

RESOLUTION – 02/16/2023

**7.22 ESTABLISHING CAPITAL PROJECT H5110.93 – 2023 SARANAC RIVER TRAIL
- PHASE III**

WHEREAS, all Capital Expenditure Plans adopted for 2023 and prior include a Bridge & Waterfront category, and

WHEREAS, the Community Development Department is establishing a 2023 Saranac River Trail – Phase III project that was not included in the Bridge & Waterfront category of the Capital Expenditure Plans adopted for 2023 and all prior years, and is requesting to amend the 2023 Capital Expenditure Plan to include a 2023 Saranac River Trail – Phase III project in the Bridge & Waterfront category, and

WHEREAS, the cost of the 2023 Saranac River Trail – Phase III project has been estimated by the Community Development Department for the costs to provide a preliminary design and ROW incidentals, as follows:

	2023 Capital Plan	2023 Revised Cost
Saranac River Trail – Phase III	\$ <u> -</u>	\$ <u> 271,600</u>
Total	\$ <u> -</u>	\$ <u> 271,600</u>
Project Funding:		
NYSEG settlement – Green St.	\$ -	\$ 138,000
Federal Funding - DOT	<u> -</u>	<u> 133,600</u>
Total	\$ <u> -</u>	\$ <u> 271,600</u>

Now therefore,

BE IT RESOLVED, by the Common Council of the City of Plattsburgh, New York, this 16th day of February 2023, as follows:

- 1) That, the amount of Two Hundred Seventy-one Thousand Six Hundred and 00/100 (\$271,600.00) Dollars is added to the 2023 Capital Expenditure Plan adopted December 15th, 2022, and is hereby appropriated for the capital project **2023 Saranac River Trail – Phase III (H5110.93)** for the cost of the improvements as listed above and is hereby authorized to be expended for such purpose.
- 2) That, One Hundred Thirty-eight Thousand and 00/100 (\$138,000.00) Dollars of such appropriation be provided by the proceeds from a settlement with New York State Electric and Gas Corporation for damages due to environmental reclamation to City property at Green St.
- 3) That, One Hundred Thirty-three Thousand Six Hundred and 00/100 (\$133,600.00) Dollars of such appropriation be provided by funding from NYS under a pass-through grant from the Federal Government referenced as DOT PIN.

RESOLUTION – 02/16/2023

7.23 AMENDMENT TO NYSEG GREEN STREET PROPERTY ACCESS AGREEMENT

WHEREAS, the City of Plattsburgh (“City”) and New York State Electric & Gas Corporation (“NYSEG”) entered into an Access Agreement (“Agreement”) on or about March 19, 2021 that permitted NYSEG’s access to City-owned properties on both Green Street and City Hall Place to facilitate completion of NYSEG’s remediation activities within the Saranac River; and

WHEREAS, that Agreement required NYSEG, among other obligations, to rebuild and repave certain portions of Green Street upon completion of their remediation work within the Saranac River; and

WHEREAS, recent planning efforts undertaken by the City toward the development of Green Street and the surrounding area have resulted in a determination by the City that the rebuilding and repaving of Green Street by NYSEG is disadvantageous to the City’s interests at this time.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to execute Amendment #1 to the Agreement; and

BE IT FURTHER RESOLVED, that the \$138,000 payment from NYSEG to the City required by Amendment #1 in lieu of NYSEG’s rebuilding and repaving of Green Street be used to increase the funding available under capital project 2023 Saranac River Trail – Phase III (H5110.93).

RESOLUTION – 02/16/2023

7.24 AUTHORIZE SKYWARD AGREEMENT FOR HARBORSIDE HOTEL DEVELOPMENT

WHEREAS, in the spring of 2020, the City conducted an RFP process seeking qualified and interested bidders to submit proposals for the future development of certain real property located at 2 Dock Street in the City’s Harborside area (the “Hotel Parcel”); and

WHEREAS, Skyward submitted a proposal in the RFP process, which was awarded by the City to Skyward, giving Skyward the exclusive right to negotiate with the City for the potential purchase and development of the Hotel Parcel; and

WHEREAS, the City and Skyward wish to enter into an agreement to set forth mutual understandings related to the various planning efforts and potential development of the Hotel Parcel.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to execute an agreement with Skyward Companies Holdings, LLC with respect to various planning, permitting and other various matters relating to the potential development of the Hotel Parcel. This agreement does not set the City nor Skyward on a definitive course of action.

