

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

March 12, 2020

5:30 P.M.

MINUTES

Pledge of Allegiance

(RC)

Present: Mayor Colin Read, Councilors Ira Barbell (W1), Mike Kelly (W2), Elizabeth Gibbs (W3), Paul DeDominicas (W4), Patrick McFarlin (W5), Jeff Moore (W6)

Absent: None

MAYOR'S COMMENTS: Room laid out differently in response to Coronavirus 19, and at 8am on Monday morning will put in place emergency order in place, provide all city services as much as we can, encourage on line interaction and limiting public contact.

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on March 5, 2020 are approved and placed on file among the public records of the City Clerk's Office

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

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore
(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 March 11, 2020 in the amount of \$ 501,549.01 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 Gibbs; Seconded by Councilor Kelly
(All in Favor/opposed)

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore
(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for February 18 – March 9, 2020
- Report from the Building Inspector's office for February 26 – March 10, 2020
- Reports from the Police Department dated March 9, 2020
- Minutes from the Governance, Strategy and City Operations Committee meeting held on March 9, 2020

COUNCILOR/DEPARTMENT CHAIR COMMITTEE REPORTS:

[meeting reports provided during work session]

Governance, Strategy, and City Operations- Chair Councilor Barbell indicated no updates.

City Infrastructure – Chair Councilor Moore indicated no updates.

Finance and Budget – Chair Councilor Kelly meeting scheduled next week, City Chamberlain on vacation next week, he, Jeff and Mayor will come up with agenda.

Public Safety – Chair Councilor Gibbs mentioned the committee is meeting Monday and Wednesday next week focusing on Police.

Plattsburgh Public Library – Chair Councilor DeDominicas indicated Library Director gave Coronavirus update, putting steps in to place.

MLD - MLD Board President Councilor McFarlin indicated no updates.

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 Moore; Seconded by Councilor Barbell

(All in Favor/opposed)

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

(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 March 13, 2020 in the amount of \$ 757,532.59 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 Barbell; Seconded by Councilor Moore

(All in Favor/opposed)

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

(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 the February 27, 2020 proposal from HydroSource Associates in the amount of \$29,600 is hereby approved and authorized.

By Councilor Gibbs; Seconded by Councilor Barbell
Discussion: Yes
Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore
(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 the March 2, 2020 Amendment No. 1 to the footbridge sewer capacity agreement with CDM Smith be approved in the additional amount of \$30,000 and its execution is hereby authorized.

By Councilor Gibbs; Seconded by Councilor Moore
Discussion: None
Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

C. APPROVING ACCESS AND MAINTENANCE EASEMENT AGREEMENT WITH COMMUNITY BANK, N.A. FOR ARNIE PAVONE MEMORIAL PARKING PLAZA PORTION OF DOWNTOWN AREA IMPROVEMENT PROJECTS

WHEREAS, the City of Plattsburgh revitalization efforts will involve several downtown area improvement projects known as the Downtown Area Improvement Projects (DAIP); and

WHEREAS, the City of Plattsburgh Common Council determined to conduct comprehensive review of the DAIP through preparation of a Generic Environmental Impact Statement (GEIS) pursuant to the State Environmental Quality Review Act (SEQRA) and Section 617.10 of Title 6 of the New York Compilation of Codes, Rules and Regulations; and

WHEREAS, the Common Council, as duly designated Lead Agency pursuant to SEQRA, conducted a thorough SEQRA review of the DAIP, including conducting scoping, preparing Draft and Final Generic Environmental Impact Statements (EIS), conducting a Public Hearing and adopting a SEQRA Findings Statement; and

WHEREAS, the Findings Statement determined, among other things, that given the demonstrated public need and benefit of the DAIP, its lack of significant adverse environmental impacts and its avoidance of such impacts by project design, location and mitigation, the decision to proceed with the Project as proposed gave due consideration to and represented a reasonable and proper balancing of environmental considerations with social, economic and other relevant considerations; and

