

RESOLUTION- 09/16/21

7.222 AWARD OF “INSTALLATION AND CONSTRUCTION PRODUCTION WELL #1”.

WHEREAS, Bids were solicited for the installation and construction of a production well for the drinking water system; and

WHEREAS, two bids were received and the low bidder is Layne Christensen Co. (LCC) in the amount of \$483,000.

NOW, THEREFORE, BE IT RESOLVED, The Common Council Agree to the contract award and authorizes the execution all necessary documents to award and execute the agreement

RESOLUTION– 09/16/21

7.223 Approval of increase in fees collected in the City Clerk’s Office effective January 1, 2022

RESOLVED: In accordance with the request therefore the Common Council approves the increased fees collected in the City Clerk’s Office as indicated below:

CLERK FEES	2022	2021
Vendor Weekly	\$75.00	\$60.00
Vendor Yearly	\$312.00	\$300.00
Tree Stump Removal	\$290.00	\$260.00
Haulers	\$215.00	\$190.00
Food Trucks Monthly	\$98.00	
Food Trucks Seasonal	\$545.00	
Food Trucks Yearly	\$725.00	
Taxi Vehicle		\$100.00
Taxi Driver		\$75.00
Taxi Amendment		\$35.00
LP GAS PERMITS		
30-60 Gal Res	\$45.00	\$35.00
61-240 Gal Res	\$75.00	\$65.00
60-250 Gal Comm	\$85.00	\$65.00
251-1000 Gal Comm	\$180.00	\$160.00
1001-5000 Comm	\$230.00	\$200.00
5000-10K Gal Comm	\$250.00	\$225.00

Note: The last adjustment to most fees was in 2017.

RESOLUTION- 09/16/21

7.224 Authorizing Mayor to execute documents and contracts pertaining to city-wide IT hosting solution

RESOLUTION- 09/16/21

**7.225 AUTHORIZE STREET CLOSURES FOR 2021 ADIRONDACK NORTH
COUNTRY GENDER ALLIANCE PARADE**

In accordance with the request therefore the Common Council approves Adirondack North Country Gender Alliance to hold a parade and festival from 12:00pm to 4:00 pm on Saturday, October 2 2021. The parade would travel on Beekman Street to Brinkerhoff Street to Oak Street to Court Street returning to Trinity Park for the festival. A utility fee of \$20 for electricity, a certificate of insurance for event and vendors, portopottys, dig safe permits, and health department requirements for vendors are required.

RESOLUTION– 09/16/21

7.226 AUTHORIZING STREET CLOSURE –BRINKERHOFF (MARION TO MARGARET)

Request from Strand Center for the Arts to close Brinkerhoff Street (from Marion to Margaret Street) for an Artisan Market. The requested dates are Saturday, October 30, 2021, Saturday, November 27, 2021 and Saturday, December 18, 2021 from 9am to 2:30pm.

RESOLUTION– 09/16/21

7.227 ADOPTING NEGATIVE DECLARATION FOR PROPOSED LOCAL LAW P-4 OF 2021 AND AUTHORIZING FILING IN ACCORDANCE WITH REQUIREMENTS OF STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, proposed Local Law P-4 of 2021 amending Chapter 360 "Zoning" of the City Code of the City of Plattsburgh was introduced to the Common Council (the "Action"); and

