

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK
DECEMBER 10, 2020
5:00 P.M.**

MINUTES

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: None

MAYOR'S COMMENTS: Mayor indicated this may be his last in house meeting, he may be travelling a bit next week and attend via Zoom. Thanked all who met with him in person during COVID, nice to see Councilors here and we have always had access for the public during COVID. Zoom has gone as efficiently as we can.

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on December 3, 2020 are approved and placed on file among the public records of the City Clerk's Office

By Councilor Brodi; Seconded by Councilor Gibbs
(All in Favor/opposed)

Roll call: Councilors Kelly, Gibbs, Brodi, 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 December 9, 2020 in the amount of \$ 54,894.21 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 Moore; Seconded by Councilor Kelly
(All in Favor/opposed)

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

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Minutes from the Governance, Strategy & City Operations Committee meeting held on December 3, 2020
- Report from the City Clerk's Office of all monies received during the month of November 2020 in the total amount of \$5,007.25
- Reports from the Police Department dated December 7, 2020

COUNCILOR/DEPARTMENT CHAIR COMMITTEE REPORTS:
[reports provided during work session]

Governance, Strategy, and City Operations – Chair Councilor Brodi indicated nothing to report.

City Infrastructure – Chair Councilor Moore indicated met tonight nothing more to report.

Finance and Budget – Chair Councilor Kelly indicated nothing to report.

Public Safety – Chair Councilor Gibbs indicated nothing to report.

Plattsburgh Public Library – Chair Councilor McFarlin indicated nothing to report.

MLD - MLD Board President Councilor McFarlin indicated nothing to report.

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 Brodi
(All in Favor/opposed)
Roll call: Councilors Kelly, Gibbs, Brodi, 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 December 11, 2020 in the amount of \$ 3,504,303.89 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 Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL ON AGENDA ITEMS ONLY: None

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves that Bid “2 Ford Ranger XL Super Cabs” be awarded to Metro Ford Sales, Inc in the amount of \$ 50,722.94.

By Councilor Moore; Seconded by Councilor Gibbs
Discussion: Yes
Roll call: Councilors Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. MAYOR NAMES TIMOTHY SURPITSKI AS DESIGNATED ASSESSOR FOR THE CITY OF PLATTSBURGH EFFECTIVE JANUARY 1, 2021 FOR THE DURATION OF THE TERM OF THE CONTRACT WITH THE COUNTY OF CLINTON PURSUANT TO RPTL SECTION 1537

Roll call: Councilors Kelly, Gibbs, Brodi, McFarlin, Moore
(Councilor Kelly, Gibbs, McFarlin and Moore voted in the affirmative. Councilor Brodi voted in the negative stating he objects to County being in charge of our property taxes)

ACTION TAKEN: Adopted

Follow up Action: None

C. THE MAYOR HANDS DOWN THE APPOINTMENT OF PATRICIA HOFFMANN TO THE BOARD OF ASSESSMENT REVIEW FOR A FIVE YEAR TERM TO BEGIN ON DECEMBER 11, 2020 AND EXPIRING ON SEPTEMBER 30, 2025.

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

ACTION TAKEN: Adopted

Follow up Action: None

D. THE MAYOR HANDS DOWN THE PROVISIONAL APPOINTMENT OF MICHAEL BESSETTE TO THE POSITION OF SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS WITH THE SALARY SET AT RANGE 14 STEP MAX OF THE MANAGER’S BASIC SALARY SCHEDULE, EFFECTIVE DECEMBER 11, 2020.

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

ACTION TAKEN: Adopted

Follow up Action: None

[SEQRA REVIEW]

E. ADOPTION OF LOCAL LAW P-4 OF 2020: A local law amending Chapter 300 “Subdivision of Land” and Chapter 360 “Zoning” of the City Code of the City of Plattsburgh to provide exemptions for City Projects.

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.

Corporation Counsel Dean Schneller indicated need to review procedural history, reviews and completes Short Form EAF Part 1, 2 and 3 with all Council members.

By Councilor Moore; Seconded by Councilor Kelly
Roll call: Councilors Kelly, Gibbs, Brodi, McFarlin, Moore
(All voted in the affirmative)

Motion to deem this unlisted action as not resulting in any significant adverse environmental impacts.

By Councilor Gibbs; Seconded by Councilor Kelly

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

ADOPTION OF LOCAL LAW P-4 OF 2020: A local law amending Chapter 300 “Subdivision of Land” and Chapter 360 “Zoning” of the City Code of the City of Plattsburgh to provide exemptions for City Projects.

By Councilor Moore; Seconded by Councilor Gibbs
Discussion: Yes

Roll call: Councilors Kelly, Gibbs, Brodi, McFarlin, Moore
[Based on results of Clinton County Planning Board 239 referral, super majority required]
(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

F. RESOLVED: That the Council authorizes the Mayor to sign an Easement Agreement with NYSEG impacting tax map parcel id no.: 204.-1-3.1 to provide new electric services to neighboring properties on the Akey Road.

By Councilor Gibbs; Seconded by Councilor Kelly
Discussion: Yes
Roll call: Councilors Kelly, Gibbs, Brodi, 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:

Councilor Brodi asked with promotion of Mike Bessette to Superintendent of Public Works what is happening with old position.

Mayor Read indicated no decisions made at this time.

