

RESOLUTION 4.1 – 05/17/21

RESOLUTION TITLE: AUTHORIZE TRAVEL REQUEST JUNE 3-4, 2021

BY: Scott Lawliss, Fire Chief

Request to execute CPAT certification and attend graduation for three recruits from June 3-4, 2021 at the Academy of Fire Science in Montour Falls, NY. The total cost will not exceed \$300.

Approved by the **PUBLIC SAFETY COMMITTEE** at its meeting on **May 17, 2021**.

“Yes”

“No”

Absent

RESOLUTION 5.1 – 05/17/21

RESOLUTION TITLE: APPROVAL OF LEASE OF CITY RECREATION CENTER BY PLATTSBURGH YMCA

BY: Matthew Miller, Director of Community Development

WHEREAS, the City of Plattsburgh’s Recreation Center has been closed since March of 2020 due to restrictions associated with the COVID-19 pandemic and associated budget reductions in the City’s Recreation Complex fund; and

WHEREAS, the City does intend to resume active management of the Recreation Center; and

WHEREAS, the City issued a Request for Proposals (RFP) in September 2020 seeking a qualified operator to enter into a lease agreement for the use of the Recreation Center with the intention of providing continued public access to many of the same indoor sports and fitness programs hosted at the Recreation Center prior to its closure in the spring of 2020; and

WHEREAS, the YMCA of Plattsburgh (YMCA) submitted a proposal which was deemed by the City to be the proposal which most closely aligned with the City’s goals as detailed in the RFP; and

WHEREAS, on October 8, 2020, the Common Council authorized the City’s Director of Community Development to enter into discussions with the YMCA to draft an agreement for that organization’s operation and management of the Recreation Center that would be subject to final approval by the Common Council.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to execute a lease agreement with YMCA of Plattsburgh, Inc. for the use and operation of the City’s Recreation Center located at 52 US Oval in exchange for a lease payment of \$1 per month plus a share of any profits generated.

BE IT FURTHER RESOLVED, the Common Council finds that this space is not needed for a public purpose during the proposed license agreement term of 12 months, that the lease payments will not exceed \$5,000 per year, that sufficient notice of availability of the property under lease has been provided to the public, and that this lease will be subject to presentation of sufficient proof of insurance, licensing, and approval of the Clinton County Health Department (CCHD) as to any improvements necessary to satisfy CCHD that the Recreation Center can be operated safely and in accordance with restrictions imposed by the COVID-19 pandemic.

Contractor: YMCA of Plattsburgh, Inc.
Service: Lease and operation of the City’s Recreation Center

| | |
|----------------------------|--|
| Rate: | n/a |
| Mileage: | n/a |
| Contract Amount: | \$1 per month plus profit sharing |
| City Cost: | \$5,000 maximum for facility improvements and potential need to reimburse operational losses resulting from YMCA's operation of the facility |
| Period: | 12 months with renewal option for an additional 12 months |
| New/Renewal: | New |
| Previous Year's Cost: | n/a |
| Previous Year's City Cost: | n/a |

Approved by the **PUBLIC SAFETY COMMITTEE** at its meeting on **May 17, 2021**.

“Yes”

“No”

Absent

RESOLUTION 5.2 – 05/17/21

RESOLUTION TITLE: APPROVING CIVIC/COMMUNITY SPACE AGREEMENT FOR DURKEE LOT MIXED-USE DEVELOPMENT PORTION OF DOWNTOWN AREA IMPROVEMENT PROJECTS

By: Matthew Miller, Director of Community Development

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

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

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

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

WHEREAS, the Findings Statement further determined and certified that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the DAIP avoids or minimizes adverse environmental impacts to the maximum extent practicable and incorporates as conditions to the Board's decision those mitigation measures that were identified as practicable; and

