

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

September 5, 2019

5:30 P.M.

MINUTES

Pledge of Allegiance

(RC)

Present: Mayor Colin Read, Councilors Rachelle 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:

Today on the agenda is a request to apply for a grant that will help the City leverage a major interest-free loan to modernize, improve, and enhance water and wastewater security. The City of Plattsburgh prides itself on its water resources and the protection of Lake Champlain. Indeed, as you know, we provide technical assistance to some municipalities on a contractual basis, and have approached other municipalities in sharing our water and wastewater resources. We have also employed our water storage capacity to take care of the needs of the Town of Plattsburgh when their demand would vastly outstrip their supply, such as during the major fire at the Comfort Inn a few years ago. The City views our resources as a broader community benefit and looks forward to enhancing, protecting and sharing them so other municipalities do not have to burden their taxpayers. In turn, we ask other municipalities to not burden the city with property taxes they could exempt as provided by Section 406 of the State's Real Property Tax Law as we provide that public benefit, just as we regularly do for our exempt properties, and most other municipalities in the County also regularly do for each other.

Speaking of a broad public benefit, the City also takes great pride in our parks, our beach, our library, and our cultural and historic events. We provide free access to all of these costly facilities to our residents, Town of Plattsburgh residents, and, for most of these facilities, the entire county. We also heavily subsidize our fee-for-service enterprises at the Recreation Center and Crete Center, the marinas, and our beach, even though more than half the users on average for these facilities don't reside in the City. I see the Common Council is looking closely at the costs to taxpayers to provide recreation facilities to a select groups of individuals on a subsidized fee-for-service who also have the choice to use similar offerings from non-profits or for-profit providers. The City has at times asked to share in these costs with the County and other municipalities by fostering partnerships, or to search for a better model to ensure the entire region can continue to benefit from these facilities. I applaud the willingness of the Common Council to take up such a data-driven analysis. Meanwhile, the City stands ready to work with other municipalities and with non-municipal partners to ensure these facilities are offered sustainably.

I'm also pleased that discussion continues on the branding of our historic downtown as part of our revitalization efforts with a public forum tonight at 6p at the Ted K Center. Our historic downtown core is a treasure for our region where history for an entire nation was forged and where people from outside the City, the County, and even the Country come to enjoy culture and events on a regular basis. There are many communities with historic and other assets in cities elsewhere not even as significant as ours. They've done wonderful things with historic signage, their sidewalks and streets and lampposts, and many other touches that brings alive their

history and culture. You have all heard from visitors their marvel at Plattsburgh's potential. Now we have the opportunity to live up to our potential by branding our downtown just as nicely as has Hudson, NY, Salem, MA, Greenfield Village, MI, Williamsburgh, VA, Solvang, CA, Abingdon, VA, and Philadelphia, PA. I believe we are on the cusp of living up to our vast potential. I look forward to the ideas of the Boire Benner Group that can truly transform the look and feel of our downtown.

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on August 29, 2019 are approved and placed on file among the public records of the City Clerk’s Office

By Councilor Armstrong; 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 September 4, 2019 in the amount of \$ 62,664.74 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 Gibbs; Seconded by Councilor Ensel
(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 August 27 - September 2, 2019
- Report from the Building Inspector’s office for the week of August 21 - September 3, 2019
- Report from the Police Department from January 1 – September 1, 2019
- Report from the Police Department – Nuisance Animal July 2019
- Report from the City Clerk’s Office of all monies received during the month of August 2019 in the total amount of \$11,685.85

• COUNCILOR/DEPARTMENT CHAIR COMMITTEE REPORTS:

Governance, Strategy, and City Operations- Chair Councilor Armstrong indicted met tonight, had presentation from Livable Committee member SUNY Chief Pat Rascoe. Asked Councilor Moore if the committee will be giving a final report. Councilor Moore indicated yes the Committee will give Council a final report.

City Infrastructure – Chair Councilor Moore and Councilor Gibbs requested accurate costs of Public Works support of other departments for next week Infrastructure Committee.

Finance and Budget – Chair Councilor Kelly spoke about budget, thanked Councilor Armstrong and McFarlin for their work on Rec complex, would like to start budget hearings next week.

Public Safety – Chair Councilor Gibbs indicated have been meeting with Departments on Police, Fire and Code Enforcement and that area between Brinkerhoff and Court and how to address the concerns of the citizens who live there. Hoping to get reports from Public Safety Departments soon so they can look at complaints and then looking at updating some codes to address those issues.

