

## **RESOLUTION – 04/21/2022**

### **7.61 AUTHORIZE THE IMPLEMENTATION OF THE SOCIAL MEDIA POLICY**

WHEREAS, The City of Plattsburgh maintains social media, such as it's Facebook account in an effort to maintain and improve communication with citizens about events, activities, public works project, road closings and other matters of general interest in the community, and

WHEREAS, the City of Plattsburgh wishes to adopt a fair, consistent and neutral policy which allows the use and expansion of use of social media while at the same time ensuring the same is used for only proper purposes and consistent with community morals and standards, and

WHEREAS, attached is a draft social media policy that was prepared by Staff and reviewed by the City's Attorney, which is found and declared to constitute a fair and appropriate policy to be adopted and made binding on those who elect to participate and interact with the city's social media accounts, and

WHEREAS, this policy does not in any way state any intention by the City of Plattsburgh as a whole to regulate any speech, postings and writings on any social media accounts the City manages and oversees.

NOW THEREFORE, BE IT RESOLVED The Common Council authorizes the implementation of the Social Media Policy.

### **2022 Social Media Policy**

This policy was created using resources from NYCOM and Archive Social.

#### **EXTERNAL POLICY**

##### **PURPOSE**

To build communication and trust with our residents and visitors, and encourage participation through comments and feedback.

##### **GOALS**

The City of Plattsburgh aims to effectively use Social Media Accounts to:

- Provide information
- Support community engagement and outreach
- Support marketing and promotional campaigns

- Frame the public conversation around The City of Plattsburgh
- Assist with recruitment efforts

Please be aware that when engaging with this agency through Social Media, you agree to the following:

#### MODERATION OF THIRD PARTY CONTENT

The City of Plattsburgh does not necessarily endorse, support, sanction, encourage, verify or agree with Third Party comments, messages, posts, opinions, advertisements, videos, promoted content, external hyperlinks, linked websites (or the information, products or services contained therein), statements, commercial products, processes or services posted on any Social Media Site.

The City of Plattsburgh's social media sites serve as a limited public forum and all content published is subject to preservation and disclosure in accordance with New York State Public Record Law. User-generated posts may be rejected or removed when the content includes any of the following:

- incitement of violence or violent behavior,
- defamation or spread of misinformation,
- copyrighted or commercial material
- fraudulent material or accusations, or
- obscene or illegal material.

We do not allow information intended to compromise the safety or security of the public or public systems. You participate at your own risk, taking personal responsibility for your comments, your username and any information provided.

#### RETENTION

Social media sites contain communications sent to or received by the City of Plattsburgh and its employees, and such communications are public records subject to New York State public records statute. These retention requirements apply regardless of the form of the record (e.g. digital text, photos, audio, and video). The Department maintaining a site shall preserve records pursuant to a relevant records retention schedule.

#### EMERGENCY POSTINGS

Social media sites are not monitored 24/7. If there is an emergency, contact 911.

**RESOLUTION – 04/21/2022**

**7.62 AUTHORIZATION ALCOHOL CONSUMPTION ON CITY PROPERTY FOR  
CVPH FUNDRAISER**

In accordance with the request therefore, the Common Council approves the service and consumption of alcohol, per Section 129-4 of the City Code, for the following event: CVPH Fundraiser on Saturday June 11th 2022 at the US Oval. NYS Liquor Authority permit compliance and insurance documentation is required.

## **RESOLUTION – 04/21/2022**

### **7.63 AUTHORIZE AWARD OF FIREWORKS CONTRACT FOR CITY EVENTS**

**RESOLVED:** In accordance with the request the Common Council approves the City of Plattsburgh to enter into a contract with Santore's World Famous Fireworks for July 4<sup>th</sup> 2022 and September 9<sup>th</sup> 2022. The fireworks display for July 4th will be paid for by The City of Plattsburgh for the total amount of \$16,000 and the display for September 9th will be paid for by 1814 Inc. for the total amount of \$6,000.

**RESOLUTION – 04/21/2022**

**7.64 AUTHORIZE COMMUNITY ENGAGEMENT COORDINATOR TO ATTEND  
NYCOM COMMUNITY REVITALIZATION CONFERENCE**

RESOLVED: In accordance with the request therefore the Common Council approves Community Engagement Coordinator Courtney Meisenheimer to attend the “NYCOM Community Revitalization Conference” in Syracuse, NY from June 8-9, 2022 at a cost not to exceed \$300.

**RESOLUTION – 04/21/2022**

**7.65 AUTHORIZE MAYOR TO ATTEND NYCOM COMMUNITY  
REVITALIZATION CONFERENCE**

RESOLVED: In accordance with the request therefore the Common Council approves Mayor Rosenquest to attend the “NYCOM Community Revitalization Conference” in Syracuse, NY from June 8-9, 2022 at a cost not to exceed \$600.

**RESOLUTION – 04/21/2022**

**7.66 ACCEPTANCE AND ADOPTION OF FINAL REPORT ON RECONSTRUCTION OF MARGARET/COURT/BRINKERHOFF STREETS**

**WHEREAS**, the City contracted with C&S Companies for the completion of a concept study for the replacement of aging infrastructure on and under Margaret, Court, and Brinkerhoff Streets; and

**WHEREAS**, after an extensive public engagement campaign and the incorporation of public feedback as to how to reconstruct these downtown streets once the infrastructure was updated, C&S has delivered to the City a final report containing their recommendations.

**NOW, THEREFORE, BE IT RESOLVED**, the Common Council accepts and adopts the Margaret Street Concept Study submitted by C&S Companies and directs the Mayor and City staff to solicit proposals from qualified design firms for the engineering, bid, and construction phases of the project.

**RESOLUTION – 04/21/2022**

**7.67 AUTHORIZE AMG AGREEMENT FOR MERCHANT PROCESSING SERVICES**

**WHEREAS**, the fee structure provided by the City’s current merchant for the processing of credit and debit card transactions is not suitable for the City’s paid parking system due to the large number of minor transactions the parking system will generate; and

**WHEREAS**, AMG Payment Solutions (AMG) is a boutique credit card processing firm focused on the U.S. municipal parking sector and specializing in the processing of small transactions; and

**WHEREAS**, AMG has an established relationship with the City’s vendor for parking services and equipment, IPS Group Inc.