WHEREAS, approval from the Common Council is now needed for a Civic/Community Space Agreement between the City of Plattsburgh and Prime Plattsburgh, LLC, which is required to enable the Durkee Lot Mixed-Use Development to proceed;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council has reviewed the proposed Civic/Community Space Agreement and finds that it constitutes an integral component of the Durkee Lot Mixed-Use Development portion of the DAIP which was thoroughly reviewed under SEQRA.
2. The potential environmental impacts of the Civic/Community Space Agreement were adequately addressed as an essential component of the Durkee Lot Mixed-Use Development portion of the DAIP in the GEIS, the Statement of Findings, and the Amendment to the Statement of Findings and the proposed Civic/Community Space Agreement is not likely to result in any new or different environmental impacts than those previously considered during SEQRA review of the DAIP. Therefore, no further SEQRA review is necessary.
3. The Common Council authorizes and directs the Mayor to execute the Civic/Community Space Agreement and further authorizes 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.

Approved by the **PUBLIC SAFETY COMMITTEE** at its meeting on **May 17, 2021**.

“Yes”

“No”

Absent

RESOLUTION 5.3 – 05/17/21

RESOLUTION TITLE: APPROVING REAL PROPERTY PURCHASE AND SALE AGREEMENT FOR DURKEE LOT MIXED-USE DEVELOPMENT PORTION OF DOWNTOWN AREA IMPROVEMENT PROJECTS

By: Matthew Miller, Director of Community Development

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

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

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

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

WHEREAS, the Findings Statement further determined and certified that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the DAIP avoids or minimizes adverse environmental impacts to the maximum extent practicable and incorporates as conditions to the Board's decision those mitigation measures that were identified as practicable; and

WHEREAS, approval from the Common Council is now needed for a Real Property Purchase and Sale Agreement between the City of Plattsburgh and Prime Plattsburgh, LLC, which is required to enable the Durkee Lot Mixed-Use Development (DLMUD) to proceed;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council has reviewed the proposed Real Property Purchase Agreement and finds that it constitutes an integral component of the DLMUD portion of the DAIP which was thoroughly reviewed under SEQRA.

2. The potential environmental impacts of the Real Property Purchase Agreement were adequately addressed as an essential component of the DLMUD portion of the DAIP in the GEIS, the Statement of Findings, and the Amendment to the Statement of Findings and the proposed Real Property Purchase Agreement is not likely to result in any new or different environmental impacts than those previously considered during SEQRA review of the DAIP. Therefore, no further SEQRA review is necessary.
3. The subject property to be conveyed per the Purchase and Sale Agreement property is not a park, recreation or other property that is inalienable under the New York Constitution.
4. In light of the additional on and off-street parking capacity in the downtown area, and as noted throughout the aforementioned environmental review, which included an extensive analysis of parking, the subject property is surplus property in that it is not needed for a public purpose, now or in the foreseeable future.
5. The consideration to be paid by the purchaser is fair and reasonable and the transfer does not constitute an unconstitutional gift of public property. In determining whether the consideration is fair and reasonable, the Common Council has considered the following: (1) the costs savings the City will realize by not having to maintain the property; and (2) the value of improvements and maintenance to the property made by the person to whom the property is conveyed, or his predecessor in title. While the subject property currently generates no property tax revenue for the City, the completed DLMUD will generate over \$800,000 in property tax revenue for the City over a period of 21 years per a payment in lieu of tax agreement (PILOT) approved by the Clinton County Industrial Development Agency in March of 2021. The DLMUD is also likely to generate over \$20,000,000 in private sector investment on the subject property and will significantly increase the supply of available housing in the City's downtown area. The addition of over 10,000 square feet of commercial space on the subject property will bolster the City's status as a regional economic hub and lead to increased sales tax revenue for the City. The inclusion of 92 publicly available parking spaces within the DLMUD will reduce the need for the City to provide additional public parking capacity elsewhere at taxpayer expense.
6. The Common Council authorizes and directs the Mayor to execute the Real Property Purchase Agreement in a form acceptable to the City's Attorney and further authorizes 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, including execution and delivery of the deed and other

customary conveyance documents upon satisfaction of the closing conditions set forth therein and in related agreements.

[NOTE: Per Chapter 24-3(D) of the City's code, a 3/4 majority vote of all of the members of the Common Council (i.e. 5 affirmative votes regardless of the number of Council members present) is required for the disposal of real property owned by the City.]