Plattsburgh Public Library – Chair Councilor Ensel indicated no updates.

MLD - MLD Board President Councilor McFarlin indicated no updates.

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 Ensel
(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 September 6, 2019 in the amount of \$ 2,012,160.13 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 Moore; Seconded by Councilor Gibbs
(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:

Jack Bilow spoke about Livable Community Advisory Committee recommendation on Rental Property inspections.

Mayor Read indicated that this Public Comment period is specifically for agenda items and if Mr. Bilow could please address Council at the end of the meeting.

Matt Fuller, Attorney for Meyer, Fuller & Stockwell representing the Plattsburgh Citizens Coalition, Inc. made comments on Item 7E Scoping Document and submitted letter to the Mayor and Council which is made part of the minutes of this meeting.

Rebecca King spoke about Item 7A Proposed Local Law P-5 of 2019, supports Local Law and asked Council to adopt.

Rebecca, manages Elmore SPCA, spoke about concerns about Item 7A Proposed Local Law P-5 of 2019 and enforcement of law.

Speaker name not audible spoke about concerns about Item 7A Proposed Local Law P-5 of 2019 and microchipping of cats.

7. OTHER ITEMS:

A. ADOPTION OF LOCAL LAW P-5 OF 2019: A local law amending, renaming and restating in its entirety Chapter 128, Article II, Section 4 and amending, renaming and restating Section 128-6, amending and restating 128-7 and amending and restating 128-10 of the City Code of the City of Plattsburgh.

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

The title of Article II of Chapter 128 of the City Code of the City of Plattsburgh shall be amended and restated as “Dogs and Cats At Large”.

(1) City Code Section 128-4 is re-named, amended and restated as follows:

§ 128-4 Restraint and Containment of Dogs and Cats; Identification of Cats

128-4 A. A person who keeps, maintains or harbors a dog or cat or who knowingly allows a dog or cat to remain on the person’s property, or who regularly feeds a dog or cat on the person’s property, is presumed to be the owner of the dog or cat. A person who has charge, care, custody or control of a dog or cat is presumed to possess or control the dog or cat.

B. A person who owns, possesses or controls a dog or cat shall not permit it to be in any public place, in any open or unfenced area abutting on a public place. It shall not be a violation of this section where the dog is effectively restrained by a leash or chain not more than ten feet (10’) in length.

C. A person who owns, possesses or controls a dog or cat must maintain a proper enclosure to prevent the dog or cat from wandering or escaping from the person’s property. A person who owns, possesses or controls a dog or cat shall prevent their dog or cat from entering the private property of another, unless they receive permission from the owner or tenant of the private property.

D. According to New York State Law, all cats shall be vaccinated against rabies by a duly licensed veterinarian. No cat or dog is allowed off the owner’s property without a reasonable identification tag including the owner’s name and address. In addition, the owner of any cat that lives within the City for more than 30 days, must have the cat implanted with a registered and functioning microchip before the

cat attains four (4) months of age. A cat is exempt from this requirement if the cat is determined to be medically unsuitable for microchipping by a licensed veterinarian in writing.

E. No owner shall permit the premises, structure or enclosure in which a cat is kept to be unclean or unsanitary, particularly the unsanitary accumulation of urine, urine sprayed furniture or carpets, or accumulation of feces.

F. No owner of an animal, including a cat or dog, shall abandon such animal.

(2) City Code Section 128-6 is re-named, amended and restated as follows:

§ 128-6 Barking, Calling and Spraying

128-6 Any person who owns, possesses or controls a dog shall not keep a dog that makes frequent or long continued noise such as barking, howling, or whining that is in violation of the City of Plattsburgh's "Noise" Chapter as set forth in the City Code. Any person who owns, possesses or controls a cat shall not keep a cat that makes frequent calling, meowing or howling that is in violation of the City of Plattsburgh's "Noise" Chapter as set forth in the City Code. Any person who owns, possesses or controls a dog or cat shall not keep a dog or cat that sprays urine, or leaves feces, in such a way that it touches the property of another person.

(3) City Code Section 128-7 is amended and restated as follows:

§ 128-7 Damage to Property

Any person who owns, possesses or controls a dog or cat that causes damage to property of another person, which damage may include depositing waste, feces, or urine, may be held liable in a civil action for damages by the owner of the damaged property.