**NOW, THEREFORE, BE IT RESOLVED**, the Common Council authorizes the Mayor and the Chamberlain to execute an agreement for merchant processing services with AMG for the processing of small debit and credit card transactions related to the City’s paid parking system. The Common Council further authorizes the Mayor and the Chamberlain to take all associated actions necessary to affect the intent of this resolution.

**RESOLUTION – 04/21/2022**

**7.68 APPROVAL OF LICENSE AGREEMENT FOR PLATTSBURGH FARMERS’ AND CRAFTERS’ MARKET**

**WHEREAS**, the Plattsburgh Farmers’ and Crafters’ Market (PFCM) wishes to operate from the renovated building previously known as Building 4 on Plattsburgh Municipal Lighting Department’s former Green Street site.

**NOW, THEREFORE, BE IT RESOLVED**, the Common Council authorizes the Mayor to sign a License Agreement with the PFCM to operate a twice-weekly farmers’ market in the renovated building on PMLD’s former Green Street site from May 1, 2022 to October 10, 2022.

**RESOLUTION – 04/21/2022**

**7.69 AUTHORIZE KAS SERVICE AGREEMENTS FOR VARIOUS ASBESTOS SURVEYS**

**WHEREAS**, future development of the site of the Champlain Valley Transportation Museum (CVTM) requires an understanding of any asbestos which may be present in the seven structures located within boundaries of parcel # 221.12-2-12; and

**WHEREAS**, rehabilitation or demolition of the Crete Memorial Civic Center (Crete) will require an understanding of any asbestos which may be present within the Crete.

**NOW, THEREFORE, BE IT RESOLVED**, the Common Council authorizes the Mayor to execute service agreements with KAS, Inc. for asbestos inspections of the CVTM and Crete in amounts not to exceed \$7,305 and \$2,487, respectively. Funding for the CVTM inspection is to be provided from the Community Development Contracted Services budget. Funding for the Crete inspection is to be provided from the Crete Center Contracted Services budget.

**RESOLUTION – 04/21/2022**

**7.70 ADOPTION OF POLICIES & PROCEDURES MANUAL FOR COMMUNITY DEVELOPMENT REVOLVING LOAN FUND**

**WHEREAS**, the policies governing the City’s existing revolving loan funds (RLFs) have not been updated in many years and are not compliant with the current regulations which govern the use of such funds at the federal, state, and local levels; and

**WHEREAS**, City staff have been working with Ann Ruzow Holland under a consulting agreement approved by the Council in 2021 to update the policies governing those RLFs to more accurately reflect the rules and regulations governing their use.

**NOW, THEREFORE, BE IT RESOLVED**, the Common Council adopts the Policies and Procedures Manual for the City of Plattsburgh’s Community Development Revolving Loan Fund (CDRLF) that shall govern the operations of the CDRLF and all available funding under its purview. The Common Council further directs the Mayor, Corporation Counsel, Chamberlain, Director of Community Development, and Building Inspector to implement the policies contained therein.

**RESOLUTION – 04/21/2022**

**7.71 AUTHORIZE CONSOLIDATION OF ECONOMIC DEVELOPMENT FUNDS  
– COMMUNITY DEVELOPMENT (CD) FUND**

**WHEREAS**, the Community Development Fund has cash designated as revolving loan funds and façade loan funds in separate cash accounts; and

**WHEREAS**, the Community Development Director is requesting based on the updated revolving loan policy manual to treat all of these funds as economic development funding for revolving loans;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council authorizes all of the City's economic development funds be consolidated into one cash account for use as revolving loan funds for local development purposes and that the City Chamberlain is directed to transfer the façade loan funds into the revolving loan fund cash account and close the façade loan cash account.

**RESOLUTION – 04/21/2022**

**7.72 AUTHORIZE WRITE-OFF OF ECONOMIC DEVELOPMENT FUNDS  
UNCOLLECTIBLE LOANS – COMMUNITY DEVELOPMENT (CD) FUND**

**WHEREAS**, the Community Development Fund has loans dating back to 2002 through 2007 that have become uncollectible due to time constraints as defined by statute of limitation law; and

**WHEREAS**, the Community Development Fund has an uncollectible loan account reserve of \$127,213 established to accept the write-off of the uncollectible loan balances totaling \$125,211;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council authorizes the City Chamberlain to write-off the uncollectible loans balance of \$125,211 against the uncollectible loan reserve account in the Community Development Fund.

**RESOLUTION – 04/21/2022**

**7.73 AUTHORIZE CONSULTING AGREEMENT WITH ANN RUZOW HOLLAND TO COMPLETE REHABILITATION OF CITY’S REVOLVING LOAN FUND PROGRAM**

**WHEREAS**, Ann Ruzow Holland has previously completed a 16 year audit of the City’s existing revolving loan funds (RLFs) and a comprehensive and federal/state/local compliant set of program guidelines for the updated Community Development Revolving Loan Fund (CDRLF); and

**WHEREAS**, preparing the CDRLF for utilization by the public requires various tasks necessary to operationalize the policies and procedures prescribed by the CDRLF’s manual and ensure efficient and uniform administration of all CDRLF applications and loans.

**NOW, THEREFORE, BE IT RESOLVED**, the Common Council authorizes the Mayor to execute an agreement with Ann Ruzow Holland for consulting services related to the revival of the City’s CDRLF in an amount not to exceed \$15,000. Funding is to be provided from the Community Development Special Revenue account and the Community Development Contracted Services budget.

**RESOLUTION – 04/21/2022**

**7.74 ADOPT UPDATED CITY FIELD USE POLICY**

**WHEREAS**, recent increases in the cost of equipment and materials necessary for proper maintenance of the City's fields require a reevaluation of the fees prescribed by the City's Field Use Policy; and

**WHEREAS**, it has been determined that the most equitable method of compensating the City for these increased field maintenance costs is to charge all organizations a fee for each use of specified fields throughout the City's park system.

**NOW, THEREFORE, BE IT RESOLVED**, the Common Council adopts the City's updated Outdoor Sport Field Management Policy and the fee structure prescribed within with immediate effect.

