

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK
NOVEMBER 4, 2021
5:00 P.M.**

MINUTES

Present: Mayor Christopher Rosenquest, Councilors Jaime Canales (W1) Mike Kelly (W2), Jennifer Tallon (W4), Caitlin Bopp (W5), Jeff Moore (W6)

Absent: Councilor Elizabeth Gibbs (W3)

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on October 21, 2021 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Kelly; Seconded by Councilor Canales

Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore
(All in Favor/opposed)
(All voted in the affirmative)

2. PUBLIC COMMENT ON ANY TOPIC:

Denise Nephew read statement on behalf of Underwood Avenue resident Paul Garrow about concerns and conditions in Mobile Home Park. Mr. Garrow submitted statement in to the minutes of this meeting.

Joanne Eagle, Cusprinie Way, spoke about concerns and conditions in Mobile Home Park.

Amy Worley, 28 Underwood Ave, spoke about concerns and conditions in Mobile Home Park.

Darrick Taylor, 2 Cusprinie Way, spoke about concerns and conditions in Mobile Home Park.

3. REPORTS OF CITY OFFICES & COUNCILOR/DEPARTMENT CHAIR/LIAISON COMMITTEE REPORTS:

City Operations – Chair Councilor Canales did not have October meeting, nothing to report.

Finance and Community Development – Chair Mayor Rosenquest next meeting is Wednesday, November 10, 2021 because City offices are closed Thursday, November 11, 2021 for Veterans Day.

City Infrastructure – Chair Councilor Moore met Monday, it was informative and moved items to agenda.

Public Safety – Chair Councilor Gibbs absent. Mayor Rosenquest mentioned next meeting is November 15, 2021.

Plattsburgh Public Library – Liaison Councilor Bopp indicated nothing to report.

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

Corporation Counsel – Dean Schneller indicated no reports, need to have an Executive Session at end of meeting.

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS:

5. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending November 3, 2021 in the amount of \$ 484,190.30 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 Kelly; Seconded by Councilor Bopp
Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore
(All in Favor/opposed)
(All voted in the affirmative)

6. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the week ending November 5, 2021 in the amount of \$ 1,661,789.16 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 Bopp; Seconded by Councilor Kelly
Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore
(All in Favor/opposed)
(All voted in the affirmative)

6a. PROCLAMATION: SMALL BUSINESS SATURDAY

7. OTHER ITEMS:

7.270 APPOINTMENT OF DEREK ROSENBAUM TO BOARD OF ASSESSMENT REVIEW

By Councilor Canales; Seconded by Councilor Kelly
Discussion: None
Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

7.271 AUTHORIZE COURSE AGREEMENT CONTRACT WITH CLINTON COMMUNITY COLLEGE

By Councilor Canales; Seconded by Councilor Bopp
Discussion: None
Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore
(Councilors Canales, Tallon, Bopp, Moore voted in the affirmative. Councilor Kelly voted in the negative)
ACTION TAKEN: Adopted
Follow up Action: None

The Infrastructure Committee requested Resolutions #7.272 - 7.279 be placed on the agenda

7.272 APPROVAL OF REVOLVING BRIDGE LOAN REQUEST FOR DOWNTOWN GRANT PROGRAM PROJECT

By Councilor Canales; Seconded by Councilor Kelly
Discussion: None
Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

7.273 AUTHORIZE INCREASE OF REFUSE COLLECTION SPECIAL PICKUP CHARGES

By Councilor Canales; Seconded by Councilor Kelly
Discussion: None
Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

7.274 AUTHORIZE BUDGET TRANSFER – GENERAL FUND JUDGMENTS & CLAIMS

By Councilor Canales; Seconded by Councilor Bopp
Discussion: Yes
Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore
(Councilors Canales, Tallon, Bopp, Moore voted in the affirmative. Councilor Kelly voted in the negative)
ACTION TAKEN: Adopted
Follow up Action: None

7.275 AUTHORIZING ESTABLISHING CAPITAL PROJECT H8130.69 – 2021 WRRF AERATION SYSTEM UPGRADES

By Councilor Moore; Seconded by Councilor Canales
Discussion: None
Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore
(All voted in the affirmative)
ACTION TAKEN: Adopted