Councilor McFarlin mentioned he understood it was part of succession plan when Superintendent of Public Works left, doesn't feel they need to replace Assistant Superintended of Public Works position.

Councilor Brodi spoke with Mayor-elect Rosenquest about concerns that he is not able to meet whenever with Councilors or city staff and being limited to 30-minute meetings.

Mayor Read indicated there is no ban, he can meet with Councilors anytime and city staff meetings will be coordinated through Mayor's office.

11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:

Carol McLean Irises, asked Council to consider allowing downtown businesses to use parking spaces in front for curbside pickup during winter months only during hours they are open.

Mayor Read indicated if Council agrees he could approve as temporary use of parking spaces for curbside pickup during business hours only and ask Public Works to contact Ms. McLean to help with temporary signage.

Motion to Adjourn by Councilor Brodi; Seconded by Councilor Gibbs

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

(All voted in the affirmative)

MEETING ADJOURNED: 5:32 pm

Introduced by Mayor Read on October 1, 2020 at a Regular Meeting of the Common Council.

Public Hearing held on Thursday, October 15, 2020 at 5:00pm in the Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

Local Law No. P-4 of the year 2020

A local law amending Chapter 300 “Subdivision of Land” and Chapter 360 “Zoning” of the City Code of the City of Plattsburgh to provide exemptions for City Projects.

This Local Law is enacted pursuant to the provisions of Sections 10 of the Municipal Home Rule Law of the State of New York.

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

1. The City Code of the City of Plattsburgh is amended by adding Section 300-36 “City Exemption” to the City Code of the City of Plattsburgh to read as follows:

Chapter 300 “Subdivision of Land”... Section 36 “City Exemption”

A. Purpose and Intent; Authority

It is the intent of this Local Law to specifically provide for the exemption of City projects and activities from the City’s Subdivision of Land Regulations. It is adopted pursuant to New York Municipal Home Rule Law.

B. City Exemption

Notwithstanding any other provision of this chapter, any action or subdivision proposed or undertaken by the City of Plattsburgh, or on behalf of the City with the City’s written authorization, shall be exempt from the provisions of this chapter. Notwithstanding this exemption, the Common Council may seek non-binding advisory review from the City Planning Board and/or Zoning Board of Appeals for any such proposed City action. This exemption specifically does not apply to the provisions of the State Environmental Review Act (SEQRA) or other State or Federal requirements, but is limited only to requirements of the City of Plattsburgh.

2. The City Code of the City of Plattsburgh is amended by adding Section 360-62 “City Exemption” to the City Code of the City of Plattsburgh to read as follows:

Chapter 360 “Zoning”... Section 62 “City Exemption”

A. Purpose and Intent; Authority

It is the intent of this Local Law to specifically provide for the exemption of City projects and activities from the City's Zoning Code. It is adopted pursuant to New York Municipal Home Rule Law.

B. City Exemption

Notwithstanding any other provision of this chapter, any action, including but not limited to site plan review, subdivision approval, planned unit development review, special use permit application, use variance or area variance application, which is proposed or undertaken by the City of Plattsburgh, or on behalf of the City with the City's written authorization, shall be exempt from the provisions of this chapter. Notwithstanding this exemption, the Common Council may seek non-binding advisory review from the City Planning Board and/or Zoning Board of Appeals for any such proposed City action. This exemption specifically does not apply to the provisions of the State Environmental Review Act (SEQRA) or other State or Federal requirements, but is limited only to requirements of the City of Plattsburgh.

3. Severability

The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

4. Repealer

Any Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed.

5. Effective Date

This Local Law shall take effect upon approval by the Mayor and filing with the New York Secretary of State. However, this City Exemption does not apply to any previous application pending review before the City Planning Board and/or Zoning Board of Appeals as of the effective date of this Local Law.

Adopted at a Regular Meeting of the Common Council held on December 10, 2020

By Councilor Moore; Seconded by Councilor Gibbs

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

**[Based on results of Clinton County Planning Board 239 referral, super majority required]
(All voted in the affirmative)**

ABSENT: NONE

Short Environmental Assessment Form

Part 1 - Project Information

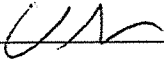
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: <i>Common Council Adoption of Local Law P-4 of 2020</i>			
Project Location (describe, and attach a location map): <i>City of Plattsburgh</i>			
Brief Description of Proposed Action: <i>Local Law P-4 of 2020 would amend the zoning code and subdivision code of the City to allow for the city to be exempt from the city code for city sponsored actions on city owned property.</i>			
Name of Applicant or Sponsor: <i>Common Council City of Plattsburgh</i>		Telephone: <i>518 563 7701</i>	
		E-Mail: <i>Dean@schwellerlaw.com</i>	
Address: <i>41 City Hall Plaza</i>			
City/PO: <i>Plattsburgh, NY</i>		State: <i>NY</i>	Zip Code: <i>12944</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. <i>See Local Law P-4.</i>			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? <i>No</i> If Yes, list agency(s) name and permit or approval: <i>Environmental agencies identified.</i>			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Dean Schweller</u> Date: <u>10-14-2020</u>		
Signature: <u></u> Title: <u>City Attorney</u>		

Project: CC P4-2020
 Date: 12-10-2020

**Short Environmental Assessment Form
 Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:	LLP4 2020
Date:	12-10-2020

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____ Name of Lead Agency	_____ Date
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)