RESOLUTION – 02/16/2023

7.25 AUTHORIZE MOU WITH CLINTON COUNTY HEALTH DEPARTMENT FOR A4050394 SUB AWARD ACTIVE COMMUNITY CONCEPT PLAN

WHEREAS, the Clinton County Health Department (“CCHD”) is the recipient of a Creating Healthy Schools & Community grant award (“the award”); and

WHEREAS, the City has been selected by CCHD to be a sub-recipient of the award in the form of a mini grant of \$8,000; and

WHEREAS, in anticipation of this opportunity and to further the City’s commitment to the Complete Street Policy it adopted on February 1, 2021, and to strengthen local and regional collaborations, the City of Plattsburgh Planning team completed a walk audit with Clinton County Health Planner, and a group of SUNY Plattsburgh students and faculty during the autumn of 2022; and

WHEREAS, the walk audit route covered corridors along was between downtown Plattsburgh, South Catherine, South Peru, and Broad Streets encompassing Stafford Middle School, and connecting to SUNY Plattsburgh, low income residential areas of Plattsburgh, and included the Saranac River Trail/ Stelzer Road intersection; and

WHEREAS, CCHD has provided a City of Plattsburgh Active Community Concept Plan (“Concept Plan”) based on the walk audit which highlights numerous elements in need of improvement and in accordance with guidelines set by NYS Department of Health for Creating Healthy Schools and Communities; and

WHEREAS, this concept plan is also in alignment with the multiple sections of the draft Comprehensive Plan Update, most specifically the Natural Resources Section Goal 2 which advises the City to Support alternative modes of transportation including strategies for bicycles, pedestrians, public transit, etc.; and

WHEREAS, the Concept plan and mini grant opportunity will complement the larger Safe Routes to School grant the City recently received through the CFA process to improvements to the walking and biking access to Oak Street and Bailey Elementary, and Stafford Middle Schools

WHEREAS, to receive this mini grant the City will need to enter into an MOU with the Clinton County Health Department and agree to use the associated funds to purchase materials or supplies that are linked to the adoption and/or implementation of Complete Streets policies, plans and practices to increase access to opportunities to walk, bike, and roll.

NOW, THEREFORE, BE IT RESOLVED that, the Common Council authorizes the Mayor enter into an agreement with Clinton County Health Department for A4050394 Sub award by signing the MOU and associated documents, and moving ahead to spend up to \$8,000 on improvements associated with The City of Plattsburgh Concept Plan which will be eligible for reimbursement under the grant.

RESOLUTION – 02/16/2023

7.26 AUTHORIZING THE MAYOR TO SIGN VARIOUS FISHING TOURNAMENT AND WATERCROSS AGREEMENTS

- 1. RESOLVED:** In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign an agreement with MLFLW, LLC and Adirondack Coast Visitors Bureau to host “Toyota Series Northern Division #1 and Abu Garcia College Fishing Qualifier #7” from June 22-25, 2023.
- 2. RESOLVED:** In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign an agreement with MLFLW, LLC and Adirondack Coast Visitors Bureau to host “BFL Northeast #2” on July 8, 2023.
- 3. RESOLVED:** In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign an agreement with Reynolds Boats Northern Bass Tournaments and Adirondack Coast Visitors Bureau to host “Bass Tournament” on July 15, 2023.
- 4. RESOLVED:** In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign an agreement with MLFLW, LLC and Adirondack Coast Visitors Bureau to host “BFL Northeast #3” on July 29, 2023.
- 5. RESOLVED:** In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign an agreement with American Bass Anglers and Adirondack Coast Visitors Bureau to host “American Bass Anglers Open series tournament” on August 26, 2023.
- 6. RESOLVED:** In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign an agreement with Thayers Marine Inc and Adirondack Coast Visitors Bureau to host “Bass Tournament” from September 16-17, 2023.
- 7. RESOLVED:** In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign an agreement with East Coast Watercross LLC and Adirondack Coast Visitors Bureau to hold an event July 22-23, 2023. Adirondack Coast Visitors Bureau will reimburse the City Fire Department any overtime cost of approximately \$1800 for Ambulance and EMT staff.

