

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK  
DECEMBER 3, 2020  
5:00 P.M.**

**AGENDA**

**Pledge of Allegiance**

(RC)

**Present:** Mayor Colin Read, Councilors Mike Kelly (W2), Elizabeth Gibbs (W3), Steve Brodi (W4), Patrick McFarlin (W5), Jeff Moore (W6)

**Absent:**

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**MAYOR'S COMMENTS:**

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** That the Minutes of the Regular Meeting of the Common Council held on November 24, 2020 are approved and placed on file among the public records of the City Clerk's Office

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_  
(All in Favor/opposed)

Roll call: Councilors Kelly, Gibbs, Brodi, McFarlin, Moore

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending December 2, 2020 in the amount of \$\_\_\_\_\_ 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 \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_  
(All in Favor/opposed)

Roll call: Councilors Kelly, Gibbs, Brodi, McFarlin, Moore

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:**

- Report from the Building Inspector's office for the week of November 24 – December 1, 2020
- Minutes from the Public Safety Committee meeting held on November 24, 2020

**COUNCILOR/DEPARTMENT CHAIR COMMITTEE REPORTS:**

**Governance, Strategy, and City Operations** – Chair Councilor Brodi

**City Infrastructure** – Chair Councilor Moore

**Finance and Budget** – Chair Councilor Kelly

**Public Safety** – Chair Councilor Gibbs

**Plattsburgh Public Library** – Chair Councilor McFarlin

**MLD - MLD Board President** Councilor McFarlin

**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 \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_  
(All in Favor/opposed)

Roll call: Councilors Kelly, Gibbs, Brodi, McFarlin, Moore

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**4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None**

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**5. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills Audited by the Common Council for the week ending December 4, 2020 in the amount of \$\_\_\_\_\_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 \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_  
(All in Favor/opposed)

Roll call: Councilors Kelly, Gibbs, Brodi, McFarlin, Moore

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**6. PERSONS ADDRESSING COUNCIL ON AGENDA ITEMS ONLY:**

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**7. OTHER ITEMS:**

**A. 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 “2021 Toyota Series Northern #1 fishing tournament” on July 15-17, 2021.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Kelly, Gibbs, Brodi, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**B. 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 “2021 BFL-Northeast #3 fishing tournament” on July 24, 2021.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Kelly, Gibbs, Brodi, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**C. THE MAYOR HANDS DOWN THE APPOINTMENT OF ELAINE OSTRY TO THE LIBRARY BOARD BEGINNING ON DECEMBER 4, 2020 AND EXPIRING JUNE 30, 2025.**

Roll call: Councilors Kelly, Gibbs, Brodi, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**D. AFFIRMING AND ADOPTING AMENDED NEGATIVE DECLARATION FOR ANNEXATION PROJECT AND AUTHORIZING FILING IN ACCORDANCE WITH REQUIREMENTS OF STATE ENVIRONMENTAL QUALITY REVIEW ACT**

**WHEREAS**, the City of Plattsburgh seeks to annex an approximately 224-acre parcel (the “Subject Parcel”) which is located in the Town of Plattsburgh but is owned by and situated adjacent to the City (the “Action”); and

**WHEREAS**, the Plattsburgh Common Council determined that the Action is a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA) and identified the potential Involved Agencies under SEQRA, which included the Town; and

**WHEREAS**, the City was duly designated as SEQRA Lead Agency by Determination of the Commissioner of the Department of Environmental Conservation pursuant to Section 617.6 of the SEQRA Regulations set forth at Title 6 of the New York Compilation of Codes, Rules and Regulations; and

**WHEREAS**, although the Action under review is solely the annexation of the Subject Parcel by the City, the Common Council determined to review the potential environmental impacts of a purely hypothetical development scenario that could possibly be achieved on the Subject Parcel following annexation; and

**WHEREAS**, the Common Council engaged consultants to prepare a Preliminary Master Plan–Land Use Map (“Preliminary Plan”) and to conduct several related studies and investigations to enable the Council to review potential impacts of such a reasonable development scenario for the Subject Parcel following annexation; and