**RESOLUTION – 04/21/2022**

**7.75 AUTHORIZING REVISING CAPITAL PROJECT H5110.81 – 2021 PARKING EQUIPMENT PURCHASE**

**WHEREAS**, the Capital Expenditure Plan adopted January 7<sup>th</sup>, 2021, includes a Public Service Equipment category, and

**WHEREAS**, the Infrastructure Division desires to establish a 2021 Equipment Purchase project for items not included in the Public Service Equipment category of the Capital Expenditure Plan adopted January 7<sup>th</sup>, 2021, and

**WHEREAS**, the cost of the 2021 Parking Equipment Purchase project has been estimated by the Infrastructure Division for the costs of the unplanned expenditures to purchase items not included in the capital expenditure plan for the Parking Fund for 2021, and is being revised for 2022, as follows:

	<b>2021 Capital Cost</b>	<b>2021 Estimated Cost</b>	<b>2022 Revised Cost</b>
Parking kiosks infrastructure	\$ -	\$ 20,245	\$ 35,691
Kiosks and Kiosk System	<u>-</u>	<u>129,673</u>	<u>174,471</u>
Total	<u>\$ -</u>	<u>\$ 149,918</u>	<u>\$ 210,162</u>

Project Funding:

Parking Fund	<u>\$ -</u>	<u>149,918</u>	<u>\$ 210,162</u>
Total	<u>\$ -</u>	<u>\$ 149,918</u>	<u>\$ 210,162</u>

Now therefore,

**BE IT RESOLVED**, by the Common Council of the City of Plattsburgh, New York, this 21<sup>st</sup> day of April 2022, as follows:

- 1) That, the amount of Two Hundred Ten Thousand One Hundred Sixty-two and 00/100 (\$210,162.00) Dollars is hereby appropriated for the capital project **2021 Parking Equipment Purchase (H5110.81)** for the cost of the equipment revised above and is hereby authorized to be expended for such purpose.
- 2) That, Two Hundred Ten Thousand One Hundred Sixty-two and 00/100 (\$210,162.00) Dollars of such appropriation be provided by an advance from the Parking Fund, to be reimbursed by an inter-fund cash transfer from the General Fund, provided the Parking Fund operating revenue cannot support the equipment purchase.

**RESOLUTION – 04/21/2022**

**7.76 AMENDMENT #2 TO PARKING KIOSK PURCHASE AND SERVICE AGREEMENT**

**WHEREAS**, recent developments related to the Durkee Lot Mixed-Use Development have necessitated a reassessment of the City’s plans for a paid parking system; and

**WHEREAS**, the City intends to add a portion of the Durkee Street parking lot to that paid parking system until such time as a final resolution of the development plans for that parking lot is accomplished; and

**WHEREAS**, additional equipment and infrastructure improvements are needed to effectively enforce the paid system in that portion of the Durkee Street parking lot.

**NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to sign Amendment #2 to the Agreement to Purchase Parking Meter Equipment and Related Services with IPS Group, Inc. in the amount of \$51,243.89.**

**RESOLUTION – 04/21/2022**

**7.77 APPROVAL OF 2022 POLICE ACADEMY DIRECTOR/TRAINING DIRECTOR SERVICES.**

RESOLVED: In accordance with the request therefore the Common Council approves an agreement with Ron Santor for 2021 Police Academy Director/Training Director Services. The total cost is \$30,000 (Increase of \$10,000 from 2021)

## **RESOLUTION – 04/21/2022**

### **7.78 AUTHORIZE VARIOUS TRAVEL REQUESTS POLICE DEPARTMENT**

- 1.** Request for one Police Department employee to attend the “DCJS Mass Casualty Response” from May 9-10, 2022, in Saratoga Springs, NY. The total cost will not exceed \$783 and it will be expensed out of the Training account.
- 2.** Request for one Police Department employee to attend the “Axon Taser Instructor course” on June 21, 2022, in Lake George, NY. The total cost will not exceed \$444 and it will be expensed out of the Training account.
- 3.** Request for one Police Department employee to attend the “NYS DCJS Reality-Based Training Instructor course” from May 9-13, 2022, in Oriskany, NY. The total cost will not exceed \$274 and it will be expensed out of the Training account.

## **RESOLUTION – 04/21/2022**

**7.79 APPROVE THE FOLLOWING RESOLUTION WITH EXHIBIT AUTHORIZING, AMONG OTHER THINGS, THE SUBDIVISIONS OF TAX MAP PARCEL #207.20-7-15 PER THE RMS SURVEY TO FACILITATE THE CONSTRUCTION OF THE SARANAC RIVERWALK TO EXTEND TO THE SARANAC RIVER TRAIL, AND BEST UTILIZE DRI GRANT FUNDING.**

WHEREAS, the Downtown Revitalization Initiative (DRI) is an initiative funded by New York State (“NYS”) to improve the vitality of urban centers throughout the State and in 2017 the City received a DRI award of \$10 million during the first round of DRI funding allocations for a series of projects; and

WHEREAS, upon receiving notice of selection as a DRI Community, with the assistance of a consulting team, the City organized a Local Planning Committee (LPC) comprised of residents, civic leaders, and business owners to lead a planning process and create a unified vision for the role that DRI investment should play in building Plattsburgh’s future; and

WHEREAS, the LPC guided extensive community engagement which included four public events. This process worked to identify priority investments in the City’s downtown that would form the basis for the Strategic Investment Plan (“SIP”). NYS’s DRI process required the City to evaluate a variety of downtown improvements (as identified in its application) and their potential benefit to advancing the City’s vision for a revitalized downtown. NYS subsequently reviewed the SIP, selected a series of projects from the SIP for funding which were deemed to best serve the goals of the DRI, and notified the City of its decision. The City then entered into several separate contracts with multiple NYS agencies to fund the selected projects; and

WHEREAS, several of these DRI projects are collectively described as the Downtown Area Improvement Projects (“DAIP”). The DAIP are planned on City-owned property, and generally consist of infill development, parking and streetscape enhancements as well as related improvements; and

WHEREAS, included with the DAIP was a proposed subdivision of the Durkee Street parking lot and an improved Saranac Riverwalk; and