Follow up Action: None

7.276 AUTHORIZING BOND ISSUANCE TO PAY FOR INFRASTRUCTURE IMPROVEMENTS

By Councilor Canales; Seconded by Councilor Bopp

Discussion: None

Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

7.277 WRRF AERATION UPGRADES CLEAN WATER WIIA TYPE II SEQR DETERMINATION

By Councilor Canales; Seconded by Councilor Bopp

Discussion: Yes

Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

7.278 AUTHORIZE SUBMISSION OF WATER SYSTEM GRANT AND FINANCING APPLICATION UNDER WATER INFRASTRUCTURE IMPROVEMENT ACT

By Councilor Canales; Seconded by Councilor Bopp

Discussion: None

Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

7.279 AUTHORIZE WRRF AERATION SYSTEM UPGRADES GRANT AND FINANCING APPLICATION UNDER CLEAN WATER INFRASTRUCTURE IMPROVEMENT ACT

By Councilor Canales; Seconded by Councilor Bopp

Discussion: None

Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. EXECUTIVE SESSION: (if applicable, on motion)

Motion to enter Executive Session to discuss pending litigation and a personnel matter involving a particular person.

By Councilor Canales; Seconded by Councilor Bopp

Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore
(All voted in the affirmative)

Returned from Executive Session.

By Councilor Canales; Seconded by Councilor Bopp
Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore
(All voted in the affirmative)

9. NEW BUSINESS:

Motion to add Resolutions 7.280 and 7.281 and waive rule 4:

By Councilor Kelly; Seconded by Councilor Canales
Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore
(All voted in the affirmative)

7.280 AUTHORIZING AND APPROVING SETTLEMENT AGREEMENT WITH JANSSEN RELATED TO OPIOID LITIGATION

By Councilor Canales; Seconded by Councilor Kelly
Discussion: None
Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore
ACTION TAKEN: Adopted
Follow up Action: None

7.281 AUTHORIZING AND APPROVING SETTLEMENT AGREEMENT WITH CERTAIN DISTRIBUTORS RELATED TO OPIOID LITIGATION

By Councilor Canales; Seconded by Councilor Kelly
Discussion: None
Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore
ACTION TAKEN: Adopted
Follow up Action: None

New Business continued:

Councilor Kelly thanked Underwood Avenue residents for attending meeting, mentioned memo from Corporation Counsel Schneller regarding roles of City and Clinton County Health Department, passed out memo* to residents. Hopes Building Inspector’s office will use every tool they can to help.

**Note: memo is attached to the minutes of this meeting*

Mayor Rosenquest further spoke about Building Inspectors office; they will accept anonymous complaints and

thanked residents for attending.

10. ADJOURNMENT:

Motion to Adjourn by Councilor Canales; Seconded by Councilor Bopp

Roll call: Councilors Canales, Kelly, Tallon, Bopp, Moore

(All voted in the affirmative)

MEETING ADJOURNED: 5:52 pm

RESOLUTION – 11/04/21

**7.270 APPOINTMENT OF DEREK ROSENBAUM TO BOARD OF ASSESSMENT
REVIEW**

THE MAYOR HANDS DOWN THE APPOINTMENT OF DEREK ROSENBAUM TO THE BOARD OF ASSESSMENT REVIEW FOR A FIVE YEAR TERM TO BEGIN ON NOVEMBER 5, 2021 AND EXPIRING ON SEPTEMBER 30, 2026.

RESOLUTION – 11/04/21

**7.271 AUTHORIZE COURSE AGREEMENT CONTRACT WITH CLINTON
COMMUNITY COLLEGE**

RESOLVED: In accordance with the request therefore the Common Council authorizes the Mayor to sign a Course Agreement Contract with Clinton Community College, in a form approved by the Corporation Counsel, to allow for six EMTs to attend the Advanced EMT course beginning November 1, 2021, to be paid with 90 days from the class start date. The total cost will not exceed \$6,000.00 for the classes and it will be expensed out of 134100004461.

