

RESOLUTION– 08/05/21

7.183 RESOLUTION: AUTHORIZE BUDGET TRANSFER BEACH SANITARY FACILITIES (REC COMPLEX)

WHEREAS, the following resolution was adopted on August 5th, 2021; and

WHEREAS, the 2021 Rec Complex Fund budget does not make appropriations for the maintenance of the rented sanitary facilities for the beach site; and

WHEREAS, the City Chamberlain is requesting to appropriate for the unbudgeted costs in the Rec Complex Fund Beach department costs for 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:

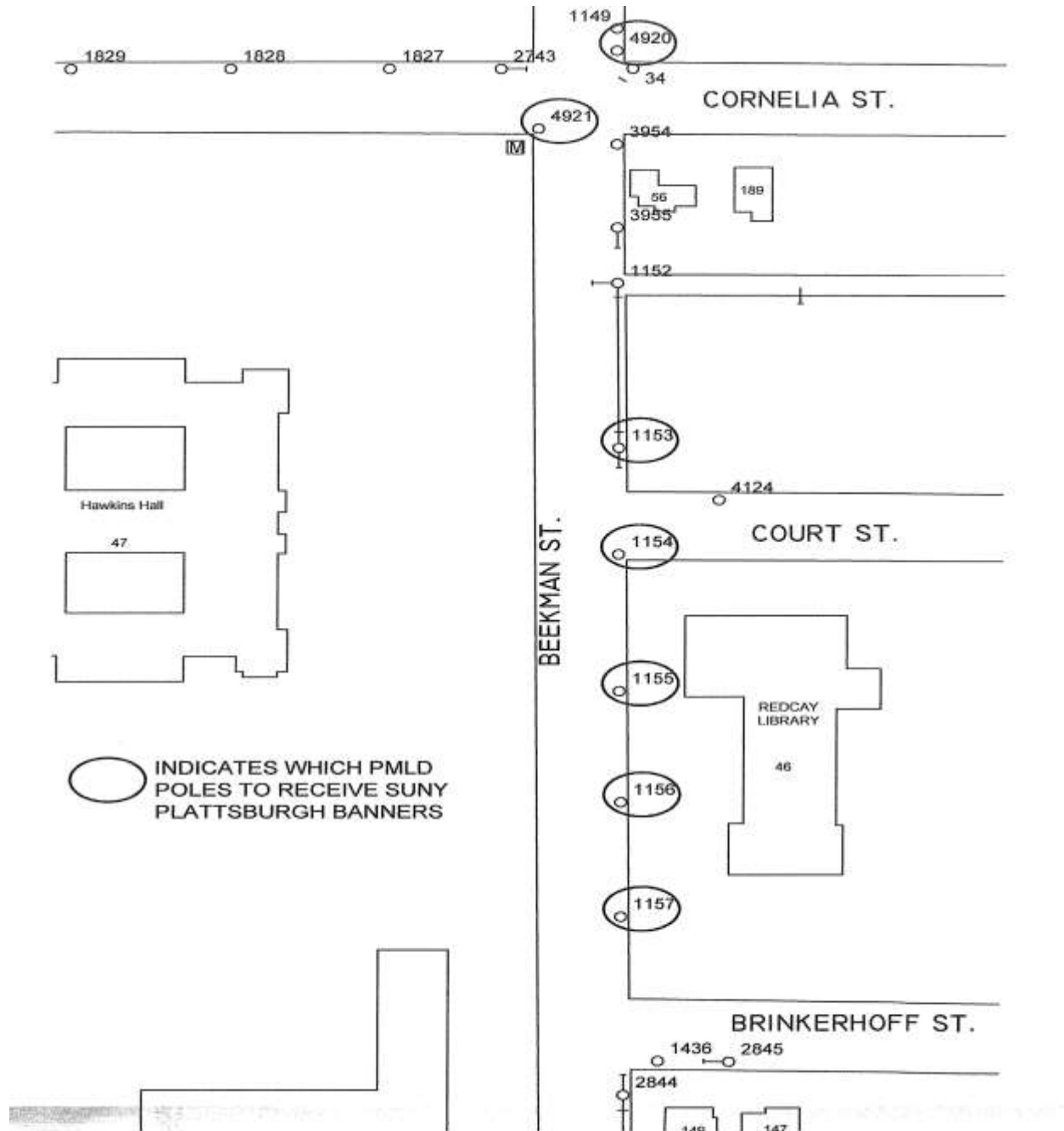
Increase: Rec Complex Fund – Beach Contract Services	27215000-4430	\$ 2,100.00
Increase: Rec Complex Fund – Marina Equipment Repairs	27225000-4450	\$2,100.00