WHEREAS, the Plattsburgh Common Council determined that, as lead agency, the Action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA) and reviewed a Short Form Environmental Assessment Form (SEAF) for this proposed legislative act.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Common Council, as Lead Agency, reviewed and fully considered the proposed Action, Part 1 of the SEAF s, and completed Part 2 of the SEAF after consideration of each item during the Council's September 2nd meeting; and
2. The Common Council identified potential impacts of the proposed Action as "Moderate to Large" as opposed to "No or Small" 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 SEAF Part 3; and
3. In order to determine the significance of these potential impacts, the Council evaluated several characteristics of each potentially Moderate to Large impact, as appropriate to the particular impact, in SEAF Part 3, which is incorporated herein by reference; and
4. The Common Council has taken a hard look at the potential environmental impacts of the Action by carefully considering them and thoroughly evaluating their potential significance as fully discussed in SEAF Part 3;
5. Based on its extensive review of the impacts that may be reasonably expected to result from the proposed Action including, to the extent possible, the speculative development scenario combined with the remaining zoning code provisions which would control future proposed projects, and governed by the rule of reasonableness, the Common Council determines that the proposed Action will not have a significant adverse impact on the environment and the particular facts and circumstances of the proposed Action do not require preparation of an Environmental Impact Statement.
6. The Mayor is authorized and directed to indicate the Common Council's determination by completing and signing Part 3 of the SEAF and to cause the entire completed SEAF with the supporting documentation to be filed and distributed as the Common Council's SEQRA Negative Declaration for the Action in accordance with SEQRA requirements.

RESOLUTION– 09/16/21

7.228 Authorizing Capital project H5110.82 – 2021 Street Resurfacing 3

WHEREAS, the following resolution was adopted on September 16th, 2021, and

WHEREAS, the Capital Expenditure Plan adopted January 7th, 2021, includes a Street Resurfacing & Improvements category, and

WHEREAS, the Infrastructure Division desires to establish a 2021 Street Resurfacing 3 project for items not included in the Street Resurfacing & Improvements category of the Capital Expenditure Plan adopted January 7th, 2021, and

WHEREAS, the cost of the 2021 Street Resurfacing 3 project has been estimated by the Infrastructure Division for the costs of the unplanned expenditures to purchase items not included in the expenditure plan for the General Fund for 2021, as follows:

	2021 Capital Cost	2021 Estimated Cost
Margaret St. preliminary design	\$ <u> -</u>	\$ <u> 68,000</u>
Total	\$ <u> -</u>	\$ <u> 68,000</u>

Project Funding:

NYSDOT Touring Route Funding	\$ <u> -</u>	<u> 68,000</u>
Total	\$ <u> -</u>	\$ <u> 68,000</u>

Now therefore,

BE IT RESOLVED, by the Common Council of the City of Plattsburgh, New York, this 16th day of September 2021, as follows:

- 1) That, the amount of Sixty-eight Thousand Nine and 00/100 (\$68,000.00) Dollars is hereby appropriated for the capital project **2021 Street Resurfacing 3 (H5110.82)** for the cost of the items listed above and is hereby authorized to be expended for such purpose.
- 2) That, Sixty-eight Thousand and 00/100 (\$68,000.00) Dollars of such appropriation be provided by an advance payment from the General Fund to be reimbursed by a request issued by the City of Plattsburgh to the NYSDOT for Touring Route Program funding to be provided as a permanent funding source for the project by the end of the fiscal year of 2021.
- 3) That, this resolution takes effect immediately.

RESOLUTION- 09/16/21

7.229 Authorize Award for Margaret Street Concept Study and Design Report

BE IT RESOLVED, The Common Council hereby awards the Margaret Street Concept Study and Preliminary Design Report to C&S Engineers, Inc. for a total of \$68,000.00 which is reimbursable thru the NYSDOT Touring Routes Program.

RESOLUTION– 09/16/21

7.230 Budget Adjustment – General Fund and Water Fund unbudgeted expenditures

WHEREAS, the following resolution was adopted on September 16th, 2021; and

WHEREAS, the 2021 General and Water Fund budgets do not make sufficient appropriations for DPW technical equipment purchases and for special excavating services for a water main break; and

WHEREAS, DPW has requested to provide for the additional appropriations for the purchase of a solar powered compacting trash receptacle and for special excavation services for repairing a water main break in 2021;

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

Increase: General Fund – Refuse Technical Equipment	18160000-2400	\$ 1,900.00
Decrease: General Fund – Refuse Materials & Supplies	18160000-4330	\$ 1,900.00
Increase: Water Fund – Trans. & Dist. Contract Services	48340000-4430	\$ 10,000.00
Decrease: Water Fund – Trans. & Dist. Mat. & Supplies	48340000-4330	\$ 10,000.00

To provide for unbudgeted appropriations for acquiring technical equipment for testing a solar powered compacting trash receptacle for use on the City streets in downtown Plattsburgh within the Public Works Waste Collection Department budget. The budget adjustment doesn't increase the General Fund budget for 2021.