RESOLUTION– 11/04/21

7.272 APPROVAL OF REVOLVING BRIDGE LOAN REQUEST FOR DOWNTOWN GRANT PROGRAM PROJECT

WHEREAS, Kevin O’Hara is the owner of 47 Clinton St. and plans to rehabilitate the property by completing the abatement of hazardous materials and renovating the building’s facade; and

WHEREAS, the project to rehabilitate 47 Clinton St. has received a funding award through the DRI’s Downtown Grant Program (DGP); and

WHEREAS, Mr. O’Hara has submitted an application for a \$99,500 bridge loan through the City’s Economic Development Revolving Loan Fund to assist with improvements to 47 Clinton St. and which is to be repaid upon completion of the renovations to 47 Clinton St. and reimbursement of expenses through the DGP; and

WHEREAS, Mr. O’Hara’s bridge loan application has been reviewed by the City’s Loan Review Committee and has been unanimously recommended for approval.

NOW, THEREFORE, BE IT RESOLVED, the Common Council approves a loan of \$99,500 to Kevin O’Hara from the City’s Economic Development Revolving Loan Fund to assist with improvements to the façade of 47 Clinton St. and the abatement of hazardous materials on that property.

RESOLUTION – 11/04/21

7.273 AUTHORIZE INCREASE OF REFUSE COLLECTION SPECIAL PICKUP CHARGES

Resolved: In accordance with the request therefore the Common Council approves increasing City of Plattsburgh Refuse collection Special Pick-up Charges effective November 5, 2021 as follows:

CITY REFUSE CUSTOMERS:

Small load charge \$25.00

Large load charge \$75.25

NON-CITY REFUSE CUSTOMERS:

Small load charge \$30.00

Large load charge \$80.25

Load sizes as determined by Department of Public Works. Non City refuse customers must be city property owners to be charged. All others will be pre-pay.

RESOLUTION – 11/04/21

7.274 AUTHORIZE BUDGET TRANSFER – GENERAL FUND JUDGMENTS & CLAIMS

WHEREAS, the 2021 General Fund budget does not make appropriations for the settlement of a claim against the City for costs brought through an injury suit; and

WHEREAS, the City Chamberlain is requesting to appropriate for the unbudgeted costs through an additional appropriation for the unassigned, unappropriated fund balance in the General Fund for the additional costs for the fiscal year 2021;

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

| | | |
|--|---------------|-------------|
| Increase: General Fund – Judgments & Claims | 11910000-4420 | \$18,500.00 |
| Increase: General Fund – Appropriated Fund Balance | 1-0599 | \$18,500.00 |

To provide for unbudgeted appropriations for the General Fund to provide for a settlement to be approved by the Common Council. The budget adjustment increases the General Fund budget for appropriations in 2021 by \$18,500.00 with a corresponding appropriation of \$18,500.00 of the Unassigned, Unappropriated Fund Balance.

RESOLUTION – 11/04/21

7.275 AUTHORIZING ESTABLISHING CAPITAL PROJECT H8130.69 – 2021 WRRF AERATION SYSTEM UPGRADES

WHEREAS, the Capital Expenditure Plan adopted January 7th, 2021, includes a Water Resource Recovery Facility (WRRF) category, and

WHEREAS, the Environmental Engineer seeks to establish a 2021 WRRF Aeration System Upgrades project that was not included as spending in 2021 in the WRRF category of the Capital Expenditure Plan adopted January 7th, 2021, and has requested to amend the Capital Expenditure Plan to include the 2021 WRRF Aeration System Upgrades in the WRRF category, and

WHEREAS, the cost of the 2021 WRRF Aeration System Upgrades project is estimated and requested to be approved, as follows:

| | 2021 Estimated Cost |
|--------------------------------|------------------------------------|
| WRRF Aeration System Upgrades | <u>\$ 8,500,000</u> |
| Total | <u>\$ 8,500,000</u> |
| Project Funding: | |
| WIIA Grant & Financing Program | <u>\$ 8,500,000</u> |
| Total | <u>\$ 8,500,000</u> |

Now therefore,

- 1) That, the amount of Eight Million Five Hundred Thousand and 00/100 (\$8,500,000.00) Dollars is hereby appropriated to the Capital Project **2021 WRRF Aeration System Upgrades (H8130.69)** for the cost of the Capital Project as noted above and is hereby authorized to be expended for such purpose.
- 2) That, Eight Million Five Hundred Thousand and 00/100 (\$8,500,000.00) Dollars of such appropriation be provided by the WIIA Clean Water Grant and Financing Program funding

RESOLUTION – 11/04/21

7.276 AUTHORIZING BOND ISSUANCE TO PAY FOR INFRASTRUCTURE IMPROVEMENTS

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$8,500,000 BONDS OF THE CITY OF PLATTSBURGH, CLINTON COUNTY, NEW YORK, TO PAY THE COST OF UPGRADE IMPROVEMENTS TO THE AERATION SYSTEM AT THE WATER RESOURCE RECOVERY FACILITY, IN AND FOR SAID CITY.

