

**THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK
INFRASTRUCTURE COMMITTEE
OCTOBER 4, 2021, 5:00pm
Chairperson: Councilor Moore
Members: Councilors Canales, Kelly, Mayor Rosenquest**

MINUTES

Present: Mayor Rosenquest, Councilor Moore, Councilor Kelly
Absent: Councilor Canales

1. **Approval of minutes of the September 7, 2021 Infrastructure Committee**
By Councilor Kelly; Seconded by Councilor Moore
(All voted in the affirmative)

2. **Mayor/Community Engagement/City Clerk/Police Department:**
 - 2.1. **Draft Resolution:** “Authorize Tabling Fee for 2021 Trinity Park Spooky Street Event”
 - 2.2. **Draft Resolution:** “Authorize Budget Adjustment – General Fund – Municipal Buildings Contract Services and Utilities”
 - 2.3. **Draft Resolution:** “Extending Water Supply Agreement with Town of Plattsburgh Multimodal Facility”
 - 2.4. **Draft Resolution:** “Approve Travel Requests Police Department”
 - 2.5. **Draft Resolution:** “Authorize Budget Transfer – General Fund Under-budgeted Accounts – Police”
 - 2.6. **Draft Resolution:** “Authorize Budget Transfer – General Fund Under-budgeted Accounts – Fire”

3. **Community Development/Rec Complex:**
 - 3.1. **Draft Resolution:** “Authorize Capital Reserve Fund Establishment – Rec Complex Fund”
 - 3.2. **Draft Resolution:** “Authorize Budget Adjustment – Rec Complex Fund Estimated Revenues and Capital Reserve Transfer”

4. **Public Works**
 - 4.1. **Draft Resolution:** “Authorize Right of Entry Property License Agreement – Harbor View”
 - 4.2. **Discussion:** Project report update – *Public Works Engineering Technician Andrew Durrin and Public Works Superintendent Mike Bessette*

5. **Environmental**
 - 5.1 **Draft Resolution:** “Authorize Evaluation of Green Street”
 - 5.2 **Draft Resolution:** “Authorize Hydrosorce Associates Hydrogeologic Consulting Agreement”
 - 5.3 **Draft Resolution:** “Authorize Sewer System Analysis”
 - 5.4 **Discussion:** “Imperial Mills Dam City/DEC Access Agreement” - *Environmental Manager Jon Ruff*
 - 5.5 **Discussion:** “Technical Support Project Manager (TSPM)” - *Environmental Manager Jon Ruff*

6. **New business: None**

7. **Public Comment: None**

8. **Adjournment**

Motion to Adjourn by Mayor Rosenquest; Seconded by Councilor Moore
(All in Favor/opposed)
(All voted in the affirmative)
MEETING ADJOURNED: 6:18pm

RESOLUTION 2.1 – 10/04/21

RESOLUTION TITLE: AUTHORIZE TABLING FEE FOR 2021 TRINITY PARK SPOOKY STREET EVENT

WHEREAS, The City of Plattsburgh will use Trinity Park to host a Spooky Street event on Saturday October 30 from 12PM-3PM where local businesses and organizations can set up a table and tent to distribute Halloween candy to event participants; and

WHEREAS, The City of Plattsburgh will charge a \$25 reservation fee for businesses and organizations to have a table in Trinity Park for this event; and

WHEREAS, The Community Engagement Coordinator will coordinate and complete any related ancillary tasks;

NOW, THEREFORE, BE IT RESOLVED, The Common Council Authorizes the Mayor of Plattsburgh to execute all necessary documents/the following change order/the following contract.

Approved by the **INFRASTRUCTURE COMMITTEE** at its meeting on **OCTOBER 4, 2021**

Motion by Councilor Kelly; Seconded by Councilor Moore

Discussion: Yes

Roll Call: All voted in the affirmative

Absent: Councilor Canales

Motion carried

RESOLUTION 2.2 – 10/04/21

RESOLUTION TITLE: AUTHORIZE BUDGET ADJUSTMENT – GENERAL FUND – MUNICIPAL BUILDINGS CONTRACT SERVICES AND UTILITIES

WHEREAS, the 2021 General Fund budget does not make sufficient appropriations for the required annual maintenance for the City Hall elevator and the utility accounts; and

WHEREAS, City Clerk has requested to provide for the additional costs for performing the annual maintenance on the City Hall elevator in order to have it operating safely and for providing sufficient appropriations for the City Hall utilities in 2021;

NOW, THEREFORE, BE IT RESOLVED, the Common Council Authorizes the City Chamberlain to adjust the General Fund budget, as follows:

