

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

March 26, 2020

5:30 P.M.

AGENDA

Pledge of Allegiance

(RC)

Present: Mayor Colin Read, Councilors Ira Barbell (W1), Mike Kelly (W2), Elizabeth Gibbs (W3), Paul DeDominicas (W4), Patrick McFarlin (W5), Jeff Moore (W6)

Absent:

MAYOR'S COMMENTS:

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on March 12, 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 Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending March 25, 2020 in the amount of \$ 488,821.60 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 Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report from the Building Inspector's office for the week of March 18 – 24, 2020
- Minutes from the Finance & Budget Committee meeting held on March 19, 2020
- Report from the Parking Violations Bureau for February 2020
- Reports from the Police Department dated March 23, 2020

COUNCILOR/DEPARTMENT CHAIR COMMITTEE REPORTS:

Governance, Strategy, and City Operations- Chair Councilor Barbell

City Infrastructure – Chair Councilor Moore

Finance and Budget – Chair Councilor Kelly

Public Safety – Chair Councilor Gibbs

Plattsburgh Public Library – Chair Councilor DeDominicas

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 Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the week ending March 27, 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 Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

6. PERSONS ADDRESSING COUNCIL ON AGENDA ITEMS ONLY:

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign a Construction Access License Agreement with St. John’s Church to allow the City to construct improvements to a section of the sidewalk at the northwest corner of St. John’s Church’s property on Margaret Street as part of the larger improvements associated with construction of the Arnie Pavone Memorial Parking Plaza.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

B. RESOLVED: In accordance with the request therefore the Common Council authorizes the Mayor to enter into a waiver agreement with the Clinton County Planning Board pursuant to General Municipal Law 239-m(3)(c) which waiver agreement provides that certain proposed actions set forth in the agreement are of local, rather than inter-community or county-wide concern, and are not subject to referral under General Municipal Law 239-m.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

C. APPROVING ABANDONMENT OF DIVISION STREET FOR ARNIE PAVONE MEMORIAL PARKING PLAZA PORTION OF DOWNTOWN AREA IMPROVEMENT PROJECTS

WHEREAS, the City of Plattsburgh revitalization efforts will involve several downtown area improvement projects known as the Downtown Area Improvement Projects (DAIP); and

WHEREAS, the City of Plattsburgh Common Council determined to conduct comprehensive review of the DAIP through preparation of a Generic Environmental Impact Statement (GEIS) pursuant to the State Environmental Quality Review Act (SEQRA) and Section 617.10 of Title 6 of the New York Compilation of Codes, Rules and Regulations; and

WHEREAS, the Common Council, as duly designated Lead Agency pursuant to SEQRA, conducted a thorough SEQRA review of the DAIP, including conducting scoping, preparing Draft and Final Generic Environmental Impact Statements (EIS), conducting a Public Hearing and adopting a SEQRA Findings Statement; and

WHEREAS, the Findings Statement determined, among other things, that given the demonstrated public need and benefit of the DAIP, its lack of significant adverse environmental impacts and its avoidance of

such impacts by project design, location and mitigation, the decision to proceed with the Project as proposed gave due consideration to and represented a reasonable and proper balancing of environmental considerations with social, economic and other relevant considerations; and

WHEREAS, the Findings Statement further determined and certified that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the DAIP avoids or minimizes adverse environmental impacts to the maximum extent practicable and incorporates as conditions to the Board's decision those mitigation measures that were identified as practicable; and

WHEREAS, approval from the Common Council is now needed for the abandonment of Division Street, which is required to enable the Arnie Pavone Memorial Parking Plaza (APMPP) to proceed; and

WHEREAS, to maximize the amount of public parking in the APMPP, Division Street will need to be converted to publicly accessible parking spaces and sidewalks; and

WHEREAS, written notice of proposed abandonment of Division Street was sent by certified mail to both adjoining landowners, Community Bank and St. John's Church on or about March 9, 2020, and public notice duly published; and

WHEREAS, St. John's Church does not use or rely on Division Street for ingress or egress to their property and Community Bank has requested that a means of egress be provided through the APMPP from their property; and

WHEREAS, notice of a public hearing was duly announced regarding a potential change to the official map of the City of Plattsburgh and the public hearing was completed on March 26, 2020; and

WHEREAS, the City Planner, with input and comments from the City Planning Board, has provided a report to the Common Council regarding the potential abandonment of Division Street.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council has reviewed the proposed abandonment of Division Street and finds that it constitutes an integral component of the APMPP portion of the DAIP which was thoroughly reviewed under SEQRA.
2. The potential environmental impacts of the abandonment of Division Street were adequately addressed as an essential component of the APMPP portion of the DAIP in the GEIS and the Findings Statement and the proposed abandonment of Division Street is not likely to result in any new or different environmental impacts than those previously considered during SEQRA review of the DAIP. Therefore, no further SEQRA review is necessary.

