

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

September 5, 2019

5:30 P.M.

AGENDA

Pledge of Allegiance

(RC)

Present: Mayor Colin Read, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Elizabeth Gibbs (W3), Peter Ensel (W4), Patrick McFarlin (W5), Jeff Moore (W6)

Absent:

MAYOR'S COMMENTS:

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on August 29, 2019 are approved and placed on file among the public records of the City Clerk's Office

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

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending September 4, 2019 in the amount of \$_____ 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 _____; Seconded by Councilor _____
(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of August 27 - September 2, 2019
- Report from the Building Inspector's office for the week of August 21 - September 3, 2019
- Report from the Police Department from January 1 – September 1, 2019
- Report from the Police Department – Nuisance Animal July 2019
- Report from the City Clerk's Office of all monies received during the month of August 2019 in the total amount of \$11,685.85

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

Governance, Strategy, and City Operations- Chair Councilor Armstrong

City Infrastructure – Chair Councilor Moore

Finance and Budget – Chair Councilor Kelly

Public Safety – Chair Councilor Gibbs

Plattsburgh Public Library – Chair Councilor Ensel

MLD - MLD Board President Councilor McFarlin

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 _____; Seconded by Councilor _____

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the week ending September 6, 2019 in the amount of \$_____ 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 _____; Seconded by Councilor _____

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

6. PERSONS ADDRESSING COUNCIL ON AGENDA ITEMS ONLY:

7. OTHER ITEMS:

A. ADOPTION OF LOCAL LAW P-5 OF 2019: A local law amending, renaming and restating in its entirety Chapter 128, Article II, Section 4 and amending, renaming and restating Section 128-6,

amending and restating 128-7 and amending and restating 128-10 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 Article II of Chapter 128 of the City Code of the City of Plattsburgh shall be amended and restated as “Dogs and Cats At Large”.

(1) City Code Section 128-4 is re-named, amended and restated as follows:

§ 128-4 Restraint and Containment of Dogs and Cats; Identification of Cats

128-4 A. A person who keeps, maintains or harbors a dog or cat or who knowingly allows a dog or cat to remain on the person’s property, or who regularly feeds a dog or cat on the person’s property, is presumed to be the owner of the dog or cat. A person who has charge, care, custody or control of a dog or cat is presumed to possess or control the dog or cat.

B. A person who owns, possesses or controls a dog or cat shall not permit it to be in any public place, in any open or unfenced area abutting on a public place. It shall not be a violation of this section where the dog is effectively restrained by a leash or chain not more than ten feet (10’) in length.

C. A person who owns, possesses or controls a dog or cat must maintain a proper enclosure to prevent the dog or cat from wandering or escaping from the person’s property. A person who owns, possesses or controls a dog or cat shall prevent their dog or cat from entering the private property of another, unless they receive permission from the owner or tenant of the private property.

D. According to New York State Law, all cats shall be vaccinated against rabies by a duly licensed veterinarian. No cat or dog is allowed off the owner’s property without a reasonable identification tag including the owner’s name and address. In addition, the owner of any cat that lives within the City for more than 30 days, must have the cat implanted with a registered and functioning microchip before the cat attains four (4) months of age. A cat is exempt from this requirement if the cat is determined to be medically unsuitable for microchipping by a licensed veterinarian in writing.

E. No owner shall permit the premises, structure or enclosure in which a cat is kept to be unclean or unsanitary, particularly the unsanitary accumulation of urine, urine sprayed furniture or carpets, or accumulation of feces.

F. No owner of an animal, including a cat or dog, shall abandon such animal.

(2) City Code Section 128-6 is re-named, amended and restated as follows:

§ 128-6 Barking, Calling and Spraying

128-6 Any person who owns, possesses or controls a dog shall not keep a dog that makes frequent or long continued noise such as barking, howling, or whining that is in violation of the City of Plattsburgh’s “Noise” Chapter as set forth in the City Code. Any person who owns, possesses or controls a cat shall not keep a cat that makes frequent calling, meowing or howling that is in violation of

the City of Plattsburgh’s “Noise” Chapter as set forth in the City Code. Any person who owns, possesses or controls a dog or cat shall not keep a dog or cat that sprays urine, or leaves feces, in such a way that it touches the property of another person.

(3) City Code Section 128-7 is amended and restated as follows:

§ 128-7 Damage to Property

Any person who owns, possesses or controls a dog or cat that causes damage to property of another person, which damage may include depositing waste, feces, or urine, may be held liable in a civil action for damages by the owner of the damaged property.

(4) City Code Section 128-10 is amended and restated as follows:

§ 128-10 Enforcement

This article may be enforced by a dog control officer appointed by the Common Council, a police officer, a code enforcement officer, or a parking enforcement officer as defined in § 340-2 of the Code. Any person who observes a cat or dog, or the owners thereof in violation of any of the provisions of this article may file a written complaint with any aforementioned enforcement officer, which complaint shall contain the necessary details to investigate said complaint. An offense may be prosecuted by issuance of an appearance ticket under § 150.20 of the Criminal Procedure Law.