Increase: General Fund – Muni. Buildings Contract Svcs.	11620000-4430	\$ 2,500.00
Increase: General Fund – Municipal Buildings Water	11620000-4412	\$ 1,000.00
Increase: General Fund – Municipal Buildings Sewer	11620000-4413	\$ 200.00
Decrease: General Fund – Appropriated Fund Balance	1-0599	\$ 3,700.00

This entry is to provide appropriations in the General Fund for the unbudgeted costs to service the City Hall elevator for 2021, as well as, increase the appropriations for the utility accounts. The budget adjustment increases the General Fund Budget for 2021 by \$3,700.00 for the increase in appropriations and will decrease the General Fund unassigned unappropriated portion of the fund balance in 2021 by \$3,700.00.

Approved by the **INFRASTRUCTURE COMMITTEE** at its meeting on **OCTOBER 4, 2021**

Motion by Councilor Kelly; Seconded by Councilor Moore

Discussion: Yes

Roll Call: All voted in the affirmative

Absent: Councilor Canales

Motion carried

RESOLUTION 2.3 – 10/04/21

RESOLUTION TITLE: EXTENDING WATER SUPPLY AGREEMENT WITH TOWN OF PLATTSBURGH MULTIMODAL FACILITY

RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign an extension of Water Supply Agreement with the Town of Plattsburgh regarding tax map parcel 233.6-1-2.1.

Approved by the **INFRASTRUCTURE COMMITTEE** at its meeting on **OCTOBER 4, 2021**

Motion by Councilor Kelly; Seconded by Mayor Rosenquest

Discussion: Yes

Roll Call: All voted in the affirmative

Absent: Councilor Canales

Motion carried

RESOLUTION 2.4 – 10/04/21

RESOLUTION TITLE: APPROVE TRAVEL REQUESTS POLICE DEPARTMENT

1. Request for two Police Department employees to attend the “2021 Mandatory Use of Force updates Training” from October 24-26, 2021, in Canton, NY. The total cost will not exceed \$487 and it will be expensed out of the Asset Forfeiture Fund. This is a required training for the Use of Force instructors to maintain compliance with New York State.

2. Request for one Police Department employee to attend the “Lead Firearms Instructor Zone 9 Police Academy Training” from October 12-14, 2021, in Cicero, NY. The total cost will not exceed \$547 and it will be expensed out of the Asset Forfeiture Fund and fully reimbursed by DCJS. This is a required training for the Firearms instructors to maintain compliance with New York State

Approved by the **INFRASTRUCTURE COMMITTEE** at its meeting on **OCTOBER 4, 2021**

Motion by Mayor Rosenquest; Seconded by Councilor Moore

Discussion: Yes

Roll Call: All voted in the affirmative

Absent: Councilor Canales

Motion carried

RESOLUTION 2.5 – 10/04/21

RESOLUTION TITLE: Authorize Budget Transfer – General Fund Under-budgeted Accounts - Police

WHEREAS, the 2021 General Fund budget makes appropriations for various costs in the police department; and

WHEREAS, the police are asking to transfer appropriations from accounts projecting a year-end surplus to accounts projecting year-end deficits for 2021;

NOW, THEREFORE, BE IT RESOLVED, the **Common Council Authorizes the City Chamberlain to adjust the General Fund budget, as follows:**

It is being requested to adjust the 2021 General Fund Budget, as follows:

Increase: General Fund – Police Overtime Payroll	13120000-1200	\$54,000.00
Increase: General Fund – Police Separation Pay	13120000-1500	\$45,000.00
Increase: General Fund – Police Other Equipment	13120000-2500	\$12,500.00
Increase: General Fund – Police Motor Vehicle Repairs	13120000-4452	\$10,050.00
Increase: General Fund – Police Tech. & Spec. Equip.	13120000-4330	\$ 5,000.00
Increase: General Fund – Police Training & Education	13120000-4461	\$ 2,000.00
Increase: General Fund – Police Water	13120000-4412	\$ 1,600.00
Increase: General Fund – Police Fees for Services	13120000-4440	\$ 1,400.00
Decrease: General Fund – Police Motor Vehicles	13120000-2300	\$ 17,050.00
Decrease: General Fund – Police Technical Equipment	13120000-2400	\$ 10,000.00
Decrease: General Fund – Police Regular Telephone	13120000-4414	\$ 28,000.00
Decrease: General Fund – Police Regular Payroll	13120000-1100	\$ 76,500.00

To provide for the transfer of appropriations within the Police department budget from accounts carrying a surplus through year-end to accounts with current deficits and pending deficits based on cost trends. The budget adjustment will not increase the total General Fund budget for 2021.

