

At 5:30 pm Motion to enter Executive Session to discuss an issue of ongoing litigation between the City and Town, litigation on a piece of land in a tax certiorari case involving Georgia Pacific.

By Councilor Barbell; Seconded by Councilor Gibbs

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore

(All voted in the affirmative)

At 6:01 pm

Mayor Read indicated returned from Executive Session discussed 2 matters of pending litigation we mentioned and one matter of potential litigation as well.

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK
SEPTEMBER 3, 2020
5:30 P.M.**

MINUTES

Pledge of Allegiance

(RC)

Present: Mayor Colin Read, Councilors Ira Barbell (W1), Mike Kelly (W2), Elizabeth Gibbs (W3), Steve Brodi (W4), Patrick McFarlin (W5), Jeff Moore (W6)

Absent: None

MAYOR’S COMMENTS: gave summary of Overtime reports he has received, July and August total overtime was \$135,000. Most departments had no overtime, most significant departments with overtime Fire, followed by Police, followed by MLD. Note with MLD much of their overtime was mutual assistance in Hudson Valley after a major storm, which was reimbursed. Councilor Moore mentioned great work DPW has done. DPW has done 10-12 roads this year have done an incredible job. Encourage you all to look at Lafayette, Pleasant, Williams and Montcalm there beautiful. Proud of the way they do that. Jon Ruff is working with me and potentially SUNY Plattsburgh. SUNY started doing “pooled” sampling. Our idea is to start doing COVID testing at our Wastewater Treatment Plant through the incoming sewage. And if we see there’s a high level of COVID we can try to narrow it down to neighborhoods because COVID can be found in fecal samples. We are going to try and team up with the hospital and SUNY Plattsburgh as well to try and keep our community as safe and infection free as possible.

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on August 27, 2020 are approved and placed on file among the public records of the City Clerk’s Office

By Councilor Gibbs; Seconded by Councilor Barbell
(All in Favor/opposed)

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending September 2, 2020 in the amount of \$ 57,680.38 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Moore; Seconded by Councilor Kelly
(All in Favor/opposed)

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for August 18 – 31, 2020
- Reports from the Police Department dated August 31, 2020
- Minutes from the Public Safety Committee meeting held on August 27, 2020
- Report from the City Clerk’s Office of all monies received during the month of July 2020 in the total amount of \$8,094.00 and the month of August 2020 in the total amount of \$ 8,398.50

COUNCILOR/DEPARTMENT CHAIR COMMITTEE REPORTS:

[reports given during work session]

Governance, Strategy, and City Operations- Chair Councilor Barbell indicated met this evening nothing more to report.

City Infrastructure – Chair Councilor Moore indicated Public Works finished paving projects for year, thanked Department of Public Works for doing a great job.

Finance and Budget – Chair Councilor Kelly, Moore and Chamberlain Marks met with Mayor to discuss city bond rating

Public Safety – Chair Councilor Gibbs met yesterday with Chief Ritter and Chief Lawliss. She and Ira will meet and start looking at recommendations they would like to make, reach out to Mayor regarding budget.

Plattsburgh Public Library – Chair Councilor McFarlin mentioned Library is pursuing donations.

MLD - MLD Board President Councilor McFarlin indicated nothing to report.

RESOLVED: That the reports as listed are hereby ordered received and any written reports are placed on file among the public records of the City Clerk’s Office.

By Councilor Gibbs; Seconded by Councilor Barbell
(All in Favor/opposed)

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the week ending September 4, 2020 in the amount of \$ 504,949.06 are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Kelly; Seconded by Councilor Barbell

(All in Favor/opposed)

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore

(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL ON AGENDA ITEMS ONLY: None

7. OTHER ITEMS:

Motion to remove item 7A from the Table:

By Councilor McFarlin; Seconded by Councilor Barbell

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

A. RESOLVED: In accordance with the request therefore the Common Council approves renewing the contract with Plattsburgh Housing Authority for the provision of Supplemental Police Services by a Plattsburgh Police Officer (September 1, 2020 – August 31, 2021). The total revenue for the City is billed on a monthly basis per the contract. There is no change in the contract provisions or reimbursement cost from 2020.

Discussion: Yes

Motion to Table

By Councilor Gibbs; Seconded by Councilor McFarlin

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore

(All voted in the affirmative to Table)

ACTION TAKEN: Tabled

Follow up Action: None

B. RESOLVED, by the Common Council of the City of Plattsburgh the *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted effective January 1, 2021 by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A;

- (a) only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;
- (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

By Councilor Barbell; Seconded by Councilor Brodi

Discussion: Yes

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign a Memo of Understanding with 970 United FC, in a form approved by the Corporation Counsel, to allow for their use of the Peter S. Blumette Park for their Youth Soccer program for the fall of 2020.

Motion to waive reading and move Resolution

By Councilor McFarlin; Seconded by Councilor Barbell

(All voted in favor of waiving reading and move Resolution)

Discussion: None

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

Councilor Barbell added the following for Initial Consideration:

Pursuant to City Charter Section 3-8, the Common Council does hereby appoint Brian S. Kremer, of Goldberger and Kremer, to conduct an investigation on behalf of the Council into the Chairperson of the Zoning Board of Appeals' hiring of a law firm from Buffalo, New York on or about April 24, 2020 in connection with the Durkee Lot Mixed Use Development Project. Mr. Kremer shall have all the powers of the Council as set forth in City Charter Section 3-8, except that he shall submit proposed subpoenas to Council Member Barbell who is hereby authorized to sign same on behalf of the Council.