To provide for unbudgeted appropriations for the Rec Complex Beach operational expense providing for maintenance costs of the rented sanitary facilities. The budget adjustment does not increase the Rec Complex Fund budget for appropriations in 2021.

RESOLUTION- 08/05/21

7.184 RESOLUTION: AUTHORIZATION TO INSTALL LIGHT POLE BANNERS BY SUNY PLATTSBURGH

BE IT RESOLVED: That the City of Plattsburgh MLD Board has reviewed and approves to allow MLD to install banners for SUNY on the poles on Beekman Street between Cornelia and Brinkerhoff Streets. The map below shows the precise locations of these banners.



RESOLUTION– 08/05/21

7.185 RESOLUTION: AUTHORIZING MLD TO ADVERTISE FOR BIDS

1. BE IT RESOLVED: In accordance with the request therefore the MLD Board approves MLD to advertise for bids through the NY State Contract using the mini bids procedure for one Ford F-150 hybrid pickup to replace one that 19 years old, with nearly 110,000 miles on the odometer and has a severe chassis/body rusting issue.

2. BE IT RESOLVED: In accordance with the request therefore the MLD Board approves MLD to advertise for bids through the NY State Contract for a small dump truck to replace one that 20 years old and severe chassis/body rusting issue.

3. BE IT RESOLVED: In accordance with the request therefore the MLD Board approves MLD to advertise for bids for a new hybrid bucket line truck to replace one that is 26 years old and repair parts are difficult to obtain. Bid opening date is September 14, 2021 at 11 am in the Common Council Chambers.

4. BE IT RESOLVED: In accordance with the request therefore the MLD Board approves MLD to advertise for bids for PMLD Bid #2021-8-1 “Transformer Oil Liquid Screen and Gas Analysis Testing”. Bid opening date is September 14, 2021 at 11:05 am in the Common Council Chambers.

RESOLUTION- 08/05/21

7.186 RESOLUTION: AUTHORIZING MLD TO WRITE-OFF UNPAID FINAL BILLS AS REQUIRED BY THE NEW YORK DEPARTMENT OF PUBLIC SERVICE REGULATIONS.

1. BE IT RESOLVED: In accordance with the request therefore the MLD Board approves MLD to write-off unpaid final bills from May 2020 in the total amount of \$11,544.72. The percentage of write-offs for this period is .87%. The recovered amount for this period is \$830.65.

2. BE IT RESOLVED: In accordance with the request therefore the MLD Board approves MLD to write-off unpaid final bills from June 2020 in the total amount of \$3,778.38. The percentage of write-offs for this period is .34%. The recovered amount for this period is \$440.24.

3. BE IT RESOLVED: In accordance with the request therefore the MLD Board approves MLD to write-off unpaid final bills from July 2020 in the total amount of \$2,387.16. The percentage of write-offs for this period is .19%. The recovered amount for this period is \$1,334.29.

4. BE IT RESOLVED: In accordance with the request therefore the MLD Board approves MLD to write-off unpaid final bills from August 2020 in the total amount of \$6,792.49. The percentage of write-offs for this period is .60%. The recovered amount for this period is \$2,066.64.