WHEREAS, the Findings Statement further determined and certified that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the DAIP

avoids or minimizes adverse environmental impacts to the maximum extent practicable and incorporates as conditions to the Board’s decision those mitigation measures that were identified as practicable; and

WHEREAS, approval from the Common Council is now needed for an Access and Maintenance Agreement with Community Bank, N.A. (Agreement), which is required to enable construction of the Arnie Pavone Memorial Parking Plaza (APMPP) to proceed;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council has reviewed the proposed Agreement and finds that it constitutes an integral component of the APMPP portion of the DAIP which was thoroughly reviewed under SEQRA.
2. The potential environmental impacts of the proposed Agreement were adequately addressed as an essential component of the APMPP portion of the DAIP in the GEIS and the Findings Statement and the proposed Agreement is not likely to result in any new or different environmental impacts than those previously considered during SEQRA review of the DAIP. Therefore, no further SEQRA review is necessary.
3. The Common Council authorizes and directs the Mayor, City Clerk, Director of Community Development, City Attorney and/or Special Legal Counsel to take such further actions as may be necessary to effectuate the intent of this Resolution.

Motion to waive reading and move Resolution

By Councilor Gibbs; Seconded by Councilor Barbell
(All voted in favor of waiving reading and move Resolution)

Discussion: None

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council hereby agrees to and authorizes executing the MOA with the New England Water Pollution Control Commission and Lake Champlain Basin program for financial assistance performing an Illicit Discharge Detection and Elimination study.

By Councilor Kelly; Seconded by Councilor DeDominicas

Discussion: None

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore
(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 Contract #2017-14 “Laboratory Services at Water Resource Recovery Facility” be extended for one year as listed below:

BOD/CBOD Testing awarded to Endyne Inc for lump sum of \$20,800
Contract for 78 other items awarded to ALS Environmental \$18,867

Motion to waive reading and move Resolutions 7E – 7F

By Councilor McFarlin Seconded by Councilor DeDominicas
(All voted in favor of waiving reading and move Resolutions 7E – 7F)

Discussion: None

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

(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 Contract #2017-16 “Sodium Thiosulfate for Water Resource Recovery Facility” be extended for one year with Thatcher Company of NY for an estimated sum of \$71,392.

[See details under Item 7E]

ACTION TAKEN: Adopted

Follow up Action: None

G. RESOLVED: that the Common Council of the City of Plattsburgh concurs with the request by the Mayor, and authorizes the clerk of the Common Council as well as the Mayor to sign a Home Rule Request in support of Senate Bill S.7614/Assembly Bill A.10028 in support of a special state law to allow the County of Clinton and in addition, the City of Plattsburgh to have a land bank.

By Councilor Gibbs; Seconded by Councilor Barbell

Discussion: None

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

(Councilors Barbell, Kelly, Gibbs, DeDominicas and Moore voted in the affirmative. Councilor McFarlin abstained against as in prior votes on proceeding with our own land bank)

ACTION TAKEN: Adopted

Follow up Action: None

Item 7H moved from Committee:

Whereas, the City of Plattsburgh proposed a concept in 2016 to secure a first round Downtown Revitalization Grant from the State of New York,

Whereas, the City was awarded the DRI grant in May of 2016 based on a concept to build retail and residential space in the Durkee Street Lot, along with partial access to the Saranac River, a green corridor, and a sculpture and performance park,

Whereas, Mayor Calnon appointed a Local Planning Commission in 2016 to develop a plan from the initial concept, with the assistance of consultants appointed by Empire State Development,

Whereas, the Local Planning Commission met for six months, conducted numerous public forums, and contacted a number of developers,

Whereas, the Local Planning Commission concluded that the market could not bear 50,000 square feet of new commercial space downtown without significant financial assistance and instead recommended a market rate residential emphasis, an arts walk and sculpture garden in the Westelcom Park across Durkee Street, and numerous other modifications to make the original plan workable and marketable,