To provide for unbudgeted appropriations for special excavating required due to repairing a water main break within the Public Works Transmission & Distribution Department budget. The budget adjustment doesn't increase the Water Fund budget for 2021.

RESOLUTION– 09/16/21

**7.231 Budget Transfer – Rec Complex Fund Beach Implementation Plan
Continuation**

WHEREAS, the following resolution was adopted on September 16th, 2021; and

WHEREAS, the 2021 Rec Complex Fund budget does not make appropriations for the investigative studies for the creation of an implementation plan for future development 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 from the General Fund unappropriated unassigned fund balance 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	\$ 134,115.00
Increase: General Fund – Rec Complex Transfers	19151000-9000	\$ 134,115.00
Increase: Rec Complex Fund – Inter-fund Revenues General	00002228-2810	\$
134,115.00		
Increase: General Fund Appropriated Fund Balance	1-0599	\$
134,115.00		

To provide for unbudgeted appropriations from the General Fund for the Rec Complex Beach operational expense in 2021 providing for the investigatory studies needed for Saratoga Associates to proceed with the future development of the beach site. The budget adjustment leaves the Rec Complex Fund budget unchanged for 2021 as estimated revenues and appropriations increase equally by \$134,115.00. The budget adjustment increases the General Fund budget for 2021 by \$134,115.00 through appropriation of the same amount from the unappropriated General Fund’s unassigned fund balance.

RESOLUTION– 09/16/21

7.232 Authorizing Capital project H5110.81 – 2021 Parking Equipment Purchase

WHEREAS, the following resolution was adopted on September 16th, 2021, and

WHEREAS, the Capital Expenditure Plan adopted January 7th, 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 7th, 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 expenditure plan for the Parking Fund for 2021, as follows:

	2021 Capital Cost	2021 Estimated Cost
Parking kiosks infrastructure	\$ -	\$ 20,245
Kiosks and Kiosk System	<u>-</u>	<u>129,673</u>
Total	<u>\$ -</u>	<u>\$ 149,918</u>

Project Funding:

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

Now therefore,

BE IT RESOLVED, by the Common Council of the City of Plattsburgh, New York, this 16th day of September 2021, as follows:

- 4) That, the amount of One Hundred Forty-nine Thousand Nine Hundred Eighteen and 00/100 (\$149,918.00) Dollars is hereby appropriated for the capital project **2021 Parking Equipment Purchase (H5110.81)** for the cost of the equipment listed above and is hereby authorized to be expended for such purpose.
- 5) That, One Hundred Forty-nine Thousand Nine Hundred Eighteen and 00/100 (\$149,918.00) Dollars of such appropriation be provided by an advance from the Parking Fund to be reimbursed by a BAN or serial bonds issued by the City of Plattsburgh as permanent funding for the project by the end of the fiscal year of 2021.
- 6) That, this resolution takes effect immediately.