(5) This Local Law shall take effect upon approval by the Mayor and filing with the New York Secretary of State.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

B. WHEREAS, in accordance with the New York State Environmental Quality Review regulations (SEQR), the Common Council of the City of Plattsburgh announced its intent to serve as Lead Agency on or about August 1, 2019, to conduct an environmental review of this Type I project to provide public water supply improvements to serve the City of Plattsburgh (hereafter “2019 WIAA Project”). The proposed action will improve the quality and quantity of water available to area residents; and

WHEREAS, the Common Council circulated its intent to serve as Lead Agency on or about August 1, 2019, with requisite environmental assessment forms, to other involved and/or interested agencies to review this 2019 WIAA Project and has not received any objections thereto; and

WHEREAS, the Common Council, in its capacity as Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above; and

WHEREAS, the Common Council has considered the environmental assessment forms, project description, including any comments received from the Involved Agencies, and the proposed Part 2 and 3 and proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED, that the Common Council, as the established Lead Agency for this 2019 WIAA Project, which is a Type I action under SEQR per 6 NYCRR Part 617.4(b)(9) and as required for funding purposes, declares that, based on the record which has been prepared, including a review and completion of Part II of the Long EAF, a Negative Declaration is hereby adopted for the 2019 WIAA Project as the Project will result in no major adverse environmental impacts. The filing of this Negative Declaration is hereby ordered in accordance with 6 NYCRR Part 617.11 and this resolution will take effect immediately.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

C. WHEREAS, The City of Plattsburgh, Clinton County, New York (hereinafter the “City”) has established the public benefit to City residents of the Drinking Water Improvement Project (herein after the “Project”); and

WHEREAS, the City plans to upgrade critical City water infrastructure to improve reliability and protect public health; and,

WHEREAS, the City Common Council has the opportunity to apply for grant funds and financing from the NYS Water Infrastructure Improvement Act (WIIA) which may fund 60% or up to \$3,000,000 of eligible project costs; and,

WHEREAS, the total project cost is estimated at \$19.8 million; and,

WHEREAS, the City is prepared to pay for the portion of the project not covered by grant funds through EFC financing, in-kind services, and/or other appropriate means expected to be about \$16.8 million; and,

RESOLVED: In accordance with the request therefore the Common Council approves the following:

1. The City of Plattsburgh is authorized to submit the WIIA grant and financing applications and all necessary paperwork.
2. The Environmental Manager is authorized to sign all WIIA applications and necessary paperwork.

3. The Common Council agrees to provide the non-grant funded costs through EFC financing, in-kind services, and/or other appropriate means, expected to be approximately \$16.8 million.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

D. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to revise capital project H5110.58, 2016 Saranac River Trail – Phase II, by appropriating an additional \$588,267 of funding from the General Fund in order to complete the project under the current estimated construction cost.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

E. RESOLUTION APPROVING FINAL SCOPING DOCUMENT FOR CITY OF PLATTSBURGH REVITALIZATION PROJECTS GENERIC ENVIRONMENTAL IMPACT STATEMENT

WHEREAS, the City of Plattsburgh revitalization efforts will result in several downtown area improvement projects, some of which have already been specifically proposed and some of which are in the conceptual stage (collectively the “Projects”).

WHEREAS, the City of Plattsburgh Common Council determined that the Projects collectively are a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA), identified the potential Involved Agencies under SEQRA, notified the potential Involved Agencies that the Common Council wished to be established as Lead Agency for SEQRA review of the Projects and was duly designated as SEQRA Lead Agency; and

WHEREAS, the Common Council determined to conduct comprehensive review of the Projects through preparation of a Generic Environmental Impact Statement (GEIS) pursuant to SEQRA and Section 617.10 of the implementing Regulations set forth at Title 6 of the New York Compilation of Codes, Rules and Regulations (NYCRR); and

WHEREAS, The Chazen Companies prepared a Draft Scoping Document pursuant to 6 NYCRR Section 617.8 to focus the contents of the GEIS on potential adverse impacts; and

WHEREAS, the Common Council conducted a public scoping session on the Draft Scoping Document on August 22, 2019 and also solicited and received public comments in writing during a public comment period which extended until August 26, 2019; and

WHEREAS, the public comments were reviewed and The Chazen Companies has prepared a Final Scoping Document for the GEIS which reflects these comments as appropriate; and

WHEREAS, the Common Council and its consultants have reviewed the Final Scoping Document;
NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council hereby approves and adopts the Final Scoping Document for the GEIS and authorizes The Chazen Companies to prepare a Draft GEIS in accordance with the Final Scoping Document.
2. The City Clerk is authorized and directed to file and publish a Notice of Completion of Final Scoping Document as required by SEQRA.
3. Copies of the Final Scoping Document will be available for inspection at the City Clerk's Office, Plattsburgh City Hall, 41 City Hall Place, Plattsburgh, New York and on the City's website at: <http://www.cityofplattsburgh.com/428/Downtown-Revitalization-Initiative>.
4. The City Clerk is further authorized and directed to provide a copy of the Final Scoping Document to all SEQRA Involved Agencies and any individual or SEQRA Interested Agency that has expressed an interest in writing.
5. The Mayor, Common Council, City Clerk, Corporation Counsel and Special Counsel are authorized and directed to take such additional actions as may be necessary and appropriate to effectuate the intent of this Resolution.
6. This Resolution shall take effect immediately.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION: None

10. NEW BUSINESS AND COUNCILOR REPORTS:

11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:

Motion to Adjourn by Councilor _____; Seconded by Councilor _____

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

MEETING ADJOURNED: _____