RESOLUTION- 08/05/21

7.187 RESOLUTION: AUTHORIZING REVISING CAPITAL PROJECT H5110.78 – 2021 PUBLIC SERVICE BUILDINGS

WHEREAS, the following resolution was adopted on August 5th, 2021, and

WHEREAS, the Capital Expenditure Plan adopted January 7th, 2021, includes a Public Service Buildings category, and

WHEREAS, the Infrastructure Division desires to establish a 2021 Public Service Buildings project for items included in the Public Service Buildings category of the Capital Expenditure Plan adopted January 7th, 2021, and

WHEREAS, the cost of the 2021 Public Service Buildings project has been estimated by the Infrastructure Division for the costs of the planned expenditures to purchase items included in the expenditure plan for 2021, and is being revised, as follows:

	2021 Capital Cost	2021 Estimated Cost	2021 Revised Cost
DPW boiler system replacement	<u>\$ 200,000</u>	<u>\$ 200,000</u>	<u>\$ 380,000</u>
Total	<u>\$ 200,000</u>	<u>\$ 200,000</u>	<u>\$ 380,000</u>

Project Funding:

Water Fund	\$ 66,667	\$ 66,667	\$ 126,666
Sewer Fund	66,667	66,667	126,667
General Fund	<u>66,666</u>	<u>66,666</u>	<u>126,667</u>
Total	<u>\$ 200,000</u>	<u>\$ 200,000</u>	<u>\$ 380,000</u>

Now therefore,

BE IT RESOLVED, by the Common Council of the City of Plattsburgh, New York, this 5th day of August 2021, as follows:

- 1) That, the amount of Three Hundred Eighty Thousand and 00/100 (\$380,000.00) Dollars is hereby appropriated for the capital project **2021 Public Service Buildings (H5110.78)** for the revised cost of the equipment listed above and is hereby authorized to be expended for such purpose.
- 2) That, One Hundred Twenty-six Thousand Six Hundred Sixty-six and 00/100 (\$126,666.00) Dollars of such appropriation be provided by the Water Fund.
- 3) That, One Hundred Twenty-six Thousand Six Hundred Sixty-seven and 00/100 (\$126,667.00) Dollars of such appropriation be provided by the Sewer Fund.
- 4) That, One Hundred Twenty-six Thousand Six Hundred Sixty-seven and 00/100 (\$126,667.00) Dollars of such appropriation will be provided by the General Fund.
- 5) That, this resolution takes effect immediately.

RESOLUTION- 08/05/21

7.188 RESOLUTION: AUTHORIZING AWARD OF DPW & HEO BUILDING HEATING SYSTEMS

Resolution awarding the construction phase of the DPW & HEO Building Heating System Project to L.H. Laplante Company, Inc. for a Base Bid lump sum total of \$238,000. Add/Deduct Alternate Glycol Disposal \$4.40/gal. Add/Deduct Alternate Glycol Installation \$4.40/gal.

RESOLUTION- 08/05/21

**7.189 RESOLUTION: AUTHORIZE INSTRUMENTATION – PREVENTIVE
MAINTENANCE SERVICE FOR WRRF AND WFP – CONTACT EXTENSION
(1ST OF 2 POSSIBLE)**

**NOW, THEREFORE, BE IT RESOLVED, The Common Council Authorizes the Mayor of
Plattsburgh to execute all necessary documents.**

RESOLUTION- 08/05/21

**7.190 RESOLUTION: DRINKING WATER INFRASTRUCTURE IMPROVEMENTS
PROJECT CDM SMITH AMENDMENT 3 – PHASE 1 ADDITIONAL ENGINEERING
SERVICES**

WHEREAS, The City is creating a drinking water well field; and

WHEREAS, Such work is funded by WIIA grant and financing; and

WHEREAS, Additional work is needed to advance the engineering work per CDM Smith Proposal dated June 30, 2021 on a time and expense basis not to exceed \$32,000;

**NOW, THEREFORE, BE IT RESOLVED, The Common Council Agrees to and
Authorizes the execution all necessary documents for this work.**

RESOLUTION- 08/05/21

7.191 RESOLUTION: AUTHORIZE AMENDMENT TO COMMERCIAL LEASE WITH CHAMPLAIN VALLEY TRANSPORTATION MUSEUM.

RESOLVED: The Mayor is authorized to sign an Amendment to Commercial Lease with Champlain Valley Transportation Museum as well as a Security Agreement with Dr. Vacarro, as president of the Champlain Valley Transportation Museum. Both the Lease Amendment and Security Agreement are incorporated herein by reference.