RESOLUTION– 09/16/21

**7.233 AUTHORIZING SERVICE AGREEMENTS TO COMPLETE PHASE 1
CONSULTING SERVICES FOR CITY BEACH IMPLEMENTATION PLAN**

WHEREAS, the City entered into a professional services agreement with Saratoga Associates on April 19, 2021 for completion of an implementation plan for proposed improvements to the City beach; and

WHEREAS, the implementation plan completed by Saratoga recommended the completion of a series of studies to determine the viability of the proposed improvements; and

WHEREAS, the City intends to complete necessary investigatory work for the beach property to facilitate future development efforts and this work includes an archaeological study, an environmental study, geotechnical borings, a site survey, and a wetlands delineation study, as well as the necessary management, coordination, oversight, and analysis of the foregoing studies;

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to execute the following agreements:

- 1. Amendment #1 to the City’s April 19, 2021 professional services agreement with Saratoga Associates that includes oversight, coordination, and management of field investigation activities to occur at the City beach during the fall of 2021 in an amount not to exceed \$24,000.**
- 2. A professional services agreement with Hartgen Archaeological Associates, Inc. for completion of an archaeological investigation of the City’s beach property in an amount not to exceed \$7,900.**
- 3. A professional services agreement with KAS, Inc. for completion of a subsurface environmental investigation of the City’s beach property in an amount not to exceed \$15,000.**
- 4. A professional services agreement with Atlantic Testing Laboratories, Limited for completion of a subsurface geotechnical investigation of the City’s beach property in an amount not to exceed \$66,040.**
- 5. A professional services agreement with Robert M. Sutherland, P.C. for completion of a site survey of the City’s beach property in an amount not to exceed \$15,175.**
- 6. A professional services agreement with C.T. Male Associates Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C (C.T. Male) for completion of a wetlands delineation study of the City’s beach property in an amount not to exceed \$6,000.**

RESOLUTION– 09/16/21

7.234 AUTHORIZE TEMPORARY ACCESS AGREEMENT FOR SARANAC RIVER TRAIL IMPROVEMENTS ON BRODI PROPERTY

WHEREAS, Phase 2 of the Saranac River Trail (SRT) includes various improvements to City-owned property at the southern end of Durkee Street; and

WHEREAS, additional improvements to adjacent, privately owned areas, primarily sidewalk and pavement reconstruction needed to maintain appropriate grades, are necessary to comply with accessibility standards and to ensure pedestrian safety when accessing the SRT.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to execute a temporary access agreement with Stephen T. Brodi to permit improvements on Mr. Brodi's property located at 1 Durkee St. necessary for safe pedestrian access to Phase 2 of the SRT. The cost of these improvements shall be paid out of funds already appropriated for completion of Phase 2 of the SRT.

RESOLUTION- 09/16/21

7.235 AUTHORIZE POLICE DEPARTMENT EMPLOYEE TO TRAVEL TO ALBANY, NY FOR COURTROOM TRAINING FOR CERTIFIED DRUG RECOGNITION EXPERTS

RESOLVED: In accordance with the request therefore the Common Council approves one Police Department employee to attend the “Courtroom Training for Certified Drug Recognition Experts” from September 29-30, 2021, in Albany, NY The total cost will not exceed \$227.50 and it will be expensed out of the Asset Forfeiture Fund. This is a required training for DRE to maintain compliance with New York State.

RESOLUTION– 09/16/21

7.236 ADOPTING FINDINGS, RESOLUTIONS AND ORDER OF CITY OF PLATTSBURGH PURSUANT TO ARTICLE 17 OF THE NEW YORK GENERAL MUNICIPAL LAW REGARDING THE PROPOSED ANNEXATION OF PROPERTY LOCATED ON REEVES LANE.

WHEREAS, pursuant to "The Plattsburgh Compact Between the City and the Town" dated as of April 16, 2021 (the "Compact"), the City of Plattsburgh Common Council, and the Town of Plattsburgh Town Board, made a commitment to resolve the conflicts of past administrations, and to focus on mutually beneficial solutions, shared goals, and regional successes to establish a strong foundational bedrock that will last far into the future, by adopting a specific framework to accomplish numerous goals, including: the resolution of all pending litigation between the municipalities; a binding path to resourcefully and efficiently adjusting the boundaries of the City of Plattsburgh ("the City") and the Town of Plattsburgh (the "Town") so that both municipalities mutually benefit; a joint planning initiative for areas where the communities intersect; and a joint infrastructure initiative, which includes the water and waste- water systems and the Plattsburgh Organics Recycling Plant; and