RESOLUTION – 11/04/21

7.277 WRRF AERATION UPGRADES CLEAN WATER WIIA TYPE II SEQR DETERMINATION

WHEREAS, an application for grant funding and financing under the Clean Water Infrastructure Improvement Act (WIIA) is being prepared for WRRF Aeration Upgrades; and:

WHEREAS, the work associated with this project is considered a Type II Action under SEQR per CDM Smith letter dated October 12, 2021; and;

NOW, THEREFORE, BE IT RESOLVED, the Common Council makes a determination that the WRRF Aeration Upgrades Project is a Type II Action under SEQR and no further action is required.

RESOLUTION – 11/04/21

**7.278 WATER SYSTEM GRANT AND FINANCING APPLICATION UNDER
WATER INFRASTRUCTURE IMPROVEMENT ACT**

WHEREAS, The City of Plattsburgh, Clinton County, New York (hereinafter the “City”) has established the public benefit to City residents of the Drinking Water Improvement Project (herein after the “Project”); and

WHEREAS, the City plans to upgrade critical City water infrastructure to improve reliability and protect public health; and,

WHEREAS, the City of Plattsburgh previously applied for grant and financing for a \$19,800,000 project under the drinking Water Infrastructure Improvement Act (WIIA) and was awarded the maximum \$3,000,000 grant plus associated financing; and,

WHEREAS, the state has agreed to allow the City to divide the project into multiple phases and apply for grant funding and financing in subsequent years; and,

WHEREAS, Phase 1 of the water improvements is in progress and the City desires to apply for grant funding and financing for Phase 2; and,

WHEREAS, the Phase 2 estimated project cost is \$5,400,000;

NOW, THEREFORE, BE IT RESOLVED: The Common Council agrees to and authorizes the submission of WIIA grant and financing applications for Phase 2 of the water system improvements and authorizes the execution of all necessary documents by Authorized Representatives Mayor Christopher Rosenquest or Environmental Manager Jonathan Ruff.

RESOLUTION – 11/04/21

7.279 WRRF AERATION SYSTEM UPGRADES GRANT AND FINANCING APPLICATION UNDER CLEAN WATER INFRASTRUCTURE IMPROVEMENT ACT”

WHEREAS, upgrades to the Water Resource Recovery Facility (WRRF) aeration system will provide more efficient treatment, reduction in energy use and cost, and reductions in noise and odors; and,

WHEREAS, the Cleanwater Water Infrastructure Improvement Act (WIIA) provides for 25% grant funding and financing for non-grant project costs; and,

WHEREAS, the estimated cost for such upgrades is \$8,500,000;

NOW, THEREFORE, BE IT RESOLVED: The Common Council agrees to and authorizes the submission of Cleanwater WIIA grant and financing applications for WRRF Aeration System Upgrades and authorizes the execution of all necessary documents by Authorized Representatives Mayor Christopher Rosenquest or Environmental Manager Jonathan Ruff.

RESOLUTION – 11/04/21

**7.280 AUTHORIZING AND APPROVING SETTLEMENT AGREEMENT
WITH JANSSEN RELATED TO OPIOID LITIGATION**

WHEREAS, the City previously commenced an action related to the opioid crisis that is pending in the New York State Supreme Court (the “Action”); and

WHEREAS, the Action is against several defendants, including opioid manufacturers, distributors and chain pharmacies; and

WHEREAS, the Action alleges several causes of action against defendant Janssen Pharmaceuticals, Inc., Johnson & Johnson, Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc. (“Janssen”) based on claims that Janssen contributed to the opioid epidemic by failing to comply with their obligations under the federal Controlled Substances Act and the New York Controlled Substances Act to implement adequate measures to prevent diversion of the prescription opioids that they sold to distributors and others, all of which contributed to a public health crisis in the City; and

WHEREAS, Janssen has proposed a settlement agreement and release (“Agreement”), a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, under the terms of the proposed settlement, Janssen has offered to pay certain monetary relief over a period of nine (9) years and have further agreed to implement injunctive relief including a ban on the manufacturing and sale of opioids within the state; and