(4) City Code Section 128-10 is amended and restated as follows:

§ 128-10 Enforcement

This article may be enforced by a dog control officer appointed by the Common Council, a police officer, a code enforcement officer, or a parking enforcement officer as defined in § 340-2 of the Code. Any person who observes a cat or dog, or the owners thereof in violation of any of the provisions of this article may file a written complaint with any aforementioned enforcement officer, which complaint shall contain the necessary details to investigate said complaint. An offense may be prosecuted by issuance of an appearance ticket under § 150.20 of the Criminal Procedure Law.

(5) This Local Law shall take effect upon approval by the Mayor and filing with the New York Secretary of State.

Motion to waive reading and move Resolution

By Councilor Ensel; Seconded by Councilor Gibbs
(All voted in the affirmative to waive reading and move Resolution)

Discussion: Yes

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

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

ACTION TAKEN: Adopted

Follow up Action: None

B. WHEREAS, in accordance with the New York State Environmental Quality Review regulations (SEQR), the Common Council of the City of Plattsburgh announced its intent to serve as Lead Agency on or about August 1, 2019, to conduct an environmental review of this Type I project to provide public water supply improvements to serve the City of Plattsburgh (hereafter “2019 WIAA Project”). The proposed action will improve the quality and quantity of water available to area residents; and

WHEREAS, the Common Council circulated its intent to serve as Lead Agency on or about August 1, 2019, with requisite environmental assessment forms, to other involved and/or interested agencies to review this 2019 WIAA Project and has not received any objections thereto; and

WHEREAS, the Common Council, in its capacity as Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above; and

WHEREAS, the Common Council has considered the environmental assessment forms, project description, including any comments received from the Involved Agencies, and the proposed Part 2 and 3 and proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED, that the Common Council, as the established Lead Agency for this 2019 WIAA Project, which is a Type I action under SEQR per 6 NYCRR Part 617.4(b)(9) and as required for funding purposes, declares that, based on the record which has been prepared, including a review and completion of Part II of the Long EAF, a Negative Declaration is hereby adopted for the 2019 WIAA Project as the Project will result in no major adverse environmental impacts. The filing of this Negative Declaration is hereby ordered in accordance with 6 NYCRR Part 617.11 and this resolution will take effect immediately.

By Councilor Armstrong; Seconded by Councilor Gibbs

Discussion: None

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

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. 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 Common Council has the opportunity to apply for grant funds and financing from the NYS Water Infrastructure Improvement Act (WIIA) which may fund 60% or up to \$3,000,000 of eligible project costs; and,

WHEREAS, the total project cost is estimated at \$19.8 million; and,

WHEREAS, the City is prepared to pay for the portion of the project not covered by grant funds through EFC financing, in-kind services, and/or other appropriate means expected to be about \$16.8 million; and,

RESOLVED: In accordance with the request therefore the Common Council approves the following:

1. The City of Plattsburgh is authorized to submit the WIIA grant and financing applications and all necessary paperwork.
2. The Environmental Manager is authorized to sign all WIIA applications and necessary paperwork.
3. The Common Council agrees to provide the non-grant funded costs through EFC financing, in-kind services, and/or other appropriate means, expected to be approximately \$16.8 million.

Motion to waive reading and move Resolution

By Councilor Gibbs; Seconded by Councilor Ensel
(All voted in the affirmative to waive reading and move Resolution)

Discussion: Yes

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

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to revise capital project H5110.58, 2016 Saranac River Trail – Phase II, by appropriating an additional \$588,267 of funding from the General Fund in order to complete the project under the current estimated construction cost.

By Councilor Armstrong; Seconded by Councilor Gibbs

Discussion: Yes

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

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLUTION APPROVING FINAL SCOPING DOCUMENT FOR CITY OF PLATTSBURGH REVITALIZATION PROJECTS GENERIC ENVIRONMENTAL IMPACT STATEMENT

WHEREAS, the City of Plattsburgh revitalization efforts will result in several downtown area improvement projects, some of which have already been specifically proposed and some of which are in the conceptual stage (collectively the “Projects”).

