

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

April 25, 2019

5:30 P.M.

MINUTES

Pledge of Allegiance

(RC)

Present: Mayor Colin Read, Councilors Rachele Armstrong (W1), Mike Kelly (W2) [*participated via Skype*], Elizabeth Gibbs (W3), Peter Ensel (W4), Patrick McFarlin (W5), Jeff Moore (W6)

Absent: None

MAYOR'S COMMENTS: appreciate all who attended the Plattsburgh Sustainability Committee Earth Day program on April 22nd. Spoke about City of Plattsburgh Climate Action program and 58 Point Energy and Economic Resiliency proposal. [further discussion ensued]

Mayor Read presented the following proclamation to the PHS Green Team and their advisor Amy Sholtis:

PROCLAMATION

RESOLVED, That I, Colin L. Read, Mayor of the City of Plattsburgh, proclaim this week to be dedicated Climate Smart Communities Committee Week in Honor of the PHS Green Team and Amy Sholtis for their efforts on the NYS Climate Smart Pledge and helping the City of Plattsburgh become a climate smart community.

The City thanks and honors PHS Green Team and Amy Sholtis.

Done in the City of Plattsburgh, New York this twenty-fifth day
of April in the Year Two-Thousand Nineteen
Colin L. Read, Mayor

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on April 17, 2019 are approved and placed on file among the public records of the City Clerk's Office

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

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, 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 April 24, 2019 in the amount of \$ 443,703.51 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 Armstrong; Seconded by Councilor Moore

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of April 16-22, 2019
- Minutes from the Finance and Budget Committee held on April 17, 2019
- Report from the Parking Violations Bureau for March 2019
- Minutes from the City Infrastructure Committee held on April 11, 2019
- Minutes from the Governance, Strategy & City Operations Committee held on April 4, 2019

• **COUNCILOR/DEPARTMENT CHAIR COMMITTEE REPORTS:**

[this meeting reports provided during work session]

Governance, Strategy, and City Operations- Chair Councilor Armstrong asked if anyone had items for next week’s agenda.

City Infrastructure – Chair Councilor Moore indicated he, Councilor Ensel and Mayor attended 1st Livable Community committee. Public Works beginning paving projects.

Finance and Budget – Chair Councilor Kelly mentioned month of May time to update 5 year plan and ask all councilors to weigh in to participate in process, goal to have in place by June 1st. [further discussion ensued]

Public Safety – Chair Councilor Gibbs indicated met tonight all items moved to agenda. She and Councilor Ensel hope to work on Animal Control Contract.

Plattsburgh Public Library – Chair Councilor Ensel no updates Board meeting cancelled.

MLD - MLD Board President Councilor McFarlin indicated he and Mayor have been collaborating on an energy plan, hopes to have updates on Ryder A.

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 Armstrong
(All in Favor/opposed)
Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, 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 April 26, 2019 in the amount of **\$ 3,197,801.14** 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 Gibbs; Seconded by Councilor Ensel
(All in Favor/opposed)
Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, 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 _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

A. COMPENSATION AND BENEFIT POLICY FOR LEVEL IV MANAGERS OF THE CITY OF PLATTSBURGH

This Compensation and Benefit Policy for Managers shall replace and supersede all prior resolutions, policies, procedures, salary schedules, promises and agreements containing the terms and conditions of employment of Managers who were hired by the City on or after April 11, 2019 (hereafter referred to as "Level IV Managers"). No City representative shall have the authority to offer any Level IV Manager any benefit not consistent with this policy. This policy may be modified or revoked at any time.

APPLICATION OF THIS POLICY

This Compensation and Benefit Policy for Level IV Managers shall apply to all full time employees of the City of Plattsburgh occupying titles not represented by a recognized or certified employee organization as that term is defined in NYS Civil Service Law Article 14, but only where such Managers

were hired as “managers” by the City on or after April 11, 2019. Such persons are referred to herein as “Level IV Managers.” This Compensation and Benefit Policy shall not apply to part time, seasonal and temporary employees or elected officials or any Manager hired prior to April 11, 2019.

WAGES

There shall be no salary schedule for Level IV Managers and the salary of each Level IV Manager shall be set by the City every year. At the time of a hire of a Level IV Manager, the Mayor shall recommend a specific salary which must be confirmed by the Common Council. Annually, the Mayor shall recommend a salary for each Manager for the following year in his proposed budget. The Common Council shall set the salary of each Manager as part of the budget approval process. There shall be no salary schedule for Level IV Managers and Level IV Managers shall not receive any longevity payments.

OTHER BENEFITS

Other than the Wages section described above, Level IV Managers shall receive the same benefits currently provided to “Level III” Managers as described in the Resolution of the Common Council approved on or about November 29, 2019, including any amendments thereto.