WHEREAS, on June 20, 2019, the City Common Council ("Common Council") determined that the DAIP collectively are a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA). The Common Council then identified the potential Involved Agencies under SEQRA and was thereafter the duly designated as SEQRA Lead Agency with consent of the Involved Agencies; and

WHEREAS, as Lead Agency, the Common Council determined to conduct a comprehensive review of the DAIP through the 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 (“Chazen”) was retained by the City to act as GEIS SEQRA consultant. Chazen then prepared a Draft Scoping Document pursuant to 6 NYCRR Section 617.8 and the Common Council, as SEQRA Lead Agency, provided a copy of the Draft Scope to all Involved Agencies, made it available to any individual or SEQRA Interested Agencies that expressed an interest in writing to the Lead Agency and provided both a period of time for the public to review and provide written comments on the Draft Scoping Document and a public scoping session to provide for public input; and

WHEREAS, throughout this time period Chazen, with the assistance of sub-consultants, completed a series of comprehensive studies and analyses to review the potential environmental impacts of the DAIP; and

WHEREAS, the Common Council conducted a duly noticed public scoping session on August 22, 2019 at which time the public was given the opportunity to comment on the proposed contents of the Draft GEIS (“DGEIS”). In addition, the Common Council received written comments. A Final Scoping Document was adopted by the Common Council on September 5, 2019 (see Appendix A of the DGEIS) which outlined the potential significant impacts to be analyzed in the DGEIS. Upon adoption of the Final Scope, the DGEIS and associated plans, reports, and studies were prepared and the DGEIS was accepted as complete for public review by the Common Council on November 21, 2019; and

WHEREAS, a public hearing on the DGEIS was held on December 9, 2019 and written comments were accepted and a Final GEIS (“FGEIS”) was then prepared which includes, among other things, responses to comments on the DGEIS. The DGEIS included 60 Tables, 42 Figures and six Appendices, including natural resource information from the NYS Department of Environmental Conservation Natural Heritage Program, Traffic Impact Study conducted by Chazen, fiscal information relating to applications made to the Clinton County Industrial Development Agency (“IDA”), historic and cultural information, and environmental contamination information; and

WHEREAS, on January 30, 2020, the Common Council accepted and approved the FGEIS. The City Clerk filed and published a Notice of Completion of FGEIS, and filed and provided copies of the FGEIS as required by SEQRA. Notice of Acceptance of the FGEIS was published in the Environmental Notice Bulletin (ENB) on February 12, 2020. In accordance with Section

617.9(b)(7) of the SEQRA regulations, the FGEIS incorporated by reference the DGEIS dated November 21, 2019, and all supporting appendices; and

WHEREAS, on February 20, 2020, the Common Council adopted a SEQRA Statement of Findings, including the specific findings and certifications required by the SEQRA Regulations at 6 NYCRR Section 617.11(d), and authorized and directed the City Clerk to file the Statement of Findings as required by SEQRA. The Statement of Findings concluded that the Project avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable; and

WHEREAS, due to changes to some components of the DAIP based on a review by other independent Boards, on September 10, 2020, the Common Council adopted an Amendment to the Statement of Findings and ratified and affirmed the specific findings and certifications required by the SEQRA Regulations at 6 NYCRR Section 617.11(d). The Common Council then authorized and directed the City Clerk to file and post the Amended Statement of Findings as required by SEQRA; and

WHEREAS, at the time of the DRI award, and continuing to the present, the City was the owner of the Durkee Street Lot, identified as Tax Map Parcel #207.20-7-15. The Durkee Street Lot was subject to a Special Use Permit (“SUP”) approved January 20, 2004 and a 5.3 acre Planned Unit Development (“PUD”) which was approved on February 28, 2005 (as amended); and

WHEREAS, the City Zoning Code allows for the creation of PUDs in §360-21. The purpose of a PUD is to enable and encourage flexibility in the design of a project so as to preserve the natural and scenic qualities of open lands; and

WHEREAS, after the 2005 approval of the 5.3 acre PUD, the three-story Gateway Office Building (also known as the ICV Building) and two-story parking garage were constructed on the southern section of the Durkee Street Lot, pursuant to an extended lease agreement. The Plattsburgh Farmers and Crafters Market Building was located adjacent to the Gateway Office Building. A dilapidated wooden boardwalk was located at the eastern edge of the Durkee Street Lot parallel to the Saranac River. The remainder of the Durkee Street Lot was utilized for public parking. An additional public parking lot known herein as the Broad Street Parking Lot was officially contained within this 5.3 acre PUD but was located on the southerly side of Broad Street along the Saranac River; and

WHEREAS, in 2014, the City took title to the property located on the north-easterly edge of the Durkee Street Lot (formerly known as tax parcel 207.20-7-14) through a tax foreclosure proceeding and thereafter demolished the former Highway Oil building and merged the parcel to the Durkee Street Lot; and

WHEREAS, the Durkee Street Lot is located within the City's Central Business (C) Zoning District for which the minimum lot size for a PUD within the City's Central Business Zoning District is 3 acres. The City adopted a Comprehensive Plan in 1999 which, on page 11, specifically targets the Central Business District as an area to "retain downtown as the primary social and business center of the City"; "to actively support intensified development in the area to the greatest extent feasible"; and to "allow compatible residential uses in the upper levels of structures for more intensive development and uses of the area."; and

WHEREAS, to facilitate the improved public access to the Saranac River waterfront area the City undertook the design and construction of a functional Riverwalk along the Saranac River to replace the existing deteriorated pedestrian walkway. An internal subdivision of tax map parcel

#207.20-7-15 was proposed so that the Saranac Riverwalk will be located on the same parcel which contains the Gateway Office Building and will travel between Bridge Street and Broad Street at the top of the western bank of the Saranac River. The Riverwalk is proposed to contain a walkway ten (10) feet in width at its narrowest point with an overlook and landscape plantings that will accommodate pedestrians. It will provide connectivity to MacDonough Park to the north via a crosswalk over Bridge Street, and to the Saranac River Trail and Greenway to the south via a path to be constructed between the Gateway Complex and Broad Street that will connect to the existing sidewalk at the intersection of Broad and Durkee Streets; and