WHEREAS, pursuant to that certain Settlement Agreement dated as of April 16, 2021 between the City and Town (the "Settlement Agreement"); the parties agreed to a binding Settlement Agreement in which the City and Town agreed, in consideration of each component of the Settlement Agreement, to mutually discontinue certain litigation between the parties, and the City and Town agreed to commit to, among other things, commence and facilitate the legal process allowing the City to expeditiously adjust its boundaries to include the City-owned parcels located at 205 Reeves Lane (Tax Map No. 220.-4-32) and 217 Sharron Avenue (Tax Map No. 233.7-1- 14), while providing payments established in a 5-year District Protection Program; and

WHEREAS, pursuant to a request by the City made pursuant to Section 706 of Article 17 of the New York General Municipal Law (the "Municipal Annexation Law") having been filed with the Town Board of the Town on April 20, 2021 by the City (the "Reeves Lane Annexation Request"), as owner of certain real property in the Town consisting of an approximately 224+/- acre parcel of uninhabited land on Reeves Lane in the Town, identified as Clinton County Tax Map Parcel Nos. 220.-4-31.2 and 220.- 4-32 (collectively, the "Property"), for the annexation of the Property to the City (the "Reeves Lane Annexation"); and

WHEREAS, on July 20, 2021, a Notice of Public Meeting on the Matter of Annexation of certain Territory from the Town of Plattsburgh to the City of Plattsburgh (the "Notice") was made to members of the public, with a copy of such Notice sent: to Beekmantown Central School District, Peru Central School District, EMT of CVPH on July 20, 2021; to the Town of Plattsburgh District No. 3 Fire Department on July 22, 2021, and to the South Plattsburgh Fire Department on July 23, 2021; and

WHEREAS, the Notice stated, in part, that the members of the governing board of the Town shall meet on August 26, 2021 to receive evidence and information concerning the Reeves Lane Annexation Request; and

WHEREAS, a meeting of the governing Board of the Town having been held on August 26, 2021, in accordance with Section 706 of the Municipal Annexation Law, the Town Board of the Town made certain findings and thereupon adopted certain resolutions and orders based upon such findings, all in accordance with Section 706 of the General Municipal Law of the State of New York which such findings and Order determined that the requested annexation was made in conformance with Section 706 of the Municipal Annexation Law, that the Reeves Lane Annexation Request was in the overall public interest, and that the Town approved the Reeves Lane Annexation Request; and

WHEREAS, the City is hereby making its own findings, resolution and Order with respect to the City's Reeve Lane Annexation Request.

FINDINGS

- A. The Property is uninhabited and contiguous to the municipal boundaries of the City, allowing for annexation pursuant to Section 706 of the General Municipal Law of the State of New York (hereinafter the "General Municipal Law" or "GML").
- B. The Reeves Lane Annexation Request was delivered by representatives of the City to the Town Board on April 20, 2021.
- C. Pursuant to the provisions of Section 706(2) of the GML, the Town caused a written copy of the required Notice to be provided to Beekmantown Central School District, Peru Central School District, EMT of CVPH, Town of Plattsburgh District No. 3 Fire Department and South Plattsburgh Fire Department. A copy of the Notices were attached to the Town's Certified Resolution dated August 26, 2021.
- D. Notice of the August 26, 2021, public meeting was duly posted by the Town.
- E. A public meeting was held by the Town on August 26, 2021, to consider, in part, the Reeves Lane Annexation Request. Comments were received from various members of the public in attendance at the public meeting. Officials of both the City and Town offered comment as well.
- F. The City Council, as the lead agency for the Type I, coordinated environmental review of this action, and in accordance with Article 8 of the New York State Environmental Conservation Law - the State environmental Quality Review Act ("SEQR"), reviewed the potential adverse environmental effects, if any, related to the Reeves Lane Annexation and on August 9th, 2021, the City Council readopted and reaffirmed its previous negative determination of environmental significance ("Negative Declaration") for the Reeves Lane Annexation. A copy of the City's August 9th SEQRA resolution was attached to the Town's Certified Resolution dated August 26, 2021. As an involved agency, the Town Board adopted the City's Negative Declaration.
- G. In considering whether to consent to the Reeves Lane Annexation Request, the Town was required to determine whether the proposed annexation is in the over-all public interest. GML § 706(2). In light of the foregoing, and all of the information duly provided and considered, the Town Board made specific findings and determined in accordance with Sections 706 and 711 of