WHEREAS, the City of Plattsburgh Common Council determined that the Projects collectively are a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA), identified the potential Involved Agencies under SEQRA, notified the potential Involved Agencies that the Common Council wished to be established as Lead Agency for SEQRA review of the Projects and was duly designated as SEQRA Lead Agency; and

WHEREAS, the Common Council determined to conduct comprehensive review of the Projects through preparation of a Generic Environmental Impact Statement (GEIS) pursuant to SEQRA and Section 617.10 of the implementing Regulations set forth at Title 6 of the New York Compilation of Codes, Rules and Regulations (NYCRR); and

WHEREAS, The Chazen Companies prepared a Draft Scoping Document pursuant to 6 NYCRR Section 617.8 to focus the contents of the GEIS on potential adverse impacts; and

WHEREAS, the Common Council conducted a public scoping session on the Draft Scoping Document on August 22, 2019 and also solicited and received public comments in writing during a public comment period which extended until August 26, 2019; and

WHEREAS, the public comments were reviewed and The Chazen Companies has prepared a Final Scoping Document for the GEIS which reflects these comments as appropriate; and

WHEREAS, the Common Council and its consultants have reviewed the Final Scoping Document;
NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council hereby approves and adopts the Final Scoping Document for the GEIS and authorizes The Chazen Companies to prepare a Draft GEIS in accordance with the Final Scoping Document.
2. The City Clerk is authorized and directed to file and publish a Notice of Completion of Final Scoping Document as required by SEQRA.
3. Copies of the Final Scoping Document will be available for inspection at the City Clerk's Office, Plattsburgh City Hall, 41 City Hall Place, Plattsburgh, New York and on the City’s website at: <http://www.cityofplattsburgh.com/428/Downtown-Revitalization-Initiative>.
4. The City Clerk is further authorized and directed to provide a copy of the Final Scoping Document to all SEQRA Involved Agencies and any individual or SEQRA Interested Agency that has expressed an interest in writing.
5. The Mayor, Common Council, City Clerk, Corporation Counsel and Special Counsel are authorized and directed to take such additional actions as may be necessary and appropriate to effectuate the intent of this Resolution.
6. This Resolution shall take effect immediately.

Motion to waive reading and move Resolution

By Councilor Gibbs; Seconded by Councilor Armstrong
(All voted in the affirmative to waive reading and move Resolution)

Discussion:

At 6:21 pm

Motion to enter Executive Session to discuss potential litigation.

By Councilor McFarlin; Seconded by Councilor Armstrong

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

(All voted in the affirmative)

Returned at 6:28pm

Mayor Read stated returned from Executive Session discussed a legal matter on a potential real estate transaction. No action was taken during Executive Session.

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

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION: None

10. NEW BUSINESS AND COUNCILOR REPORTS: None

11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:

Jack Bilow spoke about Livable Community Advisory Committee recommendation on Rental Property inspections and his concerns. Thanked Council for their work on tough decisions.

Sylvie Beaudreau spoke about concerns with moving Plattsburgh Farmers Market doesn't feel it is an ideal location.

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

MEETING ADJOURNED: 6:38 pm

September 5, 2019

City of Plattsburgh Common Council
c/o Hon. Colin L. Read
City Hall
41 City Hall Place
Plattsburgh, New York 12901

Re: City of Plattsburgh Downtown Area Improvement Projects Draft Generic Environmental Impact Statement (DGEIS) Draft Scoping Document Comments

Dear Mayor Read and City of Plattsburgh Common Council:

Our firm is been retained by the Plattsburgh Citizens Coalition, Inc., a not for profit coalition and its members, of concerned citizens, property owners, and business owners in the City of Plattsburgh relative to the City's proposed development plans with Prime Plattsburgh, LLC. In reviewing the "Development Agreement" between the City of Plattsburgh and Prime Plattsburgh, LLC dated March 29, 2019 (hereinafter the "Agreement"), we believe this Agreement is a nullity. The City of Plattsburgh is without power to convey the waterfront property, or any portion of it, identified in the Agreement broadly as "40 Bridge Street and 22 Durkee Street" (hereinafter the "Properties").

The Properties that are subject to the Agreement are identified by Tax Map Parcels 207.20-1-14 and 207.20-1-15. Both of these parcels lie along the Saranac River, and therefore constitute, by law, "water front" properties. The City may not legally convey these Properties.