WHEREAS, in tandem, an amendment to the PUD, accomplished via a SUP, is proposed to replace the boundaries of this previously approved PUD with new boundaries to facilitate development of the Saranac Riverwalk and memorialize the existing “de facto” subdivision as a result of the Broad Street parking lot’s location across Broad Street. The amended boundaries would remove from the PUD the lot located to the south of Broad Street, and would incorporate the former Highway Oil property into the PUD. In essence, the amended PUD would include lands bordered by Bridge Street to the north, Durkee Street to the west, Broad Street to the south, and western bank of the Saranac River to the east and comprise of an area of approximately 4.66 acres. That is, the subdivision and PUD review would amend the boundaries of and subdivide the existing PUD into an approximately 4.66 acre parcel which would include 2 lots to create an approximate 1.9 acre waterfront lot (the “ICV/Riverwalk Lot”) and an approximate 2.76 acre upland parking lot; and

WHEREAS, pursuant to New York General Municipal Law § 239-m, in February of 2020 various applications, which included the SUP/PUD amendment and internal subdivisions were referred to the Clinton County Planning Board (“CCPB”). On March 4, 2020, pursuant to New

York General Municipal Law § 239-m, the CCPB held a public meeting to review the SUP Applications and obtained public comments at the public meeting. The CCPB prepared a response dated March 6, 2020 which concluded that both the SUP and PUD internal subdivision applications did not warrant any specific affirmative recommendations, other than widening a small portion of the path but only if a building wall proposed on an adjoining parcel was located adjacent thereto, as they were “local issues”; and

WHEREAS, in early 2021, the Planning Board and Zoning Board of Appeals reviewed and approved these applications and other portions of the DAIP, including a mixed-use building to be constructed on the 2.76 acre upland parking lot; and

WHEREAS, by Decision and Order dated February 24, 2022, the Clinton County Supreme Court annulled the Planning Board and Zoning Board of Appeals approvals of other portions of the DAIP as a result of a hybrid Article 78 Petition filed by groups opposed to portions of the DAIP; and

WHEREAS, this Decision and Order dated February 24, 2022 also dismissed so much of the hybrid Article 78 Petition which challenged the Common Council’s SEQRA Findings Statement and Amended Findings Statement dated February 2, 2020 and September 1, 2020, respectively. As a result of that dismissal, the Common Council’s SEQRA Findings Statement and Amended Findings Statement dated February 2, 2020 and September 1, 2020 remain valid and in effect; and

WHEREAS, there are no current applications pending for the subdivision or development of the Durkee Street Lot or Broad Street Parking Lot; and

WHEREAS, while the City recognizes there was targeted opposition by certain community groups to the mixed-use development brick and mortar project on a portion of the Durkee Street lot, the City is not aware of opposition to the construction of the Saranac Riverwalk project or the extension of the Saranac River Trail; and

WHEREAS, approximately \$1.6 million of the DRI grant includes funding for the Saranac Riverwalk improvements, which grant is currently set to expire on or about July of 2023; and

WHEREAS, in October of 2021, the City completed construction of the Durkee Street Pedestrian Bridge which extended the Saranac River Trail across the Saranac River to Durkee Street, adjacent to the City-owned Durkee Street Lot; and

WHEREAS, pursuant to Local Law No. 5 of 2020, City projects and activities are exempt from the City's Subdivision of Land Regulations (Chapter 300) and the City's Zoning Regulations (Chapter 360). This includes exemption from the review and approval of site plans, subdivisions, planned unit development, special use permit, use variance or area variance requirements for projects and activities proposed or undertaken by the City of Plattsburgh; and

WHEREAS, Local Law No. 5 of 2020 allows for the advisory review of such City projects by the Planning Board and Zoning Board of Appeals and although those Board's approvals were nullified by the February 24, 2022 Decision and Order, such formal review was nonetheless provided; and

WHEREAS, the Common Council has reviewed the "Map of Survey Showing Certain Lands of the City of Plattsburgh" dated April 8, 2022 prepared by Robert M. Sutherland, P.C., (hereafter "RMS Survey") which map depicts the internal subdivision of the City owned Durkee Street Lot,

as well as the separation of the Broad Street parking lot from the Durkee Street parcel attached hereto as Exhibit “A”.

NOW THEREFORE IT IS HEREBY RESOLVED, that all of the aforementioned “whereas” clauses are hereby incorporated by reference as if fully re-stated herein; and it is further

RESOLVED, that in order to preserve and utilize the DRI grant for the Saranac Riverwalk, and to pursue the expeditious construction of this Saranac Riverwalk project, as well as the extension and connection of the Saranac River Trail thereto, an internal subdivision of the Durkee Street Lot, and amendment to the PUD is necessary; and it is further

RESOLVED, that an integral component of the Common Council’s SEQRA Findings Statement and Amended Findings Statement from February of 2020 and September of 2020, respectively, included the internal subdivision of the Durkee Street Lot per the same dimensions as depicted on the RMS Survey, separation of the Broad Street Parking Lot, and amendment to the boundaries of the PUD on the Durkee Street Lot via a SUP, again per the same dimensions as depicted on the RMS Survey; and it is further

RESOLVED, that the potential environmental impacts of the internal subdivision of the Durkee Street Lot, separation of the Broad Street Parking Lot, and amendment to the boundaries of the PUD on the Durkee Street Lot via an SUP were adequately addressed as an essential component of portions of the DAIP in the GEIS, the Statement of Findings, and the Amendment to the Statement of Findings, which Findings were upheld by the Clinton County Supreme Court per the Decision dated February 24, 2022, respectively, and that the proposed projects described above are 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; and it is further

RESOLVED, that no additional referral to the CCPB is necessary pursuant to GML § 239-m because there are no new applications before the City Planning Board or City Zoning Board of Appeals; and it is further

RESOLVED, that even if an additional referral were warranted, on March 4, 2020, pursuant to GML § 239-m, the CCPB held a public meeting to review the PUD boundary amendment and subdivision proposal and obtained public comments at the public meeting. The CCPB prepared a response dated March 6, 2020 which concluded that both the PUD boundary amendment and internal subdivision proposals were “local issues” not warranting further recommendations, other than widening a small portion of the path but only if a building wall proposed on an adjoining parcel was located adjacent thereto; and it is further