the GML that the Reeves Lane Annexation is in the overall public interest. The City hereby further determines that the Reeves Land Annexation is in the overall public interest based on the following:

1. In accordance with the terms of the Compact, the Settlement Agreement, and related documents thereto, the Town will receive a five-year District Protection Program payment in lieu of reduced tax revenue resulting from approval of the Reeves Lane Annexation. Notwithstanding the offsetting District Protection Program payment, the tax revenue estimated to be lost due to the Reeves Lane Annexation is deemed relatively modest, in the amount of \$40,327.77 total over 5 years.
2. The City and Town have entered a Memorandum of Understanding to coordinate review of projects that are substantially contiguous to the Town/City boundary or could in some way be impactful.
3. The Town and City have entered a Memorandum of Understanding to jointly develop a citizens advisory panel for a former Compost Facility located on the Property, and as part of such agreement, the City will coordinate with the Town and provide certain information and a minimum of 90 days' prior notice to resume operation at such facility.
4. The City has committed in good faith that it will adopt zoning that is compatible with the Town's new Smart Growth Zoning.
5. If annexed, the City would be able to readily provide emergency services, including professional police, fire and EMS services, to the Property.
6. Upon annexation, the Property will potentially have access to more affordable energy rates, thereby reducing overall energy costs within the Property and promoting reliance on renewable energy, which is in conformance with the City's 100% renewable energy policy.
7. The Reeves Lane Annexation will not result in baroque or unnatural boundaries.

Based upon the foregoing and upon careful review and evaluation, it is hereby determined that the potential benefits of the Reeves-Lane Annexation as provided herein are likely to outweigh any potential detriments to the City and the Town. The City also finds the approval of the Reeves Lane Annexation, can and very likely will achieve the benefits of annexation while at the same time accomplishing the requisite unity of purpose and facilities to constitute a community and maintaining the core nature of the City and Town.

NOW, THEREFORE, based upon all the foregoing findings, it is hereby:

RESOLVED, that City's request for the Town's consent to the proposed Reeves Lane Annexation substantially complies with Section 706 of the General Municipal Law; and it is further

RESOLVED, that the Reeves Lane Annexation is hereby deemed to be in the overall public interest; and it is further

RESOLVED, that the Reeves Lane Annexation is hereby approved by the City; and it is further

RESOLVED AND ORDERED, that copies of the foregoing findings, resolutions and determinations set forth therein, all of which are hereby incorporated by reference into this Order, together with the Annexation Request, Meeting Notice, written objections, if any, and

testimony and minutes of proceedings taken and kept on the matter of the Reeves Lane Annexation be filed in the offices of the clerks of the Town, City and any other affected government.

RESOLUTION– 09/16/21

7.237 ADOPTING FINDINGS, RESOLUTIONS AND ORDER OF CITY OF PLATTSBURGH PURSUANT TO ARTICLE 17 OF THE NEW YORK GENERAL MUNICIPAL LAW REGARDING THE PROPOSED ANNEXATION OF PROPERTY LOCATED ON SHARRON AVENUE.