EFFECTIVE DATES

This policy shall be effective immediately for any person who begins serving as a Manager on or after April 11, 2019.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

B. WHEREAS, the City of Plattsburgh Common Council (hereinafter “ Common Council”) understands that climate change poses real and increasing threats to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that the Common Council, in order to reduce greenhouse gas emissions and adapt to a changing climate, *adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:*

- 1) **Build a climate-smart community.**
- 2) **Inventory emissions, set goals, and plan for climate action.**
- 3) **Decrease energy use.**
- 4) **Shift to clean, renewable energy.**
- 5) **Use climate-smart materials management.**
- 6) **Implement climate-smart land use.**
- 7) **Enhance community resilience to climate change.**
- 8) **Support a green innovation economy.**
- 9) **Inform and inspire the public.**
- 10) **Engage in an evolving process of climate action.**

By Councilor Armstrong; Seconded by Councilors Kelly, Gibbs, Ensel, McFarlin, Moore

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, 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 an agreement with Ron Santor for 2019 Police Academy Director/Training Director Services. The total cost is \$20,000 no increase in cost from 2018.

By Councilor Ensel; Seconded by Councilor Gibbs

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. WHEREAS, Plattsburgh Plaza, LLC and HMC Nominee, LLC (“Petitioners”), filed Article 7 Real Property Assessment Review cases against the City challenging the 2017 and 2018 assessments on real

property located at 316 Cornelia Street and 284 Cornelia Street, Plattsburgh, New York, and identified as the three following Tax Map Parcel Nos.: 207.17-1-15.2-1, 207.17-1-15.2-2 and 207.17-1-15.3; and

WHEREAS, it appears to be in the best interests of the City to avoid the significant costs that would result if the litigation continues to Trial; and

WHEREAS, the following settlement terms have been negotiated with Petitioners; and

NOW, THEREFORE, BE IT

RESOLVED, that the Common Council hereby approves the proposed settlement of the tax assessment cases filed by Petitioners for 2017 and 2018 as follows:

1) The combined assessed value for the three Tax Map Parcels will be reduced as follows:

Assessment Year	Combined Assessed Value	Combined Reduced Assessed Value	Reduction Amount
2017	\$10,034,000	\$7,750,000	(\$2,284,000)
2018	\$10,034,000	\$7,750,000	(\$2,284,000)

- 2) The combined reduced assessed value shall be allocated among the three Tax Map Parcels at the Assessor's discretion;
- 3) The reductions in assessed values shall also apply to the 2019, 2020 and 2021 assessment rolls pursuant to Real Property Tax Law Section 727; and
- 4) All Proceedings challenging the assessments will be discontinued and refunds will be issued based upon the assessment reductions; and

BE IT FURTHER, RESOLVED, that unless otherwise ordered by the Court, refunds based upon the assessment reductions shall be paid without interest provided they are paid within sixty (60) days after Petitioners serve a copy of the filed Stipulation and Order of Settlement on the City and other municipal taxing authorities; and

BE IT FURTHER, RESOLVED, that the Common Council further authorizes and directs the Mayor, City Assessor, Corporation Counsel and/or its Special Counsel to execute settlement documents and take any additional steps necessary to effectuate the settlement in accordance with the terms of this Resolution.

Motion to waive reading and move Resolution 7D

By Councilor McFarlin; Seconded by Councilor Ensel

(All voted in the affirmative to waive reading and move Resolution)

Discussion: None

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(Councilors Armstrong, Kelly, Gibbs, Ensel and Moore voted in the affirmative. Councilor McFarlin voted in the negative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore, the Common Council approves one Police Department employee to attend “Trauma Management Training” from May 7-9, 2019 in Watervliet, NY. The total cost will not exceed \$433.75 and will be expensed out of the Asset Forfeiture Fund.

By Councilor Gibbs; Seconded by Councilor Armstrong

Discussion: None

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore, the Common Council approves two Police Department employees to attend “Glock Armorer’s Course Training” on June 25-26, 2019 in Herkimer, NY. The total cost will not exceed \$846.00 and will be expensed out of the Asset Forfeiture Fund.

By Councilor Gibbs; Seconded by Councilor Ensel

Discussion: None

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION: None

10. NEW BUSINESS AND COUNCILOR REPORTS:

Councilor Gibbs read attached statement in to the minutes on behalf of Mayor and all Common Council members.

Councilor McFarlin mentioned a constituent asked if possible to change council meeting time to 6:00pm or 6:30pm to allow for Public to attend after work.

11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:

Sylvie Boudreau, SUNY Professor asked questions about Durkee Street parking lot and didn’t paid parking not

work in the 80's and why?

Unidentified Speaker spoke in opposition to Durkee Street parking lot development.

