

**CITY INFRASTRUCTURE COMMITTEE
SEPTEMBER 10, 2020
CITY OF PLATTSBURGH COMMON COUNCIL CHAMBERS
AGENDA
4:15 PM**

Roll Call: Chair Councilor Moore; Councilor Gibbs; Mayor Read

Others Present:

Absent:

1. REPORTS FROM DEPARTMENT REPRESENTATIVES AND DISCUSSION WITH COUNCILORS:

2. AGENDA ITEMS BROUGHT FORWARD FROM DEPARTMENTS TO BE APPROVED BY COMMITTEE AND RECOMMENDED TO COUNCIL:

1. Request from Director of Community Development Matthew Miller:

ADOPTING AMENDED FINDINGS STATEMENT FOR DOWNTOWN AREA IMPROVEMENT PROJECTS

WHEREAS, the City of Plattsburgh is undertaking a series of revitalization efforts that are collectively described as the Downtown Area Improvement Projects (DAIP); and

WHEREAS, the Plattsburgh Common Council determined that the DAIP are collectively a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA), identified the potential Involved Agencies under SEQRA and was designated as SEQRA Lead Agency with consent of the Involved Agencies; and

WHEREAS, the Common Council duly conducted comprehensive review of the DAIP 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 Common Council adopted a SEQRA Statement of Findings, including the specific findings and certifications required by the SEQRA Regulations at 6 NYCRR Section 617.11(d), on February 20, 2020, and authorized and directed the City Clerk to file the Statement of Findings as required by SEQRA; and

WHEREAS, subsequent to the Common Council’s adoption of the Statement of Findings, detailed plans for one component of the DAIP, the Durkee Lot Mixed-Use Development (DLMUD), were presented to the City of Plattsburgh Planning Board and the Zoning Board of Appeals seeking required approvals; and

WHEREAS, in response to feedback from both of these Boards, the project sponsor refined and revised the DLMUD plans; and

WHEREAS, the proposed changes were deemed to be sufficiently substantial by the Common Council to require preparation of an Amendment to the Statement of Findings; and

WHEREAS, an Amendment to the Statement of Findings has been prepared to reflect analysis of these modifications; and

WHEREAS, the proposed Amendment has been reviewed by the Common Council;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1.** The Common Council hereby adopts the Amendment to the Statement of Findings and ratifies and affirms the specific findings and certifications required by the SEQRA Regulations at 6 NYCRR Section 617.11(d).
- 2.** The City Clerk is authorized and directed to file the Amendment to the Statement of Findings as required by the SEQRA Regulations.
- 2.** Request from Environmental Manager Jon Ruff that the Common Council agrees to and authorizes entering into an agreement with HydroSource Associates based on their August 17, 2020 proposal at an estimated amount of \$125,000.
- 3.** Request from Councilor Barbell:

AUTHORIZING THE FORMATION OF THE PLATTSBURGH PROGRESS LOCAL DEVELOPMENT CORPORATION (THE “CORPORATION”), APPROVING A FORM OF CERTIFICATE OF INCORPORATION FOR THE CORPORATION, APPOINTING THE INITIAL DIRECTORS OF THE CORPORATION, AND AUTHORIZING THE CORPORATION TO PERFORM ESSENTIAL GOVERNMENTAL FUNCTIONS INCLUDING ACTIVITIES ASSOCIATED WITH JOB CREATION AND THE PROMOTION OF COMMUNITY AND ECONOMIC DEVELOPMENT INITIATIVES.