WHEREAS, pursuant to "The Plattsburgh Compact Between the City and the Town" dated as of April 16, 2021 (the "Compact"), the City of Plattsburgh Common Council, and the Town of Plattsburgh Town Board, made a commitment to resolve the conflicts of past administrations, and to focus on mutually beneficial solutions, shared goals, and regional successes to establish a strong foundational bedrock that will last far into the future, by adopting a specific framework to accomplish numerous goals, including: the resolution of all pending litigation between the municipalities; a binding path to resourcefully and efficiently adjusting the boundaries of the City of Plattsburgh ("the City") and the Town of Plattsburgh (the "Town") so that both municipalities mutually benefit; a joint planning initiative for areas where the communities intersect; and a joint infrastructure initiative, which includes the water and waste- water systems and the Plattsburgh Organics Recycling Plant; and

WHEREAS, pursuant to that certain Settlement Agreement dated as of April 16, 2021 between the City and Town (the "Settlement Agreement"); the parties agreed to a binding Settlement Agreement in which the City and Town agreed, in consideration of each component of the Settlement Agreement, to mutually discontinue certain litigation between the parties, and the City and Town agreed to commit to, among other things, commence and facilitate the legal process allowing the City to expeditiously adjust its boundaries to include the City-owned parcels located at 205 Reeves Lane (Tax Map No. 220.-4-32) and 217 Sharron Avenue (Tax Map No. 233.7-1- 14), while providing payments established in a 5-year District Protection Program; and

WHEREAS, pursuant to a request by the City made pursuant to Section 706 of Article 17 of the New York General Municipal Law (the "Municipal Annexation Law") having been filed with the Town Board of the Town on April 20, 2021 by the City (the "Sharron Avenue Annexation Request"), as owner of certain real property in the Town consisting of an approximately 2.8 acre parcel of uninhabited land on Sharron Avenue, identified as Clinton County Tax Map Parcel No. 233.7-1- 14 (the "Property"), for the annexation of the Property to the City (the "Sharron Avenue Annexation"); and

WHEREAS, on July 20, 2021, a Notice of Public Meeting on the Matter of Annexation of certain Territory from the Town of Plattsburgh to the City of Plattsburgh (the "Notice") was made to members of the public, with a copy of such Notice sent: to Beekmantown Central School District, Peru Central School District, EMT of CVPH on July 20, 2021; to the Town of Plattsburgh District No. 3 Fire Department on July 22, 2021, and to the South Plattsburgh Fire Department on July 23, 2021; and

WHEREAS, the Notice stated, in part, that the members of the governing board of the Town shall meet on August 26, 2021 to receive evidence and information concerning the Sharron Avenue Annexation Request; and

WHEREAS, a meeting of the governing Board of the Town having been held on August 26, 2021, in accordance with Section 706 of the Municipal Annexation Law, the Town Board of the Town made certain findings and thereupon adopted certain resolutions and orders based upon such findings, all in accordance with Section 706 of the General Municipal Law of the State of New York which such findings and Order determined that the requested annexation was made in conformance with Section 706 of the Municipal Annexation Law, that the Sharron Avenue Annexation Request was in the overall public interest, and that the Town approved the Sharron Avenue Annexation Request; and

WHEREAS, the City is hereby making its own findings, resolution and Order with respect to the City's Sharron Avenue Annexation Request.