Approved by the **INFRASTRUCTURE COMMITTEE** at its meeting on **OCTOBER 4, 2021**

Motion by Mayor Rosenquest; Seconded by Councilor Moore

Discussion: Yes

Roll Call: All voted in the affirmative

Absent: Councilor Canales

Motion carried

RESOLUTION 2.6 – 10/04/21

RESOLUTION TITLE: Authorize Budget Transfer – General Fund Under-budgeted Accounts - Fire

WHEREAS, the 2021 General Fund budget makes appropriations for various costs in the fire department; and

WHEREAS, the fire chief is asking to transfer appropriations from accounts projecting a year-end surplus to accounts projecting year-end deficits and cover the rest with appropriated fund balance for 2021;

NOW, THEREFORE, BE IT RESOLVED, the Common Council Authorizes the City Chamberlain to adjust the General Fund budget, as follows:

It is being requested to adjust the 2021 General Fund Budget, as follows:

Increase: General Fund – Fire Overtime Payroll	13410000-1200	\$206,000.00
Increase: General Fund – Fire Separation Pay	13410000-1500	\$259,000.00
Increase: General Fund – Fire Temporary Pay	13410000-1300	\$ 35,000.00
Increase: General Fund – Fire Fees For Services	13410000-4440	\$ 29,000.00
Increase: General Fund – Fire Materials & Supplies	13120000-4330	\$ 7,000.00
Increase: General Fund – Fire Contract Services	13120000-4430	\$ 7,000.00
Increase: General Fund – Fire Water	13120000-4412	\$ 2,400.00
Increase: General Fund – Fire Repairs to Equipment	13120000-4450	\$ 1,500.00
Increase: General Fund – Fire Vehicle Parts	13410000-4321	\$ 1,000.00
Increase: General Fund – Fire Print & Copy	13120000-4431	\$ 700.00
Decrease: General Fund – Fire Telephone	13410000-4414	\$
12,000.00		
Decrease: General Fund – Fire Regular Payroll	13120000-1100	\$
75,000.00		
Decrease: General Fund – Unass., Unapp. Fund Balance	1-0599	
\$461,600.00		

To provide for the transfer of appropriations within the Fire department budget from accounts carrying a surplus through year-end to accounts with current deficits and pending deficits based on cost trends, as well, appropriating an additional \$461,600 of unassigned unappropriated General Fund, fund balance. The budget adjustment will increase the total General Fund budget for 2021 by that \$461,600.

Approved by the **INFRASTRUCTURE COMMITTEE** at its meeting on **OCTOBER 4, 2021**

Motion by Councilor Kelly; Seconded by Councilor Moore

Discussion: Yes

Roll Call: Mayor Rosenquest and Councilor Moore voted in the affirmative. Councilor Kelly voted in the negative.

Absent: Councilor Canales

Motion carried

RESOLUTION 3.1 – 10/04/21

**RESOLUTION TITLE: AUTHORIZE CAPITAL RESERVE FUND
ESTABLISHMENT – REC COMPLEX FUND**

WHEREAS, the Rec Complex Fund has need of a Capital Reserve to fund capital project improvements for the Rec Complex facilities; and

WHEREAS, the Mayor is requesting to establish a capital reserve in the Rec Complex Fund for the fiscal year 2021 and beyond;

NOW, THEREFORE, BE IT RESOLVED, the Common Council Authorizes the establishment of the Rec Complex Capital Reserve Fund, as follows:

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the “Rec Complex Capital Reserve Fund” (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of capital improvement. The type of capital improvements to be financed from the Reserve Fund is the construction or reconstruction of Rec Complex facilities for future recreation program development.

FURTHER RESOLVED, that the City of Plattsburgh City Chamberlain (“Chamberlain”) is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The City of Plattsburgh Common Council (“Council”) and the Chamberlain may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the City of Plattsburgh. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund.

FURTHER RESOLVED, that the Chamberlain shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Council a detailed report of the operation and condition of the Reserve Fund. Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c.