WHEREAS, after due consideration, review and consultation with counsel, the City desires to resolve said claims against Janssen without further litigation and enter into the proposed Agreement which shall settle all allegations against Janssen and avoid protracted litigation; now, therefore be it

NOW, THEREFORE, BE IT RESOLVED, that City hereby agrees to enter into the settlement Agreement with Janssen attached hereto as Exhibit “A” and hereby authorizes and directs the Corporation Counsel and/or Dreyer Boyajian LLP as counsel for the City in the Action, to execute and deliver on behalf of and in the name of the City the Release attached to the Agreement in a form substantially similar thereto, and to execute such other documents as may be necessary and appropriate to effectuate the settlement with Janssen.

RESOLUTION – 11/04/21

7.281 AUTHORIZING AND APPROVING SETTLEMENT AGREEMENT WITH CERTAIN DISTRIBUTORS RELATED TO OPIOID LITIGATION

WHEREAS, the City previously commenced an action related to the opioid crisis that is pending in the New York State Supreme Court (the “Action”); and

WHEREAS, the Action is against several defendants, including opioid manufacturers, distributors and chain pharmacies; and

WHEREAS, the Action alleges several causes of action against defendants McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Drug Corporation, PSS World Medical, Inc., Kinray, LLC, Bellco Drug Corporation, and American Medical Distributors, Inc. (the “Distributors”) based on claims that the Distributors contributed to the opioid epidemic by failing to comply with their obligations under the federal Controlled Substances Act and the New York Controlled Substances Act to implement adequate measures to prevent diversion of the prescription opioids that they distributed to pharmacies and others, all of which contributed to a public health crisis in the City; and

WHEREAS, the Distributors have proposed a settlement agreement and release (“Agreement”), a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, under the terms of the proposed settlement, the Distributors have offered to pay certain monetary relief over a period of eighteen (18) years and have further agreed to implement injunctive relief under a controlled substance monitoring program; and

WHEREAS, after due consideration, review and consultation with counsel, the City desires to resolve said claims against the Distributors without further litigation and enter into the proposed Agreement which shall settle all allegations against the Distributors and avoid protracted litigation; now, therefore be it

NOW, THEREFORE, BE IT RESOLVED, that City hereby agrees to enter into the settlement Agreement with the Distributors attached hereto as Exhibit “A” and hereby authorizes and directs the Corporation Counsel and/or Dreyer Boyajian LLP as counsel for the City in the Action, to execute and deliver on behalf of and in the name of the City the Release attached to the Agreement in a form substantially similar thereto, and to execute such other documents as may be necessary and appropriate to effectuate the settlement with the Distributors.

From: Paul Garrow
19 Sandalwoodway
Platts, NY 12901
518-420-6971

* A legal definition of a slumlord is:
An "unscrupulous landlord who milks a property without concern for tenants, neighborhoods, or their own long-term interests."

Slumlords do not repair or maintain their properties, often skirting laws because of the terrible condition of their rental units all the while taking advantage of poor people with few options.

* Warranty of habitability
"Federal law" → still doing research on this

- * Empty lots with water & sewage lines exposed
- * No streetlights on half of Sandalwood Way & Cusprini Way
- * Pot holes in roads and unlevelled lots.
- * Lot # 19 Sandalwood Way → Main power line from main box to outdoor power box has power line in a PVC pipe unburied → lights flicker and power goes out
→ lost food from fridge/freezer twice.
- * Unregistered vehicles and over excessive amount of sheds on Bruce Eaton's lots.

MEMORANDUM

To: Common Council
From: Corporation Counsel
Re: Enforcement Jurisdiction for Mobile Home Parks within the City of Plattsburgh
Date: October 20, 2021

This memo describes the enforcement jurisdiction for mobile home parks within the City of Plattsburgh with respect to potential building or sanitary code violations and further focuses on Underwood Mobile Home Park as an example. The two primary enforcing agencies are the Clinton County Health Department and the City of Plattsburgh Building Inspector's Office, which each have non-exclusive jurisdiction. In addition, the private property owner has certain responsibilities as landlord.