RESOLVED, that prior to the adoption of Local Law No. 5 of 2020, when the City was the sponsor of a project on City-owned property, from time to time, it would perform the analysis set forth by the Court of Appeals in City of Rochester v. County of Monroe, 72 NY2d 338 (1988)—which establishes a balancing test to determine the propriety of governmental immunity from local zoning provisions; and it is further

RESOLVED, the balancing analysis is not required in this matter due to the applicability of Local Law No. 5 of 2020. However, even if the balancing analysis were required the Common Council finds the following:

1. The nature and scope of the instrumentality seeking immunity. The City is the title owner to all affected real property. With respect to the separation of the Broad Street

Parking Lot from the primary Durkee Street Lot, the Common Council recognizes the concept of a “de-facto” subdivision to the extent this single parcel is already bisected by a public highway named Broad Street. With respect to the amendment of the PUD boundaries and internal subdivision of the Durkee Street Lot into two parcels, the City will retain ownership of all underlying real property upon completion of the subdivision. However, it will be better positioned to utilize the available grant funding for the final design and construction of the Saranac Riverwalk and its connection to the Saranac River Trail. The eventual use or development of the remaining parking lot is subject to numerous legal, market, and community factors so rather than delay this important Riverwalk project for the community, it is sensible to subdivide the Durkee Street Lot now. Upon completion of the Saranac Riverwalk and its connection to the Saranac River Trail, the public will have an enhanced public resource, paid for largely by NYS grants.

2. The encroaching government’s legislative grant of authority. There is no encroaching government, but notably, the Common Council has the authority per Local Law No. 5 of 2020 to exempt these projects.

3. The kind of function or land use involved. The Broad Street Lot parking lot has already been improved and functions as a parking lot. Currently the Durkee Street Lot contains the ICV Building, a two-story parking structure, off-street parking, a former farmer’s market building, and a dilapidated wooden boardwalk along the Saranac River. Upon completion of this subdivision, the Broad Street Parking Lot will remain largely in the same condition, the ICV building, and its associated parking structure will remain largely in the same condition, the Saranac Riverwalk will be improved, and the upland

off-street parking lot will remain in the same condition until legal, market and other factors are resolved.

4. The effect local land use regulation would have upon the enterprise concerned. From 2019 through early 2021, the City Planning Board and Zoning Board of Appeals both reviewed and approved these precise actions under the existing City Code. While those board approvals have been annulled by the Clinton County Court for the reasons outline it the February 24, 2022 Decision and Order, the internal subdivision of the Durkee Street Lot and amendments to the PUD were not controversial components of the prior review. The application of local land use regulations would support these discrete actions.

5. Alternative locations for the facility in less restrictive zoning areas. There are no viable alternative locations for this site-specific project.

6. The impact on legitimate local interests. Legitimate local interests support this project. The community groups opposed to the mixed-use development on the upland portions of the Durkee Street property did not express genuine opposition to the enhancement of the Saranac Riverwalk, amendment of the PUD boundaries or extension of the Saranac River Trail. Rather, their opposition was focused on parking, traffic flow, tax benefits, and aesthetic concerns associated with the brick-and-mortar building proposed to be constructed on the upland portion of the parking lot. Local interests would presumably support the City availing itself of substantial State grants to improve recreation and access along the Saranac River.

7. Alternative methods of providing the proposed improvement. Due to the unique location of this site, there are no other identifiable alternative methods of providing the proposed improvement.

8. The extent of the public interest to be served by the improvements. The public would support and will clearly benefit from the City availing itself of substantial State grants to improve recreation and access along the Saranac River.

9. Intergovernmental participation in the project development and an opportunity to be heard. The City has worked closely with various agencies within New York State to develop and accomplish the various goals of the DRI grants. Other governmental agencies have a full opportunity to be heard.

RESOLVED, that based upon the Common Council's analysis of these factors, it is determined that the proposed subdivision of the Durkee Street Lot and PUD boundary line adjustments via a SUP, per the RMS Survey, would not require local planning or zoning board review as they would be exempt from the City's local zoning provisions even if Local Law No. 5 of 2020 were no in full force and effect; and it is further

RESOLVED, that the Common Council hereby invokes its authority to exempt these City actions from the City's Subdivision of Land Regulations (Chapter 300) and the City's Zoning Regulations (Chapter 360) such that the PUD boundaries are hereby amended, as though a SUP were granted, and the internal subdivision of the Durkee Street Lot and subdivision of the Broad Street Lot are completed per the RMS Survey; and it is further

RESOLVED, that the RMS Survey may be forthwith recorded in the Clinton County Clerk's Office with the same effect as an approved subdivision plat; and it is further

RESOLVED, that 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.

**RESOLUTION – 04/21/2022**

**7.80 AUTHORIZE CHAMBERLAIN TO ISSUE CHECK RE INDEX NO 2021-20954**

**RESOLVED, the Common Council authorizes and approves the Mayor and City Chamberlain to issue a check to Ducharme Clark LLC in the amount of \$8,584.05 in conformance with the Order and Judgment signed April 14, 2022 in Index No. 2021-20954 in full satisfaction thereof.**

**RESOLUTION – 04/21/2022**

**7.81 AUTHORIZE BUDGET TRANSFER – GENERAL FUND JUDGMENTS & CLAIMS**

**WHEREAS**, the following resolution was adopted on April 21<sup>st</sup>, 2022; and

**WHEREAS**, the 2022 General Fund budget does not make appropriations for the award of legal fees for not responding to a FOIL request; and

**WHEREAS**, the City Chamberlain is requesting to appropriate for the unbudgeted costs through a General Fund transfer to fund the Judgment & Claims appropriation line for the additional costs for the fiscal year 2022;

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

Increase: General Fund Judgments & Claims	11930000-4430	\$ 8,600.00
Decrease: General Fund Contingency	11990000-4430	\$ 8,600.00

To provide for a transfer of appropriations for General Fund judgment expense for the unbudgeted cost of legal fees awarded by the court to a plaintiff in an Article 78 hearing regarding a FOIL request. The budget transfer does not increase the General Fund budget for 2022.