Whereas, the City addressed the failure of the original concept to propose alternative parking to replace the initially proposed 50,000 square feet of commercial space that the City concluded could not be accommodated economically within the Durkee Parking Lot footprint, and developed a one-for-one parking replacement plan in the downtown area through the expansion of new lots downtown funded by a different state grant,

ways not inconsistent with the plan approved by Empire State Development,

Whereas, one developer, a company based in Cohoes with similar developments in other North Country and Central New York communities, responded with a proposal,

Whereas, Prime Plattsburgh agreed to develop the land to create a mixed use residential and commercial facility, a Greenspace and extension of the Arts Walk in the form of a pedestrian walkway, expanded access to the Saranac River Trail, ample parking for all the needs of residents and patrons, and 50 parking spots available for the public on the Durkee footprint,

Whereas, each of these various steps were endorsed unanimously by the respective Common Councils over the years,

Whereas, the negotiations between the funding agency and the developer resulted in a contract between Empire State Development and Prime Plattsburgh, and

Therefore, be it resolved that the Common Council continues to support the original submission of the DRI concept, the plan as modified by the Local Planning Committee and the consultants appointed by Empire State Development, the granting of a contract to Prime Plattsburgh, and the participants in 102 public forums, consultants, and previous Common Councils, and the work performed in incorporating public comment in generating the Generic Environmental Impact Statement, subject to any additional environmental review, in the firm belief that the Durkee Street Project, the Arts Walk, the expanded Saranac River Trail, the Downtown Grants Program, the developments at the Harborside, the parking plan for one-for-one parking replacement in the downtown area, and the signage and branding project for Downtown Plattsburgh are all projects in the best interest of the residents of Plattsburgh and will ensure the city's ability to continue to garner economic development funds from the State of New York to enhance the quality of life in the City of Plattsburgh

By Councilor Kelly; Seconded by Councilor Gibbs

Discussion: Yes

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

(Councilor Barbell, Kelly, Gibbs, McFarlin and Moore voted in the affirmative. Councilor DeDominicas abstained because due to reasons stated during discussion which is it kind of lumps everything in a way that takes away from some of what I've been hearing from some of the folks that have talked to me about the project and it centers around Durkee Street and what that means and this resolution in its entirety like this is either you agree with all of this or you agree with none of this and the arguments are more nuance than that)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves Jon Ruff is authorized to attend the WEF/AWWA Fly-In on April 27 -29, 2020 in Washington DC at a cost not to exceed \$500.

By Councilor Moore; Seconded by Councilor Gibbs

Discussion: Yes

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

Councilor Moore introduced Local Law P-2 of 2020. A local law amending in its entirety city code section 348-24 and setting water service rates and enacting regulations for levy and collection of water charges.”

Public Hearing set: Thursday, March 26, 2020 at 5:00 pm in the Common Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901

A copy of said Local Law P-2 of 2020 will be sent electronically to Councilor Gibbs who is absent.

Mayor Read announced:

On Thursday, March 26th, at 5:30 p.m in the Common Council Chambers, 41 City Hall Place there will be a Public Hearing on the proposed abandonment of Division Street which action may result in a change in the Official Map of the City of Plattsburgh

10. NEW BUSINESS AND COUNCILOR REPORTS: None

11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:

Tim Palkovic spoke about concerns with the DRI Durkee Street project.

Laura Palkovic 21 Champlain Street, Plattsburgh, NY spoke about concerns with the DRI Durkee Street project.

Carol Klepper 17 Couch Street, Plattsburgh, NY spoke about concerns with the DRI Durkee Street project.

Marti Martin 3449 Rt 9 South Apt 4, Peru, NY spoke about concerns with the DRI Durkee Street project.