Maria Lyons spoke on behalf of Reality Check. Students cleaned up cigarette butts around Macdonough Monument.

Kaitlyn spoke in opposition to Durkee Street parking lot development.

Motion to Adjourn by Councilor Gibbs; Seconded by Councilor Moore
Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore
(All voted in the affirmative)

MEETING ADJOURNED: 6:02 pm

04/25/19 Councilor Gibbs read into the minutes of the Meeting on behalf of the Mayor and Common Council.

There is strong support for the thoughtful re-development of the Durkee Lot, which represents an approximately \$25,000,000 investment in our downtown. In addition to improving the tax base, it will bring in dozens of young professionals, retirees, and families to live, work, eat, and shop in our downtown. But for some, change isn't easy. We hope those that oppose this project recognize that Council makes decisions within the context of our responsibility to make Plattsburgh economically viable, sustainable, and affordable. As all prior and current City Councils know, the City is constrained by a tax base made up of 35% tax-exempt properties. Relying on 15 years of research producing 18 studies (all listed on the City website), in 2016, the City applied for the New York State Downtown Revitalization Grant. In July of 2016, we were awarded \$10 million by the State with the goal of leveraging public monies to obtain private investment. Next, a Local Planning Committee (LPC) composed of local leaders was appointed. The multi-faceted process to select DRI projects included public engagement events and the State's award was anchored, in large part, on the redevelopment of the Durkee Lot. Simply stated, the best use of this prime location is not a parking lot.

We disagree with the unfounded claim that this project has no public support. This assertion is apparently based upon one public meeting held at SUNY in which participants were asked to discuss the priority project list and then "vote" for their preferences with stickers. During this session, the opposition states that "only 1-2% of the participants ranked the development of the Durkee St Lot (DSL) their top preference." The group also claims that, "[r]esults were never reported to the State," and that the LPC's report, "falsely claimed public support for developing [it]."

These assertions reduce the notion of public support to a limited quantity entirely measured on the basis of feedback from about 40 out of 180 people who attended four Community Workshops—in a City with a population of nearly 20,000 people. Further, this feedback was not the product of formal research methods. These session results were combined with the results of the many other means of collecting public input, such as surveys and focus groups, as well as the 18 studies described above.

Further, there is no evidence that NYS intended this public meeting sticker survey to be the sole criteria by which the LPC would make recommendations to the state. The LPC considered their experience as community leaders and their knowledge of research and planning documents. The LPC's job was not to count votes, but to consider them and then act as leaders who were designated representatives.

Opponents prefer that DRI grants be invested in existing downtown buildings. However, The LPC knew, as did the Council, that the Durkee Street Real Estate Market Analysis and Financial Feasibility Study (April, 2016) state that the Durkee lot *"is one of few remaining developable properties in the city's urban core, which gives this site a unique opportunity for new construction, as most others in the downtown area would entail rehabilitation of existing buildings."* However, because the LPC and the NY DOS also recognized that this kind of investment was necessary, it also awarded the City \$1 million in renovation loans to downtown

property owners. Further, the State awarded additional money in an attempt to study and re-develop the lands surrounding the City Marina.

In a recent FaceBook post, the SavetheDurkeeParkingLot, group asserts that building on the lot is a “senseless development and it is environmentally irresponsible to build there, and that they are “getting neither green spaces nor amenities for local citizens but a bunch of “high end’ apartments we just don’t need.” They overlook studies that suggest the need for new housing serving diverse residents, and that existing housing is below par, serving students, primarily. Among the many benefits of having diverse residents who live downtown, these new residents will enjoy a walk-able community. Bringing new residents to the area will mean new patrons who won’t need parking spaces when they patronize downtown businesses. Park space and a pedestrian/ bicycle path along the river will afford views that have never been available to the public at that location.

The City is planning alternate parking, and plans will be in place before the developers break ground. Why insist on preserving a lot situated on prime real estate—not the highest and best purpose for 3.5 acres of prime, undeveloped potential? Paid parking will generate revenue for fixing sidewalks and maintaining parking lots, revenue that we’ve not had before. More importantly, the primary goal of paid parking is to promote an efficient and high functioning parking system that will ensure that parking is convenient for those who need it, but is not burdensome on development of our downtown core. All of this helps our businesses to thrive. Producing revenue to fix sidewalks and improve our neighborhoods is a happy side effect.

Finally we offer this article: “We Don’t Really ‘Need’ This Parking Lot” (Strong Towns, 2017). Charles Marohn states, “[w]e don’t need a parking lot as badly as we need our city to become financially strong and healthy. If we shift our obsession from having adequate space to store cars to having a tax base to cover our expenses, all kinds of new ideas become possible. That’s what building Strong Towns is all about.”