**RESOLUTION – 04/21/2022**

**7.82 APPROVAL TO CREATE THE CITY OF PLATTSBURGH CLIMATE TASK FORCE**

**CREATION OF THE CITY OF PLATTSBURGH CLIMATE TASK FORCE**

WHEREAS, by Resolution dated April 24, 2019, the City of Plattsburgh Common Council (“Common Council”) adopted a Climate Smart Community Pledge which recognized the threat of climate change to our City operations, citizens; and the planet, and

WHEREAS, the city subsequently appointed a Coordinator and Task Force in 2019 which filed a number of actions; and

WHEREAS, during COVID 19, the task force efforts were suspended, and thus no longer conformed to the requirements set forth by the Climate Smart Community guidelines; and

WHEREAS, in furtherance of the Climate Smart Community Pledge, the NYS DEC requires the reestablishment of a task force and the appointment of a new coordinator to renew and implement the City’s Pledge; and

WHEREAS the City of Plattsburgh is dedicated to achieving a Climate Smart Communities (CSC) certification and in 2021 endeavored to also accomplish Clean Energy Community (CEC) certification requirements; and

WHEREAS one of the mandatory actions to be certified is to appoint a Climate Smart Community Task Force and Coordinator; and

WHEREAS the establishment of the City of Plattsburgh Climate Task Force (“the Task Force”) will serve as a centralized board of leadership that promotes and supports climate mitigation and adaptation in the City of Plattsburgh and in the community; and

WHEREAS the role of the Task Force is to assess the feasibility and/or status of action items in the certification program and to act as an advisory board that collaborates with the Mayor’s office to accomplish plans, programs, and activities that are part of the CSC and CEC certification programs; and

WHEREAS the Task Force will comply with the New York State Open Meetings Law; and

WHEREAS any recommendation made by the Task Force will be made in close consultation and in partnership with the Mayor’s office and may require Common Council approval; therefore

IT IS HEREBY RESOLVED THAT, this City of Plattsburgh Climate Task Force is intended to work to fulfill the goals of the NYS Climate Smart Community and Clean Energy Community program certification requirements; and

BE IT FURTHER RESOLVED THAT, the this resolution wholly dissolves the resolution titled “FORMATION OF PLATTSBURGH SUSTAINABILITY TASK FORCE” approved by Common Council on May 23rd 2019 and certified on July 3rd, 2019; and

BE IT FURTHER RESOLVED THAT, the Task Force automatically needs to be reapproved every two years after the approval of this resolution lest it automatically dissolves, and;

BE IT FURTHER RESOLVED THAT, the Task Force will contain no more than 13 Community Stakeholders (members) who shall serve for two year terms, for a maximum of two terms in the event the Task Force is re-established by Common Council resolution, and;

BE IT FURTHER RESOLVED THAT, the Task Force shall contain two Council members (Liaisons) appointed at passage of this resolution and either reappointed or new liaisons appointed at the annual Organizational Meeting of the Common Council; and

BE IT FURTHER RESOLVED THAT, the Task Force shall establish and adopt their own operational rules of order at their initial meeting, consistent with the terms of this resolution; and

BE IT FURTHER RESOLVED THAT, the Task Force members are required to be City of Plattsburgh residents and will be nominated for appointment by the Mayor and approved by Common Council; and

BE IT FURTHER RESOLVED THAT, Mayor nominates the following initial members, who are hereby appointed to the Task Force by the Common Council:

Initial Members of Task Force for Two Year Terms:

**Rachelle Armstrong, Ward 1**

City Councilor, Ward , retired, Community Stakeholder, Task Force Coordinator

**Councilor Elizabeth Gibbs**

City Councilor Ward 6, Task Force Liaison

**Councilor Jennifer Tallon**

City Councilor Ward 4, Task Force Liaison

## **Community Stakeholders**

### **Jacob Avery, Ward 2**

Assistant Director of the Center for Student Involvement, SUNY Plattsburgh

### **Tom Cosgro, Ward 5**

Environmental Engineer, Liaison to the Planning Board

### **Dr. Curt Gervich, Ward 6**

Associate Professor in the Center for Earth and Environmental Science

### **Susan Kelly, Ward 4**

Founder, STOP Domestic Violence, Women's League of Voters Environmental Committee

### **Dr. Susan Levaque, Ward 5**

PHS Social Studies Teacher, Liaison to Plattsburgh City School District

### **Kristine Lutters, Ward 1**

PCSD Child Advocate, Retired.

### **Loretta Rietsema, Ward 5**

Mary DeVeau Women's Sober Living House and Director at Coast Guard Foundation

### **Max Shaefer, Ward 4**

PHS Green Team President

### **Emma Stewart**

SUNY Plattsburgh Environmental Science Student

### **Diana Wardell**

NYS Trooper, Retired, League of Women's Voter Co-President

## RESOLUTION – 04/21/2022

### 7.83 ADOPT CITY OF PLATTSBURGH GREEN FLEET AND EQUIPMENT POLICY

#### CITY OF PLATTSBURGH GREEN FLEET AND EQUIPMENT POLICY

##### 1. REASON FOR POLICY

- a. Energy costs represent a significant amount of spending for the City of Plattsburgh government and the City of Plattsburgh desires to be a leader in environmental stewardship. Based on 2020 data, the City of Plattsburgh spent \$71,867 on gasoline and \$56,283 on diesel fuel; for a total of \$128,150 in fuel costs.
- b. The City of Plattsburgh recognizes that energy use associated with the operation of its motor vehicle fleets contributes to local air quality problems and results in greenhouse gas emissions that contribute to global climate change. While the operation and maintenance of the City's vehicle fleet and equipment is essential to the City's ability to provide a wide range of services to the public, the fleet represents an environmental and financial cost to the City of Plattsburgh.
- c. The City of Plattsburgh wishes to lead by example with respect to climate action and reduction of New York State's greenhouse gas emissions through reduction in emissions from the City's vehicle fleet operations.
- d. The City of Plattsburgh's vehicle fleet consumes approximately 43,598 gallons of gasoline and 26,301 gallons of diesel annually (based on 2020 data), amounting to the equivalent of 655 metric tons of carbon dioxide.
- e. The City of Plattsburgh recognizes that improving the efficiency of its fleet could lead to long-term monetary savings from reduced fuel and maintenance costs.
- f. The City of Plattsburgh has already purchased **one** Full Hybrid Electric Vehicles for the Municipal Lighting Department (MLD) in 2011 and has installed seven electric vehicle charging stations with plans for more Electric Vehicles and Charging Stations underway.
- g. The City of Plattsburgh wishes to exercise its power as a participant in the marketplace to ensure that purchases and expenditures of public monies are made in a manner consistent with the policy of improving local air quality emissions and reducing State wide greenhouse gas emissions.
- h. The City of Plattsburgh wishes to establish a green City vehicle fleet and equipment policy, which would support the objectives of fuel-efficient, low- emission and low-

cost fleet and equipment operations.