Pursuant to New York General City Law §20(2), a city is empowered to: "***To take, purchase, hold and lease real...property within...the limits of the city;..., and to sell and convey the same, but the rights of a city in and to its water front,...streets,...avenues, parks, and all other public places, are hereby declared to be inalienable, except in the cases provided for by subdivision seven of this section.***" *Emphasis added.* In this instance, New York General City Law §20(7) included in the foregoing exception does not apply as there connection to any of the exceptions contained therein.

There is no question that this river front property, which includes the entirety of the Properties, constitutes "water front" as set forth in New York General City Law §20(2). See for example,

Gladsky v. City of Glen Cove, 164 A.D.2d 567, 2nd Dept. 1991 for a thorough discussion of this issue now posed to the City of Plattsburgh.

- As in this instance, the City of Glen Cove attempted to convey a portion of property that included “frontage on Glen Cove Creed”. *Id.* at 567.
- The question of whether or not the property in Glen Cove, as with the property along the Saranac River here, had ever been “used, acquired or dedicated” to public purpose is irrelevant. “*While other forms of City-owned property may be converted to public use and thereby be rendered inalienable under the statute, waterfront property has been expressly declared to be inalienable, regardless of the manner in which the property is used. Although we recognize that the statutory restriction against the alienation of certain municipal property emanates, to a large extent, from the “public trust” doctrine (see, Matter of Lake George Steamboat Co. v. Blais, 30 N.Y.2d 48, 330 N.Y.S.2d 336, 281 N.E.2d 147; Brooklyn Park Commrs. v. Armstrong, 45 N.Y. 234, supra; Matter of Central Parkway, 140 Misc. 727, 729–730, 251 N.Y.S. 577; Gewirtz v. City of Long Beach, 69 Misc.2d 763, 330 N.Y.S.2d 495, aff’d 45 A.D.2d 841, 358 N.Y.S.2d 957) the Legislature did not see fit to include a public-use limitation in the statute, and we decline to engraft such a limitation in a statute which is otherwise clear and unequivocal on its face.*” *Id.* at 571. **Emphasis added.** Thus, in this instance, we need not delve into whether or not the City ever “dedicated” this property to protection under the public trust doctrine. New York General City Law §20(2) preempts that decision or action.’
- The exceptions of New York General City Law §20(7) do not include alienation of water front property. See again, Gladsky: “*Nor does General City Law § 20(7), upon which the plaintiff relies, compel a contrary result. This subdivision creates a “discontinuance” exception to the statute’s blanket prohibition against the alienability of public property by empowering a municipality to “lay out, establish, construct, maintain and operate markets, parks, playgrounds and public places, and upon the discontinuance thereof to sell and convey the same” (emphasis supplied). Notably absent from the enumeration of the type of property which may be freely sold by a municipality upon the discontinuance of its public use is waterfront property. The reason for this absence is clear—waterfront property, as we have noted, is entitled to special protection by virtue of its geographical location rather than by virtue of its use. Unlike a public playground, which may cease to be a playground if its use is altered, waterfront property is intrinsically unique. That the discontinuance exception does not, and should not, apply to waterfront property becomes all the more compelling given the significant ecological, scenic, and aesthetic qualities inherent in it.*” **Emphasis added.**

In addition, it is also noted that the parking lot here may very well also be protected by the public trust doctrine, in addition to the issues surrounding New York General City Law §20(2) above. See generally 10 East Realty, LLC v. Incorporated Village of Valley Stream, 49 A.D.3d 764, Second Department 2008, as well as the related 10 East Realty cases at 17 A.D.3d 474, 49 A.D.3d 770. Although the Second Department found in the case of the village in 10 East Realty that the public trust doctrine was not violated by the conveyance of a parking lot there, here, we have a bit of a different scenario. In the City of Plattsburgh, this parking lot, and indeed other similar parking lots within the downtown parking district, are held for the benefit of that parking district. Taxpayers are charged a special tax for the maintenance, repair and upkeep of those parking lots, evidencing an intention by the City of Plattsburgh to hold those public parking

spaces in public trust for this district. That is, the City cannot, absent legislative approval, remove the benefit that it has charged the City's parking district. Thus, no parking property may be alienated without addressing the underlying special taxing district.

The continuing wrong evidenced by the Agreement in violation of New York General City Law §20(2) must be reversed. The City of Plattsburgh does not possess the legal authority to enter into the Agreement.

Thank you.

Sincerely,



Matthew F. Fuller, Esq.
mfuller@meyerfuller.com

cc: Plattsburgh Citizens Coalition, Inc.