Clinton County Health Department ("CCHD")

The New York State Public Health Law requires the state to adopt a state sanitary code, as well as local health departments to adopt and enforce their own sanitary code, which codes are designed to implement regulations which will preserve and improve public health. Mobile Home Parks ("MHP") that have five or more units are regulated by the state health department through the state sanitary code and are inspected and permitted by the local health departments.

New York State Sanitary Code Part 17 https://www.health.ny.gov/regulations/nycrr/title_10/part_17/ sets forth the state requirements and permitting mechanism for MHPs. In addition, Article 13 of the Clinton County Sanitary Code <http://www.clintonhealth.org/forms/CCHDSanitaryCode.pdf> incorporates these state requirements and permitting mechanism for the CCHD.

Annually, the CCHD will review and grant permit applications for MHPs. These annual permits require the park operator to provide and maintain a safe and adequate water system and septic system. Also, the park operator is required to prevent the accumulation of rubbish, noxious plants and toxic materials. Individual homes must be properly anchored, properly spaced, and set up on acceptable mobile home stands. The park operator is required to maintain all systems in good working order at all times. At least annually each permitted MHP will be inspected by the CCHD during the permitting process. Further, the CCHD operates under a complaint procedure whereby every complaint they receive must be investigated.

The CCHD can and will contact a MHP owner when an issue arises. Depending on the operator's response and type of issue, the CCHD may also pursue more formal violations/orders to remedy. For general park safety concerns, such as the accumulation of rubbish, which are typically classified as "non-public health hazards", the park operator may decide to enter into a stipulation agreement whereby potential fines are reduced so long as steady progress is demonstrated. If the park operator rejects a stipulation agreement, the CCHD will pursue a hearing on the violation and require sanitary compliance as well as fines.

Underwood MHP is connected to a public water system and public sewer system, which alleviates many concerns regarding any on-site water treatment or on-site sewer disposal. On occasion, Underwood MHP has sewage back-up issues which are resolved when the park owner retains a contractor to jet the pipes and fix the issue. Underwood MHP owns the underlying real property including the internal roadways and individual MHP lots.

If there is a specific health hazard which arises outside of the annual permitting inspection, residents can fill out a CCHD complaint form. The last formal complaint received by the CCHD with respect to Underwood MHP was in June 2020.

Confidential complaints can be made by any person who has knowledge of the concern to the CCHD using the attached "Nuisance Complaint Information Form" <http://www.clintonhealth.org/forms/nuisance%20complaint%20form.pdf> which can be e-mailed to health@clintoncounty.gov. Anonymous complaints will not be accepted. Typically, imminent public health hazards (i.e. exposure to raw sewage) will be investigated the same day whereas nuisance complaints (i.e. rubbish) will be investigated within 1-3 weeks of receipt.

City of Plattsburgh Building Inspector ("BI")

The BI's office is responsible for enforcing the New York State Building Code and the City of Plattsburgh Zoning Code. With respect to MHPs, specific examples of both, are as follows.

Under the NYS Building Code, mobile home structures, as well as the slabs that they are placed on, must meet the state code requirements when installed; proper water, sewer and electricity for habitable space shall be maintained; structures shall be maintained in good working order; and any life safety hazard shall be eliminated.

Under the City's Zoning Code, mobile homes must be placed so as to respect setbacks from property lines and roadways and with sufficient distance between individual homes.

These NYS Building Code's requirements are similar to the Sanitary Code enforced by the CCHD. Because the CCHD regularly inspects MHPs, typically the CCHD enforces their Sanitary Code, which by extension, would resolve the NYS Building Code violation. However, either's jurisdiction is non-exclusive, particularly if a complaint is submitted.

The BI's office operates under a complaint procedure whereby every complaint they receive must be investigated. The BI's office works with the CCHD as complaints are received. The BI's office would never advise a complainant that it would not investigate a complaint at any MHP within the city because of the CCHD's non-exclusive jurisdiction.

Complaints can be made by any person who has knowledge of the concern to the BI's office by calling 518-563-7707, in-person at the office, or by emailing buildinginspector@cityofplattsburgh-ny.gov. If a complainant is unwilling to provide their name or contact information, the BI's office will still investigate anonymous complaints.

Private Property Control

A private MHP operator can establish rules and regulations for its tenants within the MHP. These rules and regulations can include, but are not limited to, rent payments, accessory structures, personal property use and storage, and pets.