Approved by the **INFRASTRUCTURE COMMITTEE** at its meeting on **OCTOBER 4, 2021**

Motion by Mayor Rosenquest; Seconded by Councilor Moore

Discussion: Yes

Roll Call: All voted in the affirmative

Absent: Councilor Canales

Motion carried

RESOLUTION 3.2 – 10/04/21

**RESOLUTION TITLE: AUTHORIZE BUDGET ADJUSTMENT – REC
COMPLEX FUND ESTIMATED REVENUES AND CAPITAL RESERVE
TRANSFER**

WHEREAS, the 2021 Rec Complex Fund budget does not contain estimated revenues for or make appropriations for sale of the Chaplin House and transfer of the proceeds to a capital reserve in the Rec Complex Fund; and

WHEREAS, the City Chamberlain is requesting to adjust the rec Complex 2021 budget to include estimated revenues and appropriate for the unbudgeted transfer of the proceeds from sale of the Rec Complex property in the fiscal year 2021;

NOW, THEREFORE, BE IT RESOLVED, the Common Council Authorizes the City Chamberlain to adjust the Rec Complex Fund budget, as follows:

Increase: Rec Complex Fund – Transfer to Capital Reserve	29560000-9000	\$148,715.00
Increase: Rec Complex Fund – Sale of Property	00002127-2650	
\$148,715.00		

To provide for the estimated revenue received for sale of the Chaplin’s House from the Rec Complex Fund and to appropriate those funds for transfer to the Rec Complex Capital Reserve. The budget adjustment increases the Rec Complex Fund budget for estimated revenues and appropriations in 2021 by \$148,715.00.

Approved by the **INFRASTRUCTURE COMMITTEE** at its meeting on **OCTOBER 4, 2021**

Motion by Mayor Rosenquest; Seconded by Councilor Moore

Discussion: Yes

Roll Call: All voted in the affirmative

Absent: Councilor Canales

Motion carried

RESOLUTION 4.1 – 10/04/21

RESOLUTION TITLE: AUTHORIZE RIGHT OF ENTRY PROPERTY LICENSE AGREEMENT – HARBOR VIEW

WHEREAS, Harbor View desires to enter the License Area to cut and remove scrub brush, striped maples, young poplars and other woody stemmed vegetation no greater than 2” diameter at breast height (“dbh”) located on the property paralleling that of the Condominiums at Harbor View (hereafter “Tree Line Work”). The intent is to preserve window views of the lake while avoiding clear cutting and also avoiding removing any mature trees which may cause erosion of the lake shore area, banks, or impact the structural integrity of the rail lines.

Approved by the **INFRASTRUCTURE COMMITTEE** at its meeting on **OCTOBER 4, 2021**

Motion by Mayor Rosenquest; Seconded by Councilor Kelly

Discussion: Yes

Roll Call: All voted in the affirmative

Absent: Councilor Canales

Motion carried

RESOLUTION 5.1 – 10/04/21

RESOLUTION TITLE: AUTHORIZE EVALUATION OF GREEN STREET

WHEREAS, Vehicular and pedestrian use of Green Street has increased over the years; and

WHEREAS, Increased activity on Harborside will likely increase that activity further; and

WHEREAS, A significant component of the traffic is related to activities at the Water Resource Recovery Facility including treating hauled wastes that generate over \$1,000,000 in revenue;

WHEREAS, The City desires to have safe, sustainable, and efficient ingress and egress along this route;

NOW, THEREFORE, BE IT RESOLVED, The Common Council Agrees to and Authorizes the execution of Amendment #1, dated September 9, 2021, to the City’s agreement with Barton & Loguidice for completion of the Harborside Master Plan proposal to evaluate alternatives to accomplishing this. Funding for the work included in Amendment #1’s scope of services is to be provided by Capital Project H8130.64.

Contractor: B&L
Service: Green Street Alternative Evaluation
City Cost: Phase 1 - \$22,600; Phase 2 - \$22,300: \$44,900 Lump Sum Total

Approved by the **INFRASTRUCTURE COMMITTEE NAME HERE** at its meeting on **OCTOBER 4, 2021**

Motion by Councilor Kelly; Seconded by Mayor Rosenquest

Discussion: Yes

Roll Call: Mayor Rosenquest and Councilor Moore voted in the affirmative. Councilor Kelly voted in the negative.

Absent: Councilor Canales

Motion carried

RESOLUTION 5.2 – 10/04/21

**RESOLUTION TITLE: AUTHORIZE HYDROSOURCE ASSOCIATES
HYDROGEOLOGIC CONSULTING AGREEMENT**

WHEREAS, A Water Supply Well Field is being developed to enhance the redundancy, resiliency, robustness, and reliability of the City water supply; and

WHEREAS, A production well is being constructed and will need appropriate development, analysis, testing, and regulatory permitting; and

WHEREAS, Hydrogeology consulting services are needed to perform this work;

NOW, THEREFORE, BE IT RESOLVED, The Common Council Agrees to and Authorizes the execution all necessary documents for HydroSource Associates proposal dated July 30, 2021

Contractor: HYDROSOURCE ASSOCIATES
Service: HYDROGEOLOGIC SERVICES.
Contract Amount: Time and Materials Not to Exceed \$152,350
Source of Funds: Water System Improvements Capital Project H 8320.79.