FINDINGS

- A. The Property is uninhabited and contiguous to the municipal boundaries of the City, allowing for annexation pursuant to Section 706 of the General Municipal Law of the State of New York (hereinafter the "General Municipal Law" or "GML").
- B. The Sharron Avenue Annexation Request was delivered by representatives of the City to the Town Board on April 20, 2021.
- C. Pursuant to the provisions of Section 706(2) of the GML, the Town caused a written copy of the required Notice to be provided to Beekmantown Central School District, Peru Central School District, EMT of CVPH, Town of Plattsburgh District No. 3 Fire Department and South Plattsburgh Fire Department. A copy of the Notices were attached to the Town's Certified Resolution dated August 26, 2021.
- D. Notice of the August 26, 2021, public meeting was duly posted by the Town.
- E. A public meeting was held by the Town on August 26, 2021, to consider, in part, the Sharron Avenue Annexation Request. Comments were received from various members of the public in attendance at the public meeting. Officials of both the City and Town offered comment as well.
- F. The Town Board, as the lead agency for the unlisted, uncoordinated environmental review of this action, and in accordance with Article 8 of the New York State Environmental Conservation Law - the State environmental Quality Review Act ("SEQR"), reviewed the potential adverse environmental effects, if any, related to the Sharron Avenue Annexation and on even date herewith, the Town Board adopted a negative determination of environmental significance ("Negative Declaration") in accordance with SEQRA for the Sharron Avenue Annexation.
- G. In considering whether to consent to the Sharron Avenue Annexation Request, the Town was required to determine whether the proposed annexation is in the over-all public interest. GML § 706(2). In light of the foregoing, and all of the information duly provided and considered, the Town Board made specific findings and determined in accordance with Sections 706 and 711 of the GML that the Sharron Avenue Annexation is in the overall public interest.

The City hereby further determines that the Sharron Avenue Annexation is in the overall public interest based on the following:

1. The City operates and maintains, at its sole expense, a Municipal Lighting District facility within the proposed area to be annexed.
2. Sharron Avenue is a City-maintained street, with public connections to sewer, water, and electricity on Sharron Ave, which will not be impacted by the proposed annexation.
3. If annexed, the City would be able to readily provide emergency services, including professional police, fire and EMS services, to the Property.
4. The Property is accessed by a City-owned street.
5. The Property is not currently part of a cohesive community. Specifically, the City of Plattsburgh Public Housing Authority owns dense, multi-family housing units across Sharron Avenue, and there are numerous industrial buildings on the same side of Property. Notwithstanding the foregoing, the area of the Property is small in size, and current industrial use of the Property is compatible with the existing zoning district in the Town and use of adjacent properties in the area.
6. Annexation will result in a minimal loss of tax revenue to the Town in the amount of \$9,037.72 (based on 2021 tax rates), and will reduce the overall area of the Town by less than .05%. Conversely, the equivalent tax revenue that will be reduced from the Town's perspective will be a direct savings to the City and its ratepayers.
7. Upon annexation, the Property will potentially have access to more affordable energy rates, thereby reducing overall energy costs within the Property and promoting reliance on renewable energy, which is in conformance with the City's 100% renewable energy policy.
8. The Sharron Avenue Annexation will not result in baroque or unnatural boundaries.
9. As contemplated in the Town's environmental review, the Property is currently developed and operational, with no new projects subject to approval and no additional adverse environmental impacts anticipated.

Based upon the foregoing and upon careful review and evaluation, it is hereby determined that the potential benefits of the Sharron Avenue Annexation as provided herein are likely to outweigh any potential detriments to the City and the Town. The City also finds the approval of the Sharron Avenue Annexation, can and very likely will achieve the benefits of annexation while at the same time accomplishing the requisite unity of purpose and facilities to constitute a community and maintaining the core nature of the City and Town.

NOW, THEREFORE, based upon all the foregoing findings, it is hereby:

RESOLVED, that City's request for the Town's consent to the proposed Sharron Avenue Annexation substantially complies with Section 706 of the General Municipal Law; and it is further

RESOLVED, that the Sharron Avenue Annexation is hereby deemed to be in the overall public interest; and it is further

RESOLVED, that the Sharron Avenue Annexation is hereby approved by the City; and it is further

RESOLVED AND ORDERED, that copies of the foregoing findings, resolutions and determinations set forth therein, all of which are hereby incorporated by reference into this Order, together with the Annexation Request, Meeting Notice, written objections, if any, and testimony and minutes of proceedings taken and kept on the matter of the Sharron Avenue Annexation be filed in the offices of the clerks of the Town, City and any other affected government.