RESOLUTION– 08/05/21

7.192 RESOLUTION: FURTHER AFFIRMING NEGATIVE DECLARATION FOR ANNEXATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, the City of Plattsburgh seeks to annex an approximately 224-acre parcel (the “Subject Parcel”) which is located in the Town of Plattsburgh but is owned by and situated adjacent to the City (the “Action”); and

WHEREAS, the City was duly designated as SEQRA Lead Agency by Determination of the Commissioner of the Department of Environmental Conservation pursuant to 6 NYCRR 617.6; and

WHEREAS, the Common Council’s consultant prepared Part 1 of a SEQRA Full Environmental Assessment Form (FEAF) for the Action together with an Addendum which supplemented the information provided in Part 1 and provided additional information to enable the Common Council to take a hard look at any potential adverse environmental impacts of the Action; and

WHEREAS, the Common Council, as Lead Agency, reviewed and fully considered the proposed Action, Part 1 of the FEAF and the Addendum, including referenced studies and reports, and completed Part 2 of the FEAF after consideration of each item during the Council’s May 7, 2020 meeting; and

WHEREAS, the Common Council identified potential impacts of the proposed Action as “Moderate to Large” in Part 2 whenever it appeared at all possible that an EAF threshold might be met in order to provide an opportunity to further clarify these hypothetical impacts in FEAF Part 3; and

WHEREAS, after careful evaluation in accordance with applicable SEQRA review regulations and guidelines, the Common Council found that none of the potential impacts are significant enough to require preparation of an environmental impact statement; and

WHEREAS, the Common Council therefore adopted a SEQRA Negative Declaration for the Action by Resolution dated May 28, 2020; and

WHEREAS, after receiving additional comments and information including an Addendum to FEAF Part 3, by Resolution dated December 3, 2020, the Common Council reaffirmed its SEQRA Negative Declaration; and

WHEREAS, since that time, the Common Council and Town have altered their approach to annexation of these lands and now seek to pursue annexation pursuant to General Municipal Law §706 (2); and

WHEREAS, the Town and Common Council anticipate that annexation of a separate parcel currently located within the Town may likewise be the subject of annexation by the Common Council; and

WHEREAS, the Town and Common Council likewise anticipate that annexation of a separate parcel currently located within the City may be the subject of annexation by the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby finds that SEQRA review of the Action has been completed; and be it further

RESOLVED, that any other annexation proceedings that may potentially be pursued now or in the future will be subject to SEQRA review and do not constitute a part of this Action for SEQRA purposes, as each such potential future proceeding is entirely independent of any other; and be it further

RESOLVED, that even if the foregoing were not the case, the Common Council finds that it would not be in a position to undertake cumulative impact assessment as the uses that may occur upon annexation of other lands are purely speculative and unknown at this time; and be it further

RESOLVED, that during SEQRA review of other potential annexation proceedings, the SEQRA reviewing Agencies may consider all impacts, including cumulative impacts, that they find relevant and appropriate to consider at that time; and be it further

RESOLVED, that the Common Council hereby readopts and reaffirms its previous SEQRA determination in relation to this Action.

RESOLUTION- 08/05/21

**7.193 RESOLUTION TITLE: TO ADOPT VARIOUS UPDATED COMPLIANCE
POLICIES**

[policies follow]

The United States Department of Transportation (USDOT)
Standard Title VI/Non-Discrimination Assurances
DOT Order No. 1050.2A

The **City of Plattsburgh** (herein referred to as the *Recipient*, HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the New York State Department of Transportation (NYSDOT), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination based on race, color, or national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the *Recipient* hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the NYSDOT.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these

nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the *Recipient* agrees with and gives the following Assurances with respect to its **Federally assisted Highway Programs**.

1. The *Recipient* agrees that each "activity," "facility," or "program," as defined in § 21.23 (b) and § 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The *Recipient* will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all **Federally assisted Highway Programs** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Recipient, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US. C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The *Recipient* will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The *Recipient* will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the *Recipient* receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the *Recipient* will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the *Recipient* with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the *Recipient* for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the *Recipient*, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the *Recipient* retains ownership or possession of the property.