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**7.27 AUTHORIZING BLANKET APPROVAL 2023 LIVE ENTERTAINMENT
VARIOUS CITY EVENTS**

Whereas, periodically throughout the year the City hires musicians/bands/live entertainers to perform at various City events through funding authorized in various budget line items; and

Whereas, each specific contract with individual musicians/bands/live entertainers requires Council approval, which process can burden the City's Community Engagement Coordinator; and

Whereas, the specific contracts are typically less than \$5,000 and are reviewed by the City Attorney and the Mayor; and

Whereas, the City's Community Engagement Coordinator has requested a streamlined contract approval process for live performances.

Now therefore, it is hereby RESOLVED, that the Council hereby authorizes and approves the Community Engagement Coordinator and the Mayor to enter into contracts for live performances for City events with musicians/bands/live entertainers for the remainder of this year, so long as the individual contract is less than \$5,000, is in a form approved by the City Attorney, and is within the amount budgeted by the Council in their 2023 budget.

It is further Resolved, that the Community Engagement Coordinator or Mayor's Office shall provide an e-mail update to the Council for every individual executed contract.

RESOLUTION – 02/16/2023

7.28 AUTHORIZING THE CITY CHAMBERLAIN TO EXECUTE CYBER SECURITY INSURANCE POLICY

WHEREAS, the City has been in need of Cyber Liability Insurance Coverage for several years as recommended by the City’s IT contract service specialists and the City’s insurance underwriters; and

WHEREAS, the Mayor is requesting, based on the Cyber Liability Insurance Proposal included with this resolution as submitted by Marshall & Sterling, the City’s insurance agent, that he be allowed to accept the coverage level as recommended within the proposal on page three at a level of \$2 Million with a \$25,000 deductible for a cost of \$33,477.00, unbudgeted for 2023;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council authorizes the Mayor to accept the recommendation of the City’s insurance agent for Cyber Liability Insurance Coverage at the cost of \$33,477.00 for a coverage level of \$2 Million with a \$25,000 deductible and that a budget adjustment be made in all funds to appropriate for providing this coverage.

RESOLUTION – 02/16/2023

**7.29 AUTHORIZE AGREEMENT - AKEY LANDFILL POST CLOSURE
MONITORING SERVICES**

WHEREAS, The NYSDEC requires post closure monitoring at the Akey Landfill; and

WHEREAS, Barton & Loguidice has provided a January 30, 2023 proposal for the services for a fee not to exceed \$15,700;

NOW, THEREFORE, BE IT RESOLVED, The Common Council authorizes the execution of all necessary documents to enter into an agreement with Barton & Loguidice for the services described in their January 30, 2023 proposal. The source of funds will be from the DPW Waste Collection Services Operating Budget.

RESOLUTION – 02/16/2023

**7.30 BID AWARD - SODIUM HYPOCHLORITE FOR THE WRRF AND WFP –
CONTRACT #WRRF 2023-01**

WHEREAS, Bids were obtained for the purchase of sodium hypochlorite;

WHEREAS, Redundant suppliers can help mitigate chemical market volatility, customer support, and overall pricing limits:

NOW, THEREFORE, BE IT RESOLVED, The Common Council authorizes the execution of all necessary documents to procure sodium hypochlorite for the period of February 15, 2023 through February 14, 2024 per their bids for the WRRF and WFP from Slack Chemical and Surpass Chemical, respectively.