Motion to Adjourn by Councilor Gibbs Seconded by Councilor Barbell
Roll Call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore
(All voted in the affirmative)

MEETING ADJOURNED: 6:59 pm

Introduced by _____ on March 12, 2020

Moved By Councilor _____; seconded by Councilor _____;

LOCAL LAW NO. P-2 OF 2020

AMENDING IN ITS ENTIRETY CITY CODE SECTION 348-24 AND SETTING WATER SERVICE RATES AND ENACTING REGULATIONS FOR LEVY AND COLLECTION OF WATER CHARGES.”

BE IT ENACTED by the Common Council of the City of Plattsburgh, New York as follows:

1. This local law amends and restates in its entirety City Code **§348-24**, entitled “**Schedule of Rates; Regulations (Water Services)**”.
2. If any clause, sentence, paragraph, subdivision or part of this section shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered.
3. This law shall not affect the validity or enforceability of any water charge, interest, penalty or lien that accrued or attached before the effective date of this law.
4. The rates for water services and the regulations for levying and collecting water charges are as follows:

A. Service Classification No.: 1

APPLICABLE TO THE USE OF SERVICE FOR:

All customers taking service within the corporate limits of the City of Plattsburgh, for bills rendered on and after May 1, 2020

CHARACTER OF SERVICE:

Continuous

INFRASTRUCTURE INVESTMENT CHARGES (IIC): Annual charges, to be billed monthly, based on meter size/service Line size:

NEW STORAGE TANKS IIC 2009

<u>Meter/Service</u> <u>Line Size</u>	Annual Charge <u>\$/Yr/Service</u>	<u>\$/Month</u>
5/8"	15	1.25
3/4"	30	2.50
1"	45	3.75
1.5"	65	5.42
2"	185	15.42
3"	1,000	83.33
4"	1,650	137.50
6"	2,700	225.00
8"	4,800	400.00

Westbrook Dams IIC 2013

<u>Meter/Service</u>	Annual Charge	
<u>Line Size</u>	<u>\$/Yr/Service</u>	<u>\$/Month</u>
5/8"	8.40	0.70
3/4"	16.80	1.40
1"	25.20	2.10
1.5"	36.40	3.03
2"	103.60	8.63
3"	560.00	46.67
4"	924.00	77.00
6"	1,512.00	126.00
8"	2,688.00	224.00

TERM:

From the date of commencement of service, pursuant to application, until 10 days written notice is given prior to the date set for discontinuance or upon discontinuance by the water department in accordance with the provisions of this Schedule of Water Service.

SPECIAL PROVISION:

Meters may be read and/or bills rendered monthly at the option of the Water Department. The terms of payment, for monthly billings are net-twenty days after date of bill. Gross amount plus interest shall be due thereafter.

All those customers who do not have water meters installed in the water service line serving their premises on the effective date of this service classification shall be billed at the rate of \$16.44/month until such time that a water meter has been set in the water service line to their premises. Thereafter, the rates for water service above set forth shall apply.

Elderly persons that qualify for the Real Property Tax Exemption shall also be exempt from the Minimum Charge for water service and be charged for only the actual gallons of water consumed.

B. Service Classification No. 3

APPLICABLE TO USE OF SERVICE FOR:

Private fire protection service within the corporate limits of the City of Plattsburgh.

TERMS:

From the date of commencement of service, pursuant to application, until thirty days written notice is given prior to the date set for discontinuance by the Water Department in accordance with provisions of this Schedule Water Service.

SPECIAL PROVISION:

The foregoing rates for private fire protection service are based on unmetered service. Water for Fire Extinguishment purposes and limited testing requirements is provided at no extra charge. However, if, in the opinion of the Water Department, the installation of a fire line meter is required, the customer shall make said installation at his own expense. The entire meter installation shall be constructed and installed according to the specifications of the Water Department. There shall be no branch connections to said fire service line other than those for fire protection service.

5. This law shall take effect immediately upon filing with the New York Secretary of State.

The foregoing Local Law certified to the Mayor this _____, 20__.

CITY CLERK

On Roll Call,

The foregoing Local Law certified is hereby approved after Public Hearing held _____, 2020

MAYOR