

## **RESOLUTION– 10/07/21**

### **7.238 ADOPTION OF LOCAL LAW P-4 OF 2021**

Local Law P-4 of the year 2021

Introduced by Councilor McFarlin on June 10, 2021 at a Finance and Community Development Committee meeting of the Common Council.

Public Hearing held on Thursday, July 1, 2021 at 5:00pm in the Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

A local law amending chapter 360 “Zoning” of the City Code of the City of Plattsburgh by amending and restating Section 360-26(A) “Off-street parking requirements” in its entirety, as well as amending any other Code references thereto.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

1. The City Code of the City of Plattsburgh (hereafter “City Code”) at Section 360-26(A) “Off-street parking requirements” is amended and restated in its entirety to read as follows:
  - § 360-26 (A) Off-Street parking requirements. Parcels of real property within the City of Plattsburgh shall not be required to establish a minimum number of off-street parking spaces.
2. The City Code is amended by removing Section 360-26(B)(2) in its entirety.
3. The City Code is amended by removing Section 360-21(D)(5)(d)(2) in its entirety.
4. The City Code is amended by removing Section 360-29(A)(1)(c) in its entirety.
5. This Local Law shall take effect immediately upon approval by the Mayor and filing with the New York Secretary of State.

**RESOLUTION– 10/07/21**

**7.239 AUTHORIZE TABLING FEE FOR 2021 TRINITY PARK SPOOKY STREET EVENT**

**WHEREAS**, The City of Plattsburgh will use Trinity Park to host a Spooky Street event on Saturday October 30 from 12PM-3PM where local businesses and organizations can set up a table and tent to distribute Halloween candy to event participants; and

**WHEREAS**, The City of Plattsburgh will charge a \$25 reservation fee for businesses and organizations to have a table in Trinity Park for this event; and

**WHEREAS**, The Community Engagement Coordinator will coordinate and complete any related ancillary tasks;

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

**RESOLUTION– 10/07/21**

**7.240 AUTHORIZE BUDGET ADJUSTMENT – GENERAL FUND – MUNICIPAL BUILDINGS CONTRACT SERVICES AND UTILITIES**

**WHEREAS**, the 2021 General Fund budget does not make sufficient appropriations for the required annual maintenance for the City Hall elevator and the utility accounts; and

**WHEREAS**, City Clerk has requested to provide for the additional costs for performing the annual maintenance on the City Hall elevator in order to have it operating safely and for providing sufficient appropriations for the City Hall utilities 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 – Muni. Buildings Contract Svcs. | 11620000-4430 | \$ 2,500.00 |
| Increase: General Fund – Municipal Buildings Water      | 11620000-4412 | \$ 1,000.00 |
| Increase: General Fund – Municipal Buildings Sewer      | 11620000-4413 | \$ 200.00   |
| Decrease: General Fund – Appropriated Fund Balance      | 1-0599        | \$ 3,700.00 |

This entry is to provide appropriations in the General Fund for the unbudgeted costs to service the City Hall elevator for 2021, as well as, increase the appropriations for the utility accounts. The budget adjustment increases the General Fund Budget for 2021 by \$3,700.00 for the increase in appropriations and will decrease the General Fund unassigned unappropriated portion of the fund balance in 2021 by \$3,700.00.

**RESOLUTION- 10/07/21**

**7.241 EXTENDING WATER SUPPLY AGREEMENT WITH TOWN OF  
PLATTSBURGH MULTIMODAL FACILITY**

RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign an extension of Water Supply Agreement with the Town of Plattsburgh regarding tax map parcel 233.6-1-2.1.

**RESOLUTION– 10/07/21**

**7.242 RESOLUTION TITLE: APPROVE TRAVEL REQUESTS POLICE DEPARTMENT**

**1.** Request for two Police Department employees to attend the “2021 Mandatory Use of Force updates Training” from October 24-26, 2021, in Canton, NY. The total cost will not exceed \$487 and it will be expensed out of the Asset Forfeiture Fund. This is a required training for the Use of Force instructors to maintain compliance with New York State.