## **2. FLEET INVENTORY**

- a. In order to establish a baseline of data so that the Green Fleet and Equipment Policy can be established, implemented, and monitored. The Department heads for the Department of Public Works (DPW), Municipal Lighting Department (MLD), Police, Fire, etc. with vehicle fleets shall develop an inventory and analysis of their fleet vehicles and equipment to include lawn mowers (riding and push varieties), leaf blowers, pole saws, chain saws, weed whackers, snow blowers etc. within each of their departments. This inventory shall be based on the current inventory in each department and shall include:
  - i. Each vehicle shall be classified by model year, make, model, VIN, initial cost, drivetrain type (2-wheel drive or 4-wheel drive), and classification (light-duty, medium duty, heavy-duty);
  - ii. Miles per gallon (or gallon equivalent) per vehicle, if known;
  - iii. Type of fuel (or power source) used;
  - iv. Year obtained and projected replacement date.
  - v. Vehicle function (tasks associated with vehicle's use).
  - vi. Equipment shall be listed by make, model, type of fuel used, year obtained and projected replacement date.

Once the Fleet and Equipment Inventory from each Department have been created then each Department Head will determine the following:

- i. Is the smallest, most efficient vehicle being used to carry out necessary tasks?
- ii. Can electrical vehicles or equipment adequately replace existing vehicles or equipment and accomplish substantially the same tasks?

## **3. GREEN FLEET AND EQUIPMENT POLICY**

- a. It is the policy of the City of Plattsburgh:
  - i. To purchase, lease, or otherwise obtain the most energy-efficient and cost effective vehicles and equipment possible that meet the operational requirements of the City.
  - ii. To purchase vehicles that are appropriately sized for the purposes for which they are intended.
  - iii. To manage and operate its fleet in a manner that is energy efficient and minimizes emissions as per the City of Plattsburgh Anti-Idling Policy.

- b. To prioritize the development of further Green Fleet Charging Infrastructure at City Department parking areas and garages.

#### **4. GOALS**

- a. It is the goal of this policy to reduce the greenhouse gas emissions from the City of Plattsburgh vehicle fleet to help New York State limit greenhouse gas emissions to 40% of 1990 levels by 2030 and 85% by 2050 through the combination of procurement, operations and technology.
- b. The 655 metric tons of carbon dioxide is based on 2020 gas and diesel fuel usage by the City vehicle fleet and equipment. This number will be the baseline for this policy. The goal is to reduce this number by 35% or better by 2030 and 70% or better by 2050. This number will be updated each year to show the City government progression in reducing greenhouse gas emissions from its vehicle fleet and equipment. The fuel usage numbers will be obtained from the Annual Financial Report Update Document also known as the "AUD" which is prepared by the City Finance Department and is filed with the New York State Comptroller's Office. The MLD Manager will prepare the calculations each July 1st, after the AUD is completed. The information will then be forwarded to the Mayor for dissemination.
- c. It is also the goal of this policy to save the City money over time, as electric vehicles generally are cheaper to operate and maintain.

#### **5. GREEN FLEET POLICY STRATEGIES**

- a. In order to accomplish the goals above, the following policy strategies shall be implemented:
  - i. To support the growth of its Electric Vehicle (EV) Infrastructure in the City will work to broaden its EV charging network at its various facilities over time, taking advantage of grant opportunities and incentives. Level 2 charging stations will be installed, as required, at the various City Departments that have or have ordered electric vehicles.
  - ii. Department heads, with the approval of the Mayor and City Council, shall prioritize the procurement of electric vehicles or equipment when such an option is available for the given application at a cost of purchase and operation not substantially higher compared to conventional (gasoline or diesel) equipment and where service levels are not negatively impacted. Planned electrical vehicle purchases for the coming year shall be included in each Department's proposed budget for that year and submitted for review and approval.
  - iii. The City (Mayor and City Council) shall require City Departments to purchase Full Hybrid Electric Vehicle (FHEV), Plug in Hybrid Electric Vehicles (PHEV) or Electric Vehicles (EV) for Light-Duty Vehicles (sedans, vans, SUVs) as much as practical, unless the option is not available or is cost prohibitive.

- iv. Department heads shall prioritize the procurement of FHEV, PHEV or EV models for Medium and Heavy-Duty Vehicles when such an option is available for the given application at a cost of purchase and operation not substantially higher compared to conventional (gasoline or diesel) fuel vehicles and where service levels are not negatively impacted.
- v. Department heads will review all vehicle and equipment procurement specifications and modify them as necessary to ensure that the specifications are written in a manner flexible enough to allow the purchase or lease of green vehicles or equipment.
- vi. Department heads will review their fleet inventory to identify older vehicles or equipment that are used infrequently (or not at all), as well as those vehicles or equipment that are disproportionately inefficient, and schedule their elimination or replacement. Each Department shall make a time line based on the replacement of their current vehicle fleet or equipment with electrical vehicles or equipment.

## **6. APPLICABILITY**

- a. New electrically powered emergency vehicles to include police vehicles , fire trucks, and City ambulances purchased under this policy must provide comparable performance, safety, and fuel availability during emergencies as conventionally powered emergency vehicles
- b. The additional cost of purchasing an electric or other lower emission vehicle or equipment that complies with this requirement of this policy will be reviewed against the reduction of fuel, maintenance requirement, and other costs incurred during the operating life of such vehicle by the Department Head.
- c. Wherever possible, grant funding, rebates and other incentives available to municipalities will be used to help pay for the purchase of vehicles or equipment that complies with this policy, or that supports the deployment of appropriate sustainable technologies across the City fleet.