**WHEREAS**, these studies and investigations included:

- Natural Resource Inventory by Trudell Environmental Services

- Phase 1A Literature Search and Sensitivity Assessment by Hudson Valley Cultural Resource Consultants, Ltd.
- Traffic Assessment by Stantec Consulting Services, Inc.
- Phase 1 Environmental Site Assessment (ESA) by KAS Environmental Science & Engineering

**WHEREAS**, the City would not be actually undertaking all of the potential uses included in the Preliminary Plan, but would seek to encourage private development consistent with the hypothetical scenario; and

**WHEREAS**, Architectural & Engineering Design Associates, PC, the Common Council’s consultant, prepared Part 1 of a SEQRA Full Environmental Assessment Form (FEAF) for the Action together with an Addendum which supplemented the information provided in Part 1 and provided additional information to enable the Common Council to take a hard look at any potential adverse environmental impacts of the Action; and

**WHEREAS**, the Common Council, as Lead Agency, reviewed and fully considered the proposed Action, Part 1 of the FEAF and the Addendum, including referenced studies and reports, and completed Part 2 of the FEAF after consideration of each item during the Council’s May 7<sup>TH</sup> meeting; and

**WHEREAS**, the Common Council identified potential impacts of the proposed Action as “Moderate to Large” as opposed to “No or Small” in Part 2 whenever it appeared at all possible that an EAF threshold might be met in order to provide an opportunity to further clarify these hypothetical impacts in FEAF Part 3; and

**WHEREAS**, in order to determine the significance of these potential impacts, the Council evaluated several characteristics of each potentially Moderate to Large impact, as appropriate to the particular impact, in FEAF Part 3; and

**WHEREAS**, after careful evaluation in accordance with applicable SEQRA review regulations and guidelines, the Common Council found that none of the potential impacts are significant enough to require preparation of an environmental impact statement; and

**WHEREAS**, the Common Council therefore adopted a SEQRA Negative Declaration for the Action by Resolution dated May 28, 2020; and

**WHEREAS**, although SEQRA does not require a public comment period after the Lead Agency issues a Negative Declaration, comments on the Negative Declaration were subsequently received by the Common Council; and

**WHEREAS**, while the Common Council was not required to accept or respond to comments, the Common Council determined to seek additional input from its consultants to address the concerns presented in these comments; and

**WHEREAS**, the Addendum to FEAF Part 1 and the Attachment to FEAF Part 3 were revised in accordance with this additional input; and

**WHEREAS**, these revisions provided additional bases for the Common Council’s analysis of potential impacts but did not change any of the Council’s assessments of the thresholds in FEAF Part 2;

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. The Common Council has taken a hard look at the potential environmental impacts of the Action by carefully considering them and thoroughly evaluating their potential significance, including seeking further input from its consultants to address concerns presented in comments on its initial SEQRA review, all as fully discussed in the revised Attachment to FEAF Part 3.

2. Based on this extensive review of the impacts that may be reasonably expected to result from the proposed Action including, to the extent possible, the purely speculative development scenario represented by the Preliminary Plan, as supplemented by additional input from its consultants and governed by the rule of reasonableness, the Common Council affirms its determination that the proposed Action will not have a significant adverse impact on the environment and the particular facts and circumstances of the proposed Action do not require preparation of an Environmental Impact Statement.

3. The Mayor is authorized and directed to indicate the Common Council’s determination by completing and signing Part 3 of the revised FEAF and to cause the entire completed FEAF with all supporting documentation to be filed and distributed as the Common Council’s amended SEQRA Negative Declaration for the Action in accordance with SEQRA requirements.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Kelly, Gibbs, Brodi, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**E. RESOLUTION FINDING ANNEXATION TO BE IN THE OVERALL PUBLIC INTEREST**

**WHEREAS**, by Annexation Petition dated August 3, 2020, the City of Plattsburgh requested that the territory described in the Annexation Petition (hereinafter the “Territory”), be annexed to the City of Plattsburgh pursuant to Article 17 of the General Municipal Law (hereinafter the “GML”), and