**2.** Request for one Police Department employee to attend the “Lead Firearms Instructor Zone 9 Police Academy Training” from October 12-14, 2021, in Cicero, NY. The total cost will not exceed \$547 and it will be expensed out of the Asset Forfeiture Fund and fully reimbursed by DCJS. This is a required training for the Firearms instructors to maintain compliance with New York State

**RESOLUTION– 10/07/21**

**7.243 AUTHORIZE BUDGET TRANSFER – GENERAL FUND UNDER-BUDGETED ACCOUNTS - POLICE**

**WHEREAS**, the 2021 General Fund budget makes appropriations for various costs in the police department; and

**WHEREAS**, the police are asking to transfer appropriations from accounts projecting a year-end surplus to accounts projecting year-end deficits for 2021;

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

It is being requested to adjust the 2021 General Fund Budget, as follows:

|  |               |             |
|--|---------------|-------------|
| Increase: General Fund – Police Overtime Payroll                 | 13120000-1200 | \$54,000.00 |
| Increase: General Fund – Police Separation Pay                   | 13120000-1500 | \$45,000.00 |
| Increase: General Fund – Police Other Equipment                  | 13120000-2500 | \$12,500.00 |
| Increase: General Fund – Police Motor Vehicle Repairs            | 13120000-4452 | \$10,050.00 |
| Increase: General Fund – Police Tech. & Spec. Equip.             | 13120000-4330 | \$ 5,000.00 |
| Increase: General Fund – Police Training & Education             | 13120000-4461 | \$ 2,000.00 |
| Increase: General Fund – Police Water                            | 13120000-4412 | \$ 1,600.00 |
| Increase: General Fund – Police Fees for Services                | 13120000-4440 | \$ 1,400.00 |
| Decrease: General Fund – Police Motor Vehicles<br>17,050.00      | 13120000-2300 | \$          |
| Decrease: General Fund – Police Technical Equipment<br>10,000.00 | 13120000-2400 | \$          |
| Decrease: General Fund – Police Regular Telephone<br>28,000.00   | 13120000-4414 | \$          |
| Decrease: General Fund – Police Regular Payroll<br>76,500.00     | 13120000-1100 | \$          |

To provide for the transfer of appropriations within the Police department budget from accounts carrying a surplus through year-end to accounts with current deficits and pending deficits based on cost trends. The budget adjustment will not increase the total General Fund budget for 2021.

**RESOLUTION– 10/07/21**

**7.244 AUTHORIZE BUDGET TRANSFER – GENERAL FUND UNDER-BUDGETED ACCOUNTS - FIRE**

**WHEREAS**, the 2021 General Fund budget makes appropriations for various costs in the fire department; and

**WHEREAS**, the fire chief is asking to transfer appropriations from accounts projecting a year-end surplus to accounts projecting year-end deficits and cover the rest with appropriated fund balance for 2021;

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

It is being requested to adjust the 2021 General Fund Budget, as follows:

|  |               |              |
|--|---------------|--------------|
| Increase: General Fund – Fire Overtime Payroll                       | 13410000-1200 | \$206,000.00 |
| Increase: General Fund – Fire Separation Pay                         | 13410000-1500 | \$259,000.00 |
| Increase: General Fund – Fire Temporary Pay                          | 13410000-1300 | \$ 35,000.00 |
| Increase: General Fund – Fire Fees For Services                      | 13410000-4440 | \$ 29,000.00 |
| Increase: General Fund – Fire Materials & Supplies                   | 13120000-4330 | \$ 7,000.00  |
| Increase: General Fund – Fire Contract Services                      | 13120000-4430 | \$ 7,000.00  |
| Increase: General Fund – Fire Water                                  | 13120000-4412 | \$ 2,400.00  |
| Increase: General Fund – Fire Repairs to Equipment                   | 13120000-4450 | \$ 1,500.00  |
| Increase: General Fund – Fire Vehicle Parts                          | 13410000-4321 | \$ 1,000.00  |
| Increase: General Fund – Fire Print & Copy                           | 13120000-4431 | \$ 700.00    |
| Decrease: General Fund – Fire Telephone<br>12,000.00                 | 13410000-4414 | \$           |
| Decrease: General Fund – Fire Regular Payroll<br>75,000.00           | 13120000-1100 | \$           |
| Decrease: General Fund – Unass., Unapp. Fund Balance<br>\$461,600.00 | 1-0599        |              |

To provide for the transfer of appropriations within the Fire department budget from accounts carrying a surplus through year-end to accounts with current deficits and pending deficits based on cost trends, as well, appropriating an additional \$461,600 of unassigned unappropriated

General Fund, fund balance. The budget adjustment will increase the total General Fund budget for 2021 by that \$461,600.