Approved by the **INFRASTRUCTURE COMMITTEE** at its meeting on **OCTOBER 4, 2021**

Motion by Councilor Moore; Seconded by Mayor Rosenquest

Discussion: Yes

Roll Call: All voted in the affirmative

Absent: Councilor Canales

Motion carried

RESOLUTION 5.3 – 10/04/21

RESOLUTION TITLE: AUTHORIZE SEWER SYSTEM ANALYSIS

BY: Jonathan P. Ruff, P.E.

WHEREAS, The City Sewer Collection System has Combined Sewer Overflows (CSOs); and
WHEREAS, The Collection System also conveys revenue generating wastewater from outside the City from the Town of Plattsburgh, including the Reeves Lane property that is being annexed into the City,

WHEREAS, A better understanding of the collection system is needed in order to properly convey existing and future sewer flow in a manner that is sustainable, regulatory compliant, and protective of public health and the environment,

NOW, THEREFORE, BE IT RESOLVED, The Common Council Agrees to and Authorizes the execution all necessary documents for CDM Smith proposal dated September 14, 2021:

Contractor: CDM Smith
Service: Sewer System Analysis
Contract Amount: Time and Expense Not to Exceed \$174,400

The Source of Funds will be Capital Project H8130.66.

Approved by the **INFRASTRUCTURE COMMITTEE** at its meeting on **OCTOBER 4, 2021**

Motion by Councilor Moore; Seconded by Councilor Kelly

Discussion: Yes

Roll Call: All voted in the affirmative

Absent: Councilor Canales

Motion carried

DISCUSSION: IMPERIAL MILLS DAM CITY/DEC ACCESS AGREEMENT

DRAFT - LANDOWNER ACCESS AGREEMENT

This Agreement is made between the City of Plattsburgh (the “City”), with an address for service at 41 City Hall Place, Plattsburgh, New York 12901, and the New York State Department of Environmental Conservation (“DEC”), with principal offices at 625 Broadway, Albany, New York 12207, to provide permission for DEC to access certain property owned by the City for purposes of undertaking the activities described herein.

WHEREAS, the City owns real property located at 81 Adirondack Lane in the City of Plattsburgh, Clinton County, New York, identified as tax I.D. number 221.14-1-3 on the tax maps of Clinton County (the “Property”); and

WHEREAS, the Property is an inholding within real property owned by DEC identified as tax I.D. number 221.14-1-2; and

WHEREAS, both parcels of real property are accessed via a shared driveway from Adirondack Lane, which driveway traverses the Property and continues further onto DEC’s property; and

WHEREAS, DEC, as part-owner of the Imperial Mills Dams, a.k.a. Main Mills Dam, will use the shared driveway for access to the west bank of the Saranac River and the Dam for purposes of carrying out improvements and modifications to the Dam;

NOW, THEREFORE, the City and DEC agree as follows:

1. The City hereby grants DEC, its employees, agents, and authorized contractors, along with their equipment, vehicles, vessels, machinery, and related items, permission to enter and cross the Property described herein for the sole purpose of accessing DEC’s property while undertaking improvements and modifications to the Dam.

2. This Agreement shall continue in force for a period of ten calendar years from the date of execution unless terminated before then by written notice from DEC.

3. DEC agrees to indemnify and hold harmless the City, its officers, employees, and agents, against claims, loss, damage, and expense that the City may suffer as a result of DEC's negligence or tortious acts or omissions in the course of exercising any rights granted under this Agreement, or as a direct result of actionable conduct of the Department, as permitted by the Court of Claims Act and Section 17 of the Public Officers Law. DEC's duty to indemnify and hold harmless shall be conditioned upon:

- a. Delivery to the Attorney General by the City of the original or a copy of any summons, complaint, process, notice, demand or pleading within fifteen business days after the City is served with such document;
- b. Representation by the Attorney General or, if the Attorney General determines in their sole discretion based upon investigation and review of the facts and circumstances of the case that representation by the Attorney General would be inappropriate, representation by private counsel to be selected by the Attorney General after consultation with the City and provided at no cost; and
- c. The full cooperation of the City in the defense of such action or proceeding against DEC based upon the same act or omission, and in the prosecution of any appeal.

4. This Agreement may be amended or modified with the written consent of both parties.

5. This agreement may be signed in counterparts, each of which will be considered an original.

In witness whereof, the parties hereto sign and agree to the terms of this Landowner Access Agreement on the date appearing below their respective signatures.