**WHEREAS**, a joint public hearing regarding the proposed annexation of the Territory was held by the City of Plattsburgh Common Council and the Town of Plattsburgh Town Board on September 24, 2020 at 6:00 p.m. at the Clinton County Amphitheatre and via zoom; and

**WHEREAS**, the City of Plattsburgh, as Lead Agency, has already fulfilled the requirements of the State Environmental Quality Review Act, and determined that the proposed annexation will not have any significant adverse environmental impacts and issued a SEQRA Negative Declaration;

**NOW THEREFORE BE IT RESOLVED**, that the Common Council hereby makes the following findings as set forth more fully in the attached City of Plattsburgh Annexation Findings, Determination and Order, which is incorporated into this Resolution by reference:

- 1. The Annexation Petition dated August 3, 2020 complies with the provisions of Article 17 of the GML.

2. The Territory is uninhabited.
3. At the time the Annexation Petition was made, the City of Plattsburgh owned approximately 223 acres of the total 224± acres contained within the Territory. The City has now acquired the remaining approximately 1 acre parcel and, therefore, the City now owns all land within the Territory.
4. The Territory is contiguous to the Municipal boundary of the City of Plattsburgh.
5. The City of Plattsburgh operates and maintains, at its sole expense, a DPW storage facility, Compost Facility and roadway within the Territory.
6. Annexation will promote buildout of the Territory and promote economic development for the surrounding community.
7. Upon annexation, the Town of Plattsburgh will no longer have the obligation of providing primary emergency services to the Territory. At the same time, Police and Fire response times for these services will be shorter upon annexation into the City as, unlike the City, the Town does not have its own police force and fire protection is currently being provided by volunteers.
8. The Territory is not currently part of a cohesive community. It is underutilized and uninhabited and is largely set apart from other Town lands through manmade and natural barriers. Upon annexation, future development of the site will help to create cohesion between the Territory and surrounding lands.
9. Regarding effects upon the remaining portion of the Town, annexation will result in a minimal loss of tax revenue to the Town of Plattsburgh of approximately \$11,000 and will reduce the overall size of the Town by only approximately 1%. The same tax revenue that will be lost from the Town's perspective will be a direct savings to the City while the mass of the City will be increased by 7%. Upon development, the Territory will help produce not only tax revenue for the City, but also indirect revenue to the surrounding community as new workers and inhabitants will support the local economy of both the Town and the City.
10. Upon annexation, the Territory will have access to more affordable energy opportunities, which will increase the Territory's development opportunities. This will not only reduce overall energy costs within the Territory and promote reliance on renewable energy, but will likewise reduce lighting costs within the Territory, which marks an overall improvement.
11. Upon annexation, the Territory will have direct access to City water and sewer services. This will improve water and sewer service currently available to the Territory.
12. Annexation will reduce tax revenue to the Beekmantown Central School District, but will comparably reduce future service demand on the School District.
13. Annexation will enhance recreational opportunities for Town and City residents.
14. Upon annexation, any indebtedness, contract or other liability will be apportioned pursuant to the provisions of GML that are applicable when no agreement has been entered into; and

**BE IT FURTHER RESOLVED**, that based on the foregoing findings as well as those set forth in the attached Determination and Order, which is incorporated herein, the City of Plattsburgh Common Council has determined that it is in the overall public interest to approve the annexation of the Territory into the City of Plattsburgh; and

**BE IT FURTHER RESOLVED**, that pursuant to the provisions of Section 711 of the GML, the attached Determination and Order is approved for signature by the Members of the Plattsburgh Common Council and the Mayor, Corporation Counsel and/or Special Counsel are directed to make all filings and submissions required to effectuate this Resolution and attached Determination and Order.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Kelly, Gibbs, Brodi, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**8. TRAVEL REQUEST: None**

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**9. RESOLUTIONS FOR INITIAL CONSIDERATION: None**

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**10. NEW BUSINESS AND COUNCILOR REPORTS:**

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**11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:**

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Motion to Adjourn by Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Roll call: Councilors Kelly, Gibbs, Brodi, McFarlin, Moore

**MEETING ADJOURNED:** \_\_\_\_\_