RESOLUTION – 02/16/2023

7.31 AUTHORIZE ONE-YEAR EXTENSION FOR EXISTING CONTRACT #WRRF 2022-03: LABORATORY SERVICES FOR THE WATER RESOURCE RECOVERY FACILITY

WHEREAS, the Water Resource Recovery Facility (WRRF) contracts professional laboratory services for the analyses of various wastewaters, hauled wastes, sludges, leachates, and groundwater samples in accordance with the requirements set forth by the United States Environmental Protection Agency (USEPA), and New York State Department of Environmental Conservation (NYS DEC); and,

WHEREAS, a one-year contract renewal approval was received on December 2, 2022;

NOW, THEREFORE, BE IT RESOLVED: The Common Council agrees to extend “LABORATORY SERVICES FOR THE WATER RESOURCE RECOVERY FACILITY CONTRACT #WRRF 2022-03” for Phoenix Environmental Laboratories, Inc., in the estimated amount of \$22,714.00 (additionally an agreed upon Low-Level Mercury price increase). The contract period shall be for one (1) year, commencing on April 1, 2023, and may be extended for two (2) additional one-year terms, upon mutual agreement.

RESOLUTION – 02/16/2023

7.32 6 MILLER STREET SEQR NEGATIVE DECLARATION

WHEREAS, the City of Plattsburgh is the Owner of the improved real property located at 6 Miller Street in the City of Plattsburgh (Tax Map No. 207.16.2-42) (hereafter “Miller Street Property”) and has received an offer to purchase this surplus real property.

RESOLVED, this potential sale is an Unlisted Action and the City Common Council has reviewed and received a Short Form EAF (SEAF). Upon review of the SEAF, the City has not identified any potential adverse environmental impacts and hereby adopts a negative declaration per the SEQRA regulations and authorizes the Mayor, CDO director or City Attorney to complete any documentation to this effect.

RESOLUTION – 02/16/2023

7.33 AUTHORIZED MAYOR TO SIGN A PURCHASE AND SALE AGREEMENT, DEED AND OTHER CONVEYANCE DOCUMENTS FOR 6 MILLER STREET

WHEREAS, the City of Plattsburgh is the Owner of the improved real property located at 6 Miller Street in the City of Plattsburgh (Tax Map No. 207.16.2-42) (hereafter “Miller Street Property”); and

WHEREAS, the Miller Street Property was formerly used by the City’s MLD for office space but the Miller Street Property has remained vacant for approximately four years following the MLD’s office relocation; and

WHEREAS, the Miller Street Property, which is not a parkland or otherwise inalienable, currently serves no municipal purpose and is unlikely to serve a municipal purpose in the foreseeable future; and

WHEREAS, the City has engaged with CDC to serve as its broker in an attempt to market and convey the Miller Street Property; and

WHEREAS, CDC, through its marketing efforts, has received an offer on behalf of the City to purchase the Miller Street Property, which it has relayed to the City.

NOW THEREFORE IT IS HEREBY RESOLVED, that the City incorporates all recitations above by reference, and in accordance with the request therefore, the Mayor is authorized to sign and deliver a Purchase and Sale Agreement, Deed and other conveyance documents, in a form approved by the City Attorney, to convey the real property identified herein as the Miller Street Property to SkyeComm Securities, LLC, or their assigns, in the amount of \$220,000, less customary closing costs and broker fees. The consideration to be received by the City is fair and reasonable based on the cost savings to the City, the market value of the property, and the length of time it has been on the market.

RESOLUTION – 02/16/2023

7.34 MAYORAL APPOINTMENTS

MAYOR HANDS DOWN THE APPOINTMENT OF ABBY MEUSER-HERR TO THE CITY OF PLATTSBURGH CLIMATE TASK FORCE DUE TO RESIGNATION OF LORETTA RIETSEMA.

THE MAYOR HANDS DOWN THE APPOINTMENT OF SETH SILVER TO THE LIBRARY BOARD BEGINNING ON FEBRUARY 17, 2023 AND EXPIRING JUNE 30, 2028.