For the services of Mr. Kremer and his law firm in connection with the investigation, Goldberger and Kremer shall be paid at the rate of \$235.00 per hour. [**Councilor Barbell misspoke and said "paid at the rate of \$335.00 per hour"**] **Corporation Counsel Dean Schneller corrected and stated it should be "paid at the rate of \$235.00 per hour."**

Motion to waive rule 4 for Initial Consideration and move resolution:

Pursuant to City Charter Section 3-8, the Common Council does hereby appoint Brian S. Kremer, of Goldberger and Kremer, to conduct an investigation on behalf of the Council into the Chairperson of the Zoning Board of Appeals' hiring of a law firm from Buffalo, New York on or about April 24, 2020 in connection with the Durkee Lot Mixed Use Development Project. Mr. Kremer shall have all the powers of the Council as set forth in City Charter Section 3-8, except that he shall submit proposed subpoenas to Council Member Barbell who is hereby authorized to sign same on behalf of the Council.

For the services of Mr. Kremer and his law firm in connection with the investigation, Goldberger and Kremer shall be paid at the rate of \$235.00 per hour.

By Councilor Kelly; Seconded by Councilor Gibbs
(All voted in the affirmative to invoke Rule 4, move resolution and discuss financial implications)
Discussion: Yes

Mayor Read asked **Corporation Counsel Dean Schneller** amount of total hours would he expect for an investigation of this sort.

Corporation Counsel Dean Schneller indicated difficult to know at this stage, fairly discreet matter would anticipate not including travel time, which Mr. Kremer charges a reduced rate for, between 10 and 20 hours he would estimate.

Mayor Read stated so for \$3,000 or \$4,000 doing this for an issue that already has been billed to the city for around \$18,000

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore
(Councilors Barbell, Kelly, Gibbs, McFarlin and Moore voted in the affirmative. Councilor Brodi voted in the negative)

ACTION TAKEN: Adopted

10. NEW BUSINESS AND COUNCILOR REPORTS:

Councilor Brodi mentioned his previous suggestion to HR Department of employee appreciation hasn't seen anything yet. On the bright side saw an email we are \$350,000 to the plus side is that correct?

Mayor Read said yes that's right.

Councilor Brodi further commented that the employee pensions are not as bad as we projected.

Mayor Read also I believe we are going to see an accelerated payment on a telecommunications audit he asked for. If you recall the council accepted a settlement that would spread that payment out over a number of years now they are willing to pay that payment all in one shot and that is somewhere over \$100,000. Couple of bright spots.

Chamberlain Marks indicated that has already been received \$107,000 but it's no bump to revenue recognition because the payment stream already being recognized for revenue in the accounting we did back in January.

Councilor Kelly spoke about Saranac River Trail Phase 2.

[further discussion ensued on this topic]

Councilor McFarlin mentioned constituent asked for crosswalk on Margaret Street.

Mayor Read indicated he believes City Planner looked at that area and doesn't recommend it.

Councilor McFarlin mentioned School Resource Officer article in newspaper and the council did for political reasons. He was never in favor of School Resource Officers. [further discussion]

Councilor Gibbs also spoke on this topic and mentioned city helped school district with LED lights on Webb Island bridge. [further discussion]

Mayor Read mentioned in newspaper accused of making decision based on Pilot Agreement. [further discussion]

Councilor McFarlin another mentioned lack of transparency. [further discussion]

Councilor Gibbs mentioned false accusations against her. [further discussion]

Councilor McFarlin mentioned he spoke at Clinton County Planning Board last night he was a member of the parking committee about the difference between the parking plan and it's also based a lot on just the number of parking spots downtown but how parking works and how a managed system can help address some of those issues. [further discussion]

Councilor Barbell indicated even before he was on Council he spoke and was not in favor of School Resource Officer.

Councilor Gibbs indicated she reached out to Plattsburgh City School District Superintendent to discuss and he declined.

Councilor Kelly mentioned he has an acquaintance on the school board who reached out to him and asked why he didn't call him to discuss.

Councilor Gibbs mentioned public perceives the council no vote means School district can't hire a School Resource Officer they can through the county.

Mayor Read mentioned you all have different perspectives and come to your conclusions thinking these things through very carefully wouldn't it be wonderful to live in a world where we simply respect each other where we sometimes disagree but not turn it in to something disagreeable.

Councilor Barbell thanked council for reading Comprehensive Plan materials and felt it was a good discussion earlier.

11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:

John Seiden stated everyone wants what is best for city, feels the Zoning Board of Appeals has the right to hire

their own attorney, and city should pay the bill and move on.

Jesse Feiler representing Friends of the Saranac River Trail spoke about what Phase 2 entails, major improvement to city, part of major NYS project.

John Seiden mentioned a sidewalk in front of Reserve center on South Peru Street does not go all the way it stops in front of Reserve Center.

Motion to Adjourn by Councilor Barbell; Seconded by Councilor Kelly

Roll call: Councilors Barbell, Kelly, Gibbs, Brodi, McFarlin, Moore

(All voted in the affirmative)

MEETING ADJOURNED: 6:56pm