9. The *Recipient* will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The *Recipient* agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the *Recipient* also agrees to comply (and require any subrecipients, subgrantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the *Recipient* access to records, accounts, documents, information, facilities, and staff. The *Recipient* will comply with any program or compliance reviews, and/or complaint investigations conducted by the New York State Department of Transportation. The *Recipient* will keep records, reports, and submit the material for review upon request to the New York State Department of Transportation, or its designee in a timely, complete, and accurate way.

Additionally, the *Recipient* will comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The *Recipient* gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the *Recipient* by the United States Department of Transportation under the **Federally assisted Highway Program**.

This ASSURANCE is binding on the State of **New York**, other recipients, subrecipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the **Federally assisted Highway Program**. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the *Recipient*.

by _____
(*Signature of Authorized Official*)

Date _____

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the United States Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the **New York State Department of Transportation, Federal assisted Highway Administration** to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **Federal assisted Highway Administration**, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the **New York State Department of Transportation** will impose such contract sanctions as it or the **Federally assisted Highway Administration** may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the **New York State Department of Transportation** or the **Federally assisted Highway Administration** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the United States Department of Transportation as authorized by law and upon the condition that the Recipient will accept title to the lands and maintain the project constructed thereon in accordance with (*Name of Appropriate Legislative Authority*), the Regulations for the Administration of (*Name of Appropriate Program*), and the policies and procedures prescribed by the **Federally assisted Highway Administration** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *Recipient* all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Recipient and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the *Recipient*, its successors and assigns.

The *Recipient*, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or

in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the *Recipient*) will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *Recipient* pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the *Recipient* will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the *Recipient* will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the *Recipient* and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the *Recipient* pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the *Recipient* will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the *Recipient* will there upon revert to and vest in and become the absolute property of the *Recipient* and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U .S.C. 1681 et seq).

M/WBE Policy Statement

The **City of Plattsburgh** will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participation goals set by the State for that area in which the State-funded project is located, by taking the following steps:

(1) Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.

(2) Request a list of State-certified M/WBEs from Agency(ies) and solicit bids from them directly.

(3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.

(4) Where feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.

(5) Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.

(6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

Responsible Local Official

Date

Limited English Proficiency Policy Statement

It is the policy of the **City of Plattsburgh** not to discriminate against any person who is limited English proficient (LEP). In accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, the **City of Plattsburgh** will take reasonable steps to provide LEP persons meaningful access to its programs and activities. This commitment applies to all of the **City of Plattsburgh's** federally conducted programs and activities.

The **City of Plattsburgh** hereby adopts a Language Access Plan (LAP) which articulates the **City of Plattsburgh's** responsibilities, policies, and strategies for providing language assistance services to LEP persons. The LAP applies to all **City of Plattsburgh** program areas and to all subdivisions. The **City of Plattsburgh** intends for the LAP to evolve as we learn more about the many interactions with LEP persons and groups, and as we gain experience in providing language assistance services.

Providing appropriate language assistance will require identifying critical points of interaction with the LEP public, assessing LEP communities particular language assistance needs, and determining, with specificity, how to ensure meaningful access for LEP persons. The **City of Plattsburgh** recognizes that many of these tasks are best addressed by the Department or Office, which often have more direct contact with the persons and communities requiring language assistance. The LAP is a general framework within which the Department or Office may develop more targeted solutions to the challenge of providing effective language assistance services. To spur the process, I direct each **City of Plattsburgh's** Department or Office to issue a memorandum:

- 1) emphasizing the importance of providing appropriate language-based access to the Department's or Office's programs and activities;
- 2) setting forth the Department's or Office's language access policy; and
- 3) assigning and naming managers and staff responsible for implementation.

The **City of Plattsburgh** is committed to implementing and using the LAP at all _____ levels of the **City of Plattsburgh**. The **City of Plattsburgh** will require all managers, supervisors and employees to join in working to eliminate limited English proficiency as a barrier to meaningful access to the **City of Plattsburgh's** programs and activities.