Approved by the **PUBLIC SAFETY COMMITTEE** at its meeting on **May 17, 2021**.

“Yes”

“No”

Absent

RESOLUTION 5.4 – 05/17/21

RESOLUTION TITLE: APPROVING EASEMENT AGREEMENT FOR DURKEE LOT MIXED-USE DEVELOPMENT PORTION OF DOWNTOWN AREA IMPROVEMENT PROJECTS

By: Matthew Miller, Director of Community Development

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

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

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

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

WHEREAS, the Findings Statement further determined and certified that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the DAIP avoids or minimizes adverse environmental impacts to the maximum extent practicable and incorporates as conditions to the Board's decision those mitigation measures that were identified as practicable; and

WHEREAS, approval from the Common Council is now needed for an Easement Agreement between the City of Plattsburgh and Prime Plattsburgh, LLC, which is required to enable the Durkee Lot Mixed-Use Development to proceed;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council has reviewed the proposed Easement Agreement and finds that it constitutes an integral component of the Durkee Lot Mixed-

Use Development portion of the DAIP which was thoroughly reviewed under SEQRA.

2. The potential environmental impacts of the Easement Agreement were adequately addressed as an essential component of the Durkee Lot Mixed-Use Development portion of the DAIP in the GEIS, the Statement of Findings, and the Amendment to the Statement of Findings and the proposed Easement Agreement is not likely to result in any new or different environmental impacts than those previously considered during SEQRA review of the DAIP. Therefore, no further SEQRA review is necessary.
3. Upon conveyance by the City of Plattsburgh to Prime Plattsburgh, LLC of the "Project Site" as described in the Amended and Restated Development Agreement entered into by and between the City of Plattsburgh and Prime Plattsburgh, LLC on or about May 21, 2021, the Common Council authorizes and directs the Mayor to execute the Easement Agreement in a form acceptable to the City's Attorney and further authorizes 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.

Approved by the **PUBLIC SAFETY COMMITTEE** at its meeting on **May 17, 2021**.

"Yes"

"No"

Absent

RESOLUTION 5.5 – 05/17/21

RESOLUTION TITLE: APPROVING GUARANTY OF COMPLETION FOR DURKEE LOT MIXED-USE DEVELOPMENT PORTION OF DOWNTOWN AREA IMPROVEMENT PROJECTS

By: Matthew Miller, Director of Community Development

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

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

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

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

WHEREAS, the Findings Statement further determined and certified that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the DAIP avoids or minimizes adverse environmental impacts to the maximum extent practicable and incorporates as conditions to the Board's decision those mitigation measures that were identified as practicable; and

WHEREAS, approval from the Common Council is now needed for a Guaranty of Completion between the City of Plattsburgh and Prime Management, LLC, which is required to enable the Durkee Lot Mixed-Use Development to proceed;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council has reviewed the proposed Guaranty of Completion and finds that it constitutes an integral component of the Durkee Lot Mixed-Use Development portion of the DAIP which was thoroughly reviewed under SEQRA.

2. The potential environmental impacts of the Guaranty of Completion were adequately addressed as an essential component of the Durkee Lot Mixed-Use Development portion of the DAIP in the GEIS, the Statement of Findings, and the Amendment to the Statement of Findings and the proposed Guaranty of Completion is not likely to result in any new or different environmental impacts than those previously considered during SEQRA review of the DAIP. Therefore, no further SEQRA review is necessary.
3. Upon conveyance by the City of Plattsburgh to Prime Plattsburgh, LLC of the "Project Site" as described in the Amended and Restated Development Agreement entered into by and between the City of Plattsburgh and Prime Plattsburgh, LLC on or about May 21, 2021, the Common Council authorizes and directs the Mayor to accept, in a form acceptable to the City's attorney, the Guaranty of Completion upon its execution by Prime Management, LLC and further authorizes 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.

Approved by the **PUBLIC SAFETY COMMITTEE** at its meeting on **May 17, 2021**.

"Yes"

"No"

Absent