3. Pursuant to Chapter 295 of the City Code, that the Common Council of the City of Plattsburgh finds that Division Street provides partial access only to a single lot or parcel of land and the City Planner advises, and the Common Council concurs and finds that Division Street, to the extent it is used as a vehicular thoroughfare, is not likely to be needed for a public purpose, including access, now or at any time in the foreseeable future and is therefore abandoned as a City Street, and the official map of the City should be changed to reflect this abandonment.
4. That the former footprint of Division Street will retain a public use to the extent the parking spaces and adjoining sidewalk will be open and utilized by the public.
5. That Community Bank, or their assigns, shall retain a means of egress from their parcel through the APMPP.
6. That, since the former footprint of Division Street will be utilized for a proper public purpose, the City will retain all rights and title to the former footprint of Division Street.
7. The Common Council authorizes and directs the Mayor, City Clerk, Director of Community Development, City Attorney and/or Special Legal Counsel to take such further actions as may be necessary to effectuate the intent of this Resolution.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

D. RESOLVED: In accordance with the request therefore the Common Council agrees to and authorizes the execution of Amendment No. 3 to the agreement with CDM Smith for work on a time and expense basis for a not to exceed fee of \$19,600, thereby increasing the upper limit from \$666,900 to \$685,500.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

E. RESOLVED: In accordance with the request therefore the Common Council agrees to and authorizes the execution of a March 2, 2020 agreement with Schnabel Engineering for “Mead Reservoir Hazard Classification Study” for the lump sum fee of \$20,500.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

F. ADOPTION OF LOCAL LAW P-2 OF 2020: A local law amending in its entirety city code section 348-24 and setting water service rates and enacting regulations for levy and collection of water charges.”

This Local Law shall take effect immediately upon approval by the Mayor and filing with the New York Secretary of State. The entire text of which has been distributed to and read by the members of the Common Council, is hereby enacted without the reading thereof and a copy of said local law is made part of the minutes of this meeting.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

8. ORDINANCES

A. BE IT ORDAINED by the Common Council of the City of Plattsburgh, as follows:

ORDINANCE 2020-8A; AUTHORIZATION FOR DRIVEWAY CONNECTING TWO STREETS (Beekman St and Cornelia St.)

The Common Council of the City of Plattsburgh hereby ordains as follows:

1. **Findings:** The Common Council finds:

- i. City Code §360-22 Dⁱ prohibits driveways that connect two City streets except by ordinance adopted by the Common Council
- ii. There is an application pending for site plan approval and a building permit to construct a 94 unit addition and related site improvements on Tax Map Parcel ID # 206.-1-26.113 known as the Samuel F. Vilas Home assisted living facility.

- iii. The application site plan entitled “Samuel F. Vilas Home Site Plan 2019” dated February 27, 2020 shows a driveway that connects Cornelia St. and Beekman St. In addition, a sketch plan traffic analysis dated, March 3, 2020 is provided as a detailed plan of the proposed exit only driveway to Cornelia St.
- iv. The City Planner has coordinated with the Building Inspector, Fire Department, Police Department, and the Department of Public Works and the proposed the site plan with driveway will not adversely impact traffic movement on Cornelia St. and Beekman St. and will not foster a “shortcut” access point.
- v. The primary purpose of City Code §360-22 D is to prohibit private drives that connect parallel streets and permit motorists to take a “shortcut” to their destination. In this case, the driveway only allows exit to Cornelia St through a traffic controlled parking lot and is unlikely to be used by anyone other than persons patronizing the facility to be constructed on the lot.

2. **Authorization and Waiver:** Based upon the foregoing findings, the Common Council does hereby approve the construction of a private driveway that connects Cornelia Street and Beekman Street as shown on “Samuel F. Vilas Home Site Plan” dated 2/27/20 and Sketch Traffic Analysis dated 3/3/20 and hereby waives the requirements of City Code §360-22 D with respect to the proposed private driveway.

3. **Effective Date:** This ordinance shall take effect immediately upon approval by the Mayor and publication of the ordinance, or a summary thereof, one time in the official newspaper of the City of Plattsburgh and on the City website.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION: None

10. NEW BUSINESS AND COUNCILOR REPORTS:

11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:

Motion to Adjourn by Councilor _____; Seconded by Councilor _____

Roll Call: Councilors Barbell, Kelly, Gibbs, DeDominicas, McFarlin, Moore

MEETING ADJOURNED: _____