Signature of Responsible Local Official

Date

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

It is the policy of the **City of Plattsburgh** not to discriminate against any applicant for employment, or any employee because of age, color, sex, disability, national origin, race, religion, or veteran status.

The **City of Plattsburgh** will take affirmative action to ensure that the EEO Policy is implemented, with particular regard to: advertising, application procedures, compensation, demotion, employment, fringe benefits, job assignment, job classification, layoff, leave, promotion, recruitment, rehire, social activities, training, termination, transfer, upgrade, and working conditions.

The **City of Plattsburgh** will continue to make it understood by the employment entities with which it deals, and in employment opportunity announcements that the foregoing is the policy of the **City of Plattsburgh** and all employment decisions are based on individual merit only.

All current employees of the **City of Plattsburgh** are requested to encourage qualified disabled persons, minorities, special disabled veterans, and Vietnam Era veterans to apply for employment, on the job training or for union representation for qualified disabled individuals.

It is the policy of the **City of Plattsburgh** that all agency activities, facilities, and job sites are non-segregated. Separate or single-user toilet and changing facilities are provided to assure privacy.

It is the policy of **City of Plattsburgh** to ensure and maintain a work environment free of coercion, harassment, and intimidation at all job sites, and in all facilities at which employees are assigned to work. Any violation of the policy should be immediately reported to your supervisor or the company EEO Officer.

EEO Officer:

Address:

Telephone:

Email:

Signature of RLO

Date signed by RLO

Provided as technical assistance:

1. The EEO Policy is requested to be on agency letterhead.
2. The EEO Policy is required to be signed and dated by the Responsible Local Official.
3. The EEO Policy is required to be posted at agency offices and all job sites.
4. The EEO Policy must be submitted to the NYSDOT'S Office of Civil Rights once every three years.

DBE Policy Statement

The City of Plattsburgh has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The [Recipient] has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the [Recipient] has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the City of Plattsburgh to ensure that DBEs are defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

- 1.To ensure nondiscrimination in the award and administration of DOT - assisted contracts;
- 2.To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- 3.To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- 4.To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- 5.To help remove barriers to the participation of DBEs in DOT assisted contracts;
- 6.To assist the development of firms that can compete successfully in the market place outside the DBE Program.

[Name or title of appropriate person or office] has been delegated as the DBE Liaison Officer. In that capacity, [Name or title] is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Plattsburgh in its financial assistance agreements with the Department of Transportation.

The City of Plattsburgh has disseminated this policy statement to the Common Council Members, All Department Heads and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts.

This policy statement will be placed on the City of Plattsburgh's website at www.cityofplattsburgh-ny.gov and will be attached to all bid postings for DOT-assisted contracts.

Signature of Responsible Local Official

Date

RESOLUTION– 08/05/21

7.194 RESOLUTION: APPROVAL OF SHORT-TERM USE OF THE CRETE FOR EVENTS

WHEREAS, the City of Plattsburgh adopted a Crete Center rate structure by resolution dated November 26, 2019, and

WHEREAS, a written agreement, as set forth in a standard agreement form is required to be signed by event organizers and the City, and

NOW THEREFORE IT IS HEREBY RESOLVED, the Common Council of the City of Plattsburgh hereby approves that the Director of the Community Development Office or the Mayor are authorized to sign Agreements for the short-term use of the Crete for events, per the rates approved by the Council by the then current rate structure established by resolution, utilizing the standardized agreement form; and

BE IT FURTHER RESOLVED, all fees must be remitted upon application approval per the Community Development Office requirements and must adhere to all Community Development Office requirements before approval can occur; and

BE IT FURTHER RESOLVED, that any fee waiver requests, or requests to consume alcohol on-site, will require additional approval by the Common Council.

RESOLUTION- 08/05/21

7.195 APPOINTMENT OF COUNCILOR CANALES TO THE BOARD OF ETHICS

PURSUANT TO CHAPTER 53 OF THE CITY CODE, THE COMMON COUNCIL HEREBY APPOINTS JAMIE CANALES TO THE BOARD OF ETHICS EFFECTIVE AUGUST 6, 2021 TO SERVE AT THE PLEASURE OF THE COMMON COUNCIL.