WHEREAS, it is the policy of the State of New York to promote the economic welfare and prosperity of its inhabitants and to actively promote, attract, encourage, and develop economically sound commerce and industry; and

WHEREAS, the City of Plattsburgh (the “City”) is tasked with the responsibility to promote the health, safety and general welfare of the residents of the City by among other things preventing unemployment and economic deterioration including by increasing and maintaining employment opportunities and attracting and sustaining economically sound commerce; and

WHEREAS, it is essential for the City to support the operations and activities of both for-profit and not-for-profit entities and corporations within the City in furtherance of both job creation and retention opportunities within the City; and

WHEREAS, Section 1411 of the Not-For-Profit Corporation Law of the State of New York (the “LDC Act”) authorizes the establishment of not-for-profit local development corporations operated exclusively for the charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, and lessening the burdens of government and acting in the public interest; and

WHEREAS, in furtherance of the foregoing, the City desires to establish the new local development corporation pursuant to the LDC Act to undertake certain projects and initiatives for the benefit of and to relieve the burdens of the City, including, but not limited to undertaking certain local development projects, financings through the issuance of tax exempt and taxable bonds, notes and other instruments for the benefit of both for-profit and not-for-profit entities and corporations located within the City; and

WHEREAS, a proposed certificate of incorporation (the “Certificate of Incorporation”, a copy of which is attached hereto as Exhibit A for the establishment of PLATTSBURGH PROGRESS LDC (the “Corporation”) pursuant to the LDC Act has been prepared for review by this Common Council; and

WHEREAS, in furtherance of the foregoing public purposes and the LDC Act, this Common Council desires to establish the Corporation to undertake the purposes and powers as set forth within the LDC Act, including (1) to construct, acquire, rehabilitate and improve for use by others industrial or manufacturing plants in the territory in which its operations are principally to be conducted, (2) to assist financially in such construction, acquisition, rehabilitation and improvement, to maintain such plants for others in such territory, (3) to disseminate information and furnish advice, technical assistance and liaison with federal, state and local authorities with respect thereto, (4) to acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein, (5) to borrow money and to issue negotiable bonds, notes and other obligations therefor, and (6) to sell, lease, mortgage or otherwise dispose of or encumber any such plants or any of its real or personal property or any interest therein upon such terms as it may determine to be suitable; and

WHEREAS, to accomplish the purposes and powers as set forth within the LDC Act and Certificate of Incorporation, including relieving the burdens of the City and the undertaking of projects for the benefit of both for-profit and not-for-profit entities and corporations in furtherance of their access to cost-effective capital for projects that enhance, create and preserve employment opportunities for residents of the City, this Common Council desires to task the Corporation with such burdens and responsibilities and authorizes the Corporation, once established, to issue bonds on behalf of the City for such purposes pursuant to and in accordance with applicable provisions of the Internal Revenue Code (the “Code”);

NOW, THEREFORE, BE IT

RESOLVED, that the City hereby authorizes the establishment of the City of Plattsburgh LDC pursuant to the LDC Act. The Mayor is hereby authorized to execute and cause the filing of the Certificate of Incorporation in substantially the form attached hereto as Exhibit A, with such changes, modifications, variations, omissions and insertions as may be approved by the Mayor in consultation with the City Attorney; and be it further

RESOLVED, that the City, acting by and through this Common Council, shall serve as the sole member of the Corporation. In furtherance of same, this Common Council hereby approves the appointment of the following individuals to serve as the initial Directors of the Corporation:

1. Timothy McCormick
2. Robert C. Smith
3. Jerry Rosenbaum

And be it further

RESOLVED, that the Corporation is hereby designated as an on behalf of issuer of the City for the purposes of issuing bonds, notes and other instruments with authority to exercise on the City's behalf all lawful powers as may be deemed necessary to accomplish its public purposes including to enhance, create and preserve employment opportunities for residents of the City, such purposes and powers to include, but not be limited to, those powers contained within the LDC Act and the Certificate of Incorporation, with the power to issue tax exempt and taxable bonds, notes, or other instruments on behalf of the City in furtherance of its purposes, provided however that any obligations issued by the Corporation shall never be a debt of the State of New York, the City or any political subdivision thereof (other than Corporation) and neither the State of New York, the City or any political subdivision thereof (other than Corporation) shall be liable thereon; and be it further

