corporation or association may provide food to feral cats under the following conditions:
 - 1. All food must be provided in a labeled container which states the name, address and phone number of the person, firm, corporation or association providing the food.
 - 2. A person providing the food must be present when the food is made available to the feral cats and any remaining food must be removed when a person is not present.

City Code Section 161-16 (Penalties For Offense) shall remain unchanged.

Public Hearing will be held on Thursday, July 5, 2018 at 5:00 pm in the Common Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

Councilor McFarlin added the following resolution:

RESOLVED: The Common Council of the City of Plattsburgh authorizes the Mayor to sign a Purchase and Sale Agreement, in a form approved by the Corporation Counsel, between the City of Plattsburgh and Rugarchen, LLC for the real property identified as Tax Map Parcel Number 220.-4-31.1, with the deposit and purchase price to be made by MLD.

Motion to waive rule 4 and move the resolution:

By Councilor Armstrong; Seconded by Councilor McFarlin

Discussion: None

Motion to waive rule 4 and move the resolution:

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

(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

12. CLOSING PUBLIC COMMENTS ON ANY TOPIC:

Jack Downs, 96 Oak Street spoke on behalf of Community Garden at Penfield Park and their group is addressing with gardeners complaints of driving cars to garden through park.

Danielle Erb spoke on behalf of “Strong Towns Plattsburgh” would like to be a resource for city help with projects they support. Any update on next public forum? Also, spoke about a portion of Pine Street and Water Alley needing paving repairs.

Councilor Armstrong asked Director of Community Development Matthew Miller to give update on public forum.

[and further discussion by group on street paving and how are priorities set and what criteria is use]

Councilors thanked Department of Public Works for their work.

Marisha Harmon, Adirondack Lane, indicated she had been a Beach Vendor last year and was not allowed to return this year despite being sent an agreement in March by Sandra Geddes.

Councilor Ensel asked who told you that you couldn’t return.

Marisha Harmon indicated Mr. Miller.

Mayor Read said from what I understand, you were offered a license earlier in the year by Ms. Geddes.

Marisha Harmon said yes and on March 23 she said yes go ahead I purchased all of my inventory so I’ve spent all this money for this season and then I’m being told I cant open.

Mayor Read said I think since you’ve got a certain reliance interest in that and purchased materials, I think the right thing for the city to do is to honor that commitment. I also need to be cautious in stating that the individual didn’t have the authority to offer that contract but that doesn’t make any difference to you. You relied on that you couldn’t have known that and you relied on that for purchases. If you all concur I think the city needs to do the right thing.

Councilor Ensel asked what type of vendor.

Marisha Harmon said a beach shop anything you need for a day at the beach.

Councilor Kelly asked if we have space available.

Director of Community Development Matthew Miller indicated yes.

Corporation Counsel Dean Schneller indicated this would require Council action to authorize a license agreement since it was apparently a lapse by a previous city employee by extending that offering without council approval so one way or the other council would have to act.

Councilor McFarlin asked if we have a copy of the license agreement.

Corporation Counsel Dean Schneller indicated there was one presented by Sandra Geddes back in March and I would want to look it over again but certainly it is possible to do an on the fly resolution.

RESOLVED: In accordance with the request therefore the Common Council authorizes the Mayor to sign a License Agreement to allow Marisha Harmon (Queen Beach) to locate in vendor space D which would require prepayment in full of the license term in a form approved by Corporation Counsel.

By Councilor Armstrong; Seconded by Councilor Ensel

Discussion:

Councilor McFarlin asked why she was she told no before.

Marisha Harmon indicated she has never given any transparency on that and has not received any documentation stating exactly why.

Mayor Read indicated the most compelling was she was given a representation by a then city employee and I think Councilor Dowdle you also followed up with her as well I think given these representations to you we just need to honor that.

Councilor Dowdle asked but your first contact was with the Community Development Director.

Marisha Harmon indicated yes in January or February she spoke to Paul DeDominicas originally and then once he resigned I spoke to Ms. Geddes.

Councilor McFarlin asked how much the agreement is for.

Marisha Harmon indicated it is four installments of \$200 but asked for a prorated figure since agreement date was June 1st.

Councilor Armstrong agreed that she shouldn't pay if she wasn't allowed to open

Councilor Ensel asked if the contract could be amended to \$200 for July, August and September.

Corporation Counsel Dean Schneller indicated the resolution stated final review by corporation counsel so we don't need to make that amendment since the general concept is to have prepayment.

Mayor Read indicated we will tighten up our procedures in the future so no such false representations could be made in the future you would then rely on.

Councilor Dowdle said the vendor that is there now did he use the same channels for approval.

Corporation Counsel Dean Schneller indicated several weeks ago Council approved on agenda.

Councilor Dowdle said but did that individual contact the same individual or do we know.

Corporation Counsel Dean Schneller indicated he reviewed the contract that is the extent of his knowledge.

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

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

Motion to Adjourn by Councilor Ensel; Seconded by Councilor Dowdle

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

(All voted in the affirmative)

MEETING ADJOURNED: 6:14pm