**RESOLUTION– 10/07/21**

**7.245 AUTHORIZE CAPITAL RESERVE FUND ESTABLISHMENT – REC COMPLEX FUND**

**WHEREAS**, the Rec Complex Fund has need of a Capital Reserve to fund capital project improvements for the Rec Complex facilities; and

**WHEREAS**, the Mayor is requesting to establish a capital reserve in the Rec Complex Fund for the fiscal year 2021 and beyond;

**NOW, THEREFORE, BE IT RESOLVED, the Common Council Authorizes the establishment of the Rec Complex Capital Reserve Fund, as follows:**

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the “Rec Complex Capital Reserve Fund” (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of capital improvement. The type of capital improvements to be financed from the Reserve Fund is the construction or reconstruction of Rec Complex facilities for future recreation program development.

FURTHER RESOLVED, that the City of Plattsburgh City Chamberlain (“Chamberlain”) is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The City of Plattsburgh Common Council (“Council”) and the Chamberlain may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the City of Plattsburgh. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund.

FURTHER RESOLVED, that the Chamberlain shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Council a detailed report of the operation and condition of the Reserve Fund. Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c.

**RESOLUTION- 10/07/21**

**7.246 AUTHORIZE BUDGET ADJUSTMENT – REC COMPLEX FUND  
ESTIMATED REVENUES AND CAPITAL RESERVE TRANSFER**

**WHEREAS**, the 2021 Rec Complex Fund budget does not contain estimated revenues for or make appropriations for sale of the Chaplin House and transfer of the proceeds to a capital reserve in the Rec Complex Fund; and

**WHEREAS**, the City Chamberlain is requesting to adjust the rec Complex 2021 budget to include estimated revenues and appropriate for the unbudgeted transfer of the proceeds from sale of the Rec Complex property in 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 – Transfer to Capital Reserve 29560000-9000 \$148,715.00

Increase: Rec Complex Fund – Sale of Property 00002127-2650  
\$148,715.00

To provide for the estimated revenue received for sale of the Chaplin’s House from the Rec Complex Fund and to appropriate those funds for transfer to the Rec Complex Capital Reserve. The budget adjustment increases the Rec Complex Fund budget for estimated revenues and appropriations in 2021 by \$148,715.00.

**RESOLUTION– 10/07/21**

**7.247 AUTHORIZE RIGHT OF ENTRY PROPERTY LICENSE AGREEMENT –  
HARBOR VIEW**

WHEREAS, Harbor View desires to enter the License Area to cut and remove scrub brush, striped maples, young poplars and other woody stemmed vegetation no greater than 2” diameter at breast height (“dbh”) located on the property paralleling that of the Condominiums at Harbor View (hereafter “Tree Line Work”). The intent is to preserve window views of the lake while avoiding clear cutting and also avoiding removing any mature trees which may cause erosion of the lake shore area, banks, or impact the structural integrity of the rail lines.

**RESOLUTION– 10/07/21**

**7.248 RESOLUTION TITLE: AUTHORIZE EVALUATION OF GREEN STREET**

**WHEREAS**, Vehicular and pedestrian use of Green Street has increased over the years; and

**WHEREAS**, Increased activity on Harborside will likely increase that activity further; and

**WHEREAS**, A significant component of the traffic is related to activities at the Water Resource Recovery Facility including treating hauled wastes that generate over \$1,000,000 in revenue;

**WHEREAS**, The City desires to have safe, sustainable, and efficient ingress and egress along this route;

**NOW, THEREFORE, BE IT RESOLVED, The Common Council Agrees to and Authorizes the execution of Amendment #1, dated September 9, 2021, to the City’s agreement with Barton & Loguidice for completion of the Harborside Master Plan proposal to evaluate alternatives to accomplishing this. Funding for the work included in Amendment #1’s scope of services is to be provided by Capital Project H8130.64.**

**RESOLUTION– 10/07/21**

**7.249 RESOLUTION TITLE: AUTHORIZE HYDROSOURCE ASSOCIATES  
HYDROGEOLOGIC CONSULTING AGREEMENT**

**WHEREAS**, A Water Supply Well Field is being developed to enhance the redundancy, resiliency, robustness, and reliability of the City water supply; and

**WHEREAS**, A production well is being constructed and will need appropriate development, analysis, testing, and regulatory permitting; and

**WHEREAS**, Hydrogeology consulting services are needed to perform this work;

**NOW, THEREFORE, BE IT RESOLVED, The Common Council Agrees to and Authorizes the execution all necessary documents for HydroSource Associates proposal dated July 30, 2021**

Source of Funds: Water System Improvements Capital Project H 8320.79.