RESOLVED, that this Common Council hereby authorizes the City to covenant and agree with the Corporation in any transaction undertaken by the Corporation in furtherance of the LDC Act, the Certificate of Incorporation, and any initiatives described herein, and for the benefit of the Corporation and the holders from time to time of any bonds, notes or other instruments or other securities (hereinafter collectively, the "Securities") issued by the Corporation that the City will not limit or alter the rights of the Corporation to fulfill the terms of its agreements with the holders of the Securities or in any way impair the rights and remedies of such holders of the security for the Securities until the Securities, together with the interest due thereon or payable in respect thereof and all costs and expenses in connection with any actions or proceeding by or on behalf of such holders, are fully met and discharged. Authorized representatives of the City are hereby granted the power to make such a covenant to and agreement with the Corporation and to take any and all actions necessary or desirable to cause such covenant and agreement to be made or enforced. The Corporation is hereby authorized to assign to or for the benefit of the holders of its Securities any covenant or agreement made by the City pursuant to the foregoing provisions; and be it further

RESOLVED, that this resolution shall take effect immediately.

4. Request from Councilor Barbell:

Whereas, the Plattsburgh Finance Department handles collection of City Utility Service payments for both the Municipal Lighting and the Water and Sewer and Refuse Departments.

Whereas, the Finance Department has 13,798 current utility services (water, sewer, electricity, refuse) customer accounts that require collection of payments; and,

Whereas, the Finance Department has implemented a no-fee autopay and recurring payments system to remove the monthly bill directly from customer bank accounts on the bill due date, has implemented online payments by one-time direct debit for an \$.80 fee and credit card payments for a \$1.00 or 2.25% fee (whichever is more), and permits customers to send payment checks directly to the payments provider % City of Plattsburgh, Department of Finance, PO Box 5641, Hicksville, NY 11802-5641, and,

Whereas, all these methods of payments are industry standard and state-of-the-art and are all designed to reduce the number of in-person bill transactions required to be processed by department staff;

Therefore, It is Resolved: That, as of January 1, 2021,

- in person utility payments will no longer be paid at the finance department office;
- the Drop Box on Trinity Park will be closed; and,
- Customers who send checks for payment to the city finance department must mail check payments to % City of Plattsburgh, Department of Finance, PO Box 5641, Hicksville, NY, 11802-5641 and include the utility bill coupon to be successfully processed.

Be It Further Resolved that customers may continue to use the following options to make utility bill payments:

- No processing fee auto-pay or recurring automatic receipt of your payment that will be deducted directly from customer bank account on the bill due date each month, or direct mail to the address on a customer's utility bill return envelope - City of Plattsburgh, Department of Finance, PO Box 5641, Hicksville, NY, 11802-5641
- Online processing Fee-based payments by e-Check debit to a customer's bank account for a fee of \$0.80 or credit card payments online for a fee of \$1.00 or 2.25% of utility bill, whichever is more

And, Be It Further Resolved that, the finance Department will coordinate with the Municipal Lighting and Water and Sewer and Refuse Departments to mail with the next Utility Services Bill, a flyer that will notify all customers about the elimination of in person payments, removal of the drop box and direct customers to the city web site to learn about and access alternative payment methods. The Departments will also provide a telephone contact to answer questions and assist with accessing alternative payment methods.

5. Request from Councilor Moore for the City Chamberlain to establish capital project H5110.76, 2020 Public Service Buildings, for \$385,000.00 to be funded by the City's Water, Sewer and General Funds and from a grant from the Dormitory Authority of the State of New York for \$300,000.

By Councilor _____; Seconded by Councilor _____
(RC) Roll call: Chair Councilor Moore; Councilor Gibbs; Mayor Read

4. OLD BUSINESS:

5. NEW BUSINESS:

Motion to Adjourn by Councilor _____; Seconded by Councilor _____

(RC) Roll call: Chair Councilor Moore; Councilor Gibbs; Mayor Read

MEETING ADJOURNED: _____