**RESOLUTION– 10/07/21**

**7.250 AUTHORIZE SEWER SYSTEM ANALYSIS**

**WHEREAS**, The City Sewer Collection System has Combined Sewer Overflows (CSOs); and

**WHEREAS**, The Collection System also conveys revenue generating wastewater from outside the City from the Town of Plattsburgh, including the Reeves Lane property that is being annexed into the City,

**WHEREAS**, A better understanding of the collection system is needed in order to properly convey existing and future sewer flow in a manner that is sustainable, regulatory compliant, and protective of public health and the environment,

**NOW, THEREFORE, BE IT RESOLVED, The Common Council Agrees to and Authorizes the execution all necessary documents for CDM Smith proposal dated September 14, 2021:**

The Source of Funds will be a wastewater capital project.

**RESOLUTION- 10/07/21**

**7.251 APPROVAL OF PMLD WHEELING OPERATING INSTRUCTION**

**BE IT RESOLVED:** That the Plattsburgh MLD Wheeling Operating Instruction has been reviewed and is on file at MLD Offices.

## **RESOLUTION– 10/07/21**

### **7.252 AUTHORIZING MLD TO AWARD BIDS**

**1. BE IT RESOLVED:** In accordance with the request therefore the MLD Board approves MLD to award for PMLD contract through State/County Contract for a F450 dump truck to Van Bortel Ford, East Rochester, NY in the amount of \$73,144.47.

**2. BE IT RESOLVED:** In accordance with the request therefore the MLD Board approves MLD to award for PMLD Bid #2021-8-2 “ 60 Foot Hybrid Aerial Truck with Line Service Body” to Terex Utilities, Inc., Watertown, SD in the amount of \$332,296.00.

**3. BE IT RESOLVED:** That No bids were received for PMLD Bid #2021-8-1 “Transformer Oil Liquid Screen and Gas Analysis testing. MLD intends with the MLD Board’s permission to advertise it, again.



**RESOLUTION– 10/07/21**

**7.253 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 for PMLD Bid #2021-10-1 “Wooden Utility Poles”. Bid opening date is November 2, 2021 at 11:00 am in the Common Council Chambers.

**2. 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 November 2, 2021 at 11:05 am in the Common Council Chambers.

## RESOLUTION- 10/07/21

### **7.254 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 September 2020 in the total amount of \$3,376.48. The percentage of write-offs for this period is .34%. The recovered amount for this period is \$1,492.02.

**2. BE IT RESOLVED:** In accordance with the request therefore the MLD Board approves MLD to write-off unpaid final bills from October 2020 in the total amount of \$5,797.64. The percentage of write-offs for this period is .54%. The recovered amount for this period is \$1,505.30.

**3. BE IT RESOLVED:** In accordance with the request therefore the MLD Board approves MLD to write-off unpaid final bills from November 2020 in the total amount of \$1,317.44. The percentage of write-offs for this period is .10%. The recovered amount for this period is \$346.32.

**4. BE IT RESOLVED:** In accordance with the request therefore the MLD Board approves MLD to write-off unpaid final bills from December 2020 in the total amount of \$6,389.18. The percentage of write-offs for this period is .33%. The recovered amount for this period is \$587.91.

## **RESOLUTION– 10/07/21**

### **7.255 AUTHORIZING JOINT PUBLIC HEARING NOTICE TOWN OF PLATTSBURGH REGARDING ANNEXATION**

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, the County of Clinton served and filed a Petition for annexation to the Town of Plattsburgh (the "Town"), of certain territory situated in the City of Plattsburgh (the "City"). The property described in the petition for annexation (the "Petition") is more particularly described as follows: approximately 18.05+/- acres of real property located at 15/27 LeMay Drive in the City of Plattsburgh, comprised of Tax Map No. 233.6-1-2.1, and as further described in the legal description attached to the Petition; and

WHEREAS, pursuant to Section 704 of the General Municipal Law, the Town and the City are required to conduct a joint public hearing to hear testimony regarding the Petition which concerns itself with the annexation to the Town of certain lands described in the Petition; now therefore, be it

RESOLVED, that the Mayor and Corporation Counsel are hereby authorized to take any and all actions necessary to schedule, hold and conduct the public hearing, and any prior actions taken to schedule and publicize the public hearing are hereby affirmed.