

At 4:51 pm pm Motion to enter Executive Session to discuss personnel issue of a particular person.
By Councilor McFarlin; Seconded by Councilor Ensel
Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore
(All voted in the affirmative)

Returned at 4:59 pm
Returned from Executive Session discussed personnel issue of an individual person. No action was taken during Executive Session.

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

December 12, 2019
5:30 P.M.

MINUTES

Pledge of Allegiance
(RC)

Present: Mayor Colin Read, Councilors Rachele Armstrong (W1), Mike Kelly (W2), Elizabeth Gibbs (W3), Peter Ensel (W4), Patrick McFarlin (W5), Jeff Moore (W6)

Absent: None

MAYOR'S COMMENTS: mentioned meeting at 6:30pm to roll out some ideas for improvements at the Water Resource Recovery Facility invited all to stay around and the ideas from Jon Ruff and his staff are really interesting.

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on December 5, 2019 and Special Meeting of the Common Council held on December 9, 2019 are approved and placed on file among the public records of the City Clerk's Office

By Councilor Armstrong; Seconded by Councilor Kelly
(All in Favor/opposed)
Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, 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 11, 2019 in the amount of \$ 64,122.85 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 Kelly; Seconded by Councilor Ensel

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of December 3 - 9, 2019
- Report from the Building Inspector’s office for the week of December 4 - 10, 2019
- Reports from the Police Department dated December 9, 2019
- Minutes from the Governance, Strategy & City Operations Committee meeting held on December 5, 2019
- Report from the Parking Violations Bureau for November 2019

• **COUNCILOR/DEPARTMENT CHAIR COMMITTEE REPORTS:**

[meeting reports provided during work session]

Governance, Strategy, and City Operations- Chair Councilor Armstrong is looking forward to Opengov presentation next week. Sustainability Task Force will have 4 proposals next week.

City Infrastructure – Chair Councilor Moore met tonight no new updates.

Finance and Budget – Chair Councilor Kelly meet next week.

Public Safety – Chair Councilor Gibbs indicated no updates.

Plattsburgh Public Library – Chair Councilor Ensel indicated no updates.

MLD - MLD Board President Councilor McFarlin indicated no updates.

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 Ensel

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, 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 13, 2019 in the amount of \$ 3,708,731.44 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 Gibbs; Seconded by Councilor Moore
(All in Favor/opposed)
Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL ON AGENDA ITEMS ONLY: None

7. OTHER ITEMS:

A. WHEREAS, Upon Review of the Short Environmental Assessment Form dated December 12, 2019 regarding Local Law P-6 of 2019, the Common Council determines this to be an unlisted action, and per Part 2 and 3 of the Short EAF finds there will be no or small impacts to occur and hereby adopts a negative declaration.

Corporation Counsel Dean Schneller explains they will complete Short Form EAF Part 2 together.

Motion to Table:

By Councilor Armstrong; Seconded by Councilor Ensel
(Councilors Armstrong, Ensel, and McFarlin voted in the affirmative. Councilors Kelly, Gibbs and Moore voted in the negative. Mayor Read breaks Tie in the negative)

Motion to Table Fails

Corporation Counsel Dean Schneller reviews and completes Short Form EAF Part 2 with all Council members. During review of Part 2 Impact Assessment no adverse environmental impacts were identified by Majority of council and reviewed and completed Short Form EAF Part 2

Resolution:

A. WHEREAS, Upon Review of the Short Environmental Assessment Form dated December 12, 2019 regarding Local Law P-6 of 2019, the Common Council determines this to be an unlisted action, and per Part 2 and 3 of the Short EAF finds there will be no or small impacts to occur and hereby adopts a negative declaration.

By Councilor Gibbs; Seconded by Councilor Moore

Discussion: None

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(Councilors Armstrong and Ensel abstain. Councilors Kelly, Gibbs, McFarlin and Moore vote in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. WHEREAS, the Common Council, determined this to be an unlisted action under the NYS Environmental Quality Review Act and adopted a SEQR Negative Declaration.

ADOPTION OF LOCAL LAW P-6 OF 2019: A local law adding Section 144-18 “Rental Permits” to Chapter 144 “Building Code Administration and Enforcement” to the City Code of the City of Plattsburgh.

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.

Motion to waive reading and move Resolution

By Councilor McFarlin; Seconded by Councilor Gibbs
(All voted in the affirmative to waive reading and move Resolution)

Discussion: Yes

Councilor McFarlin submitted written comments he received from Shelise Marbut in to minutes of Public Hearing held earlier.

Motion to Table:

By Councilor McFarlin; Seconded by Councilor Ensel

Discussion: Yes

Motion to suspend discussion and vote on motion to Table:

By Councilor McFarlin; Seconded by Councilor Ensel

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(Councilors Armstrong, Ensel, and McFarlin voted in the affirmative. Councilors Kelly, Gibbs and Moore voted in the negative. Mayor Read breaks Tie in the negative)

Discussion on motion to Table continues.

Motion to vote on Resolution:

By Councilor Moore; Seconded by Councilor Kelly

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(All voted in the affirmative to vote on Resolution)

Resolution:

WHEREAS, the Common Council, determined this to be an unlisted action under the NYS Environmental Quality Review Act and adopted a SEQR Negative Declaration.

ADOPTION OF LOCAL LAW P-6 OF 2019: A local law adding Section 144-18 “Rental Permits” to Chapter 144 “Building Code Administration and Enforcement” to the City Code of the City of Plattsburgh.

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.

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(Councilors Armstrong, Ensel and McFarlin vote in the negative. Councilors Kelly, Gibbs and Moore

vote in the affirmative. Mayor Read breaks Tie in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. THE MAYOR HANDS DOWN THE REAPPOINTMENT OF JAMES ABDALLAH AS PLANNING BOARD CHAIRMAN TO THE CITY PLANNING BOARD FOR A FIVE YEAR TERM TO BEGIN ON JANUARY 1, 2020 AND EXPIRING DECEMBER 31, 2024.

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. 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 FLW “FLW Bass Fishing League event” on June 20, 2020.

By Councilor Gibbs; Seconded by Councilor Moore

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(Councilors Armstrong, Kelly, Gibbs, Ensel and Moore voted in the affirmative. Councilor McFarlin voted in the negative)

ACTION TAKEN: Adopted

Follow up Action: None

E. 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 FLW “FLW Series qualifying event” on July 9 -11, 2020.

By Councilor Gibbs; Seconded by Councilor Moore

Discussion: None

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(Councilors Armstrong, Kelly, Gibbs, Ensel and Moore voted in the affirmative. Councilor McFarlin voted in the negative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to increase capital project H5110.65, 2018 Arnie Pavone Memorial Parking Plaza, by \$384,650 for the management and cost of the demolition of the building and for further development of the property into a parking plaza during 2020.

By Councilor Kelly; Seconded by Councilor Gibbs

Discussion: None

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

G. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to adjust the 2019 General Fund Budget by \$14,500 equally in estimated revenues and appropriations for Insurance Proceeds and Police Motor Vehicles, respectively, for the reimbursement of the total loss of vehicle #302 by the City’s insurance carrier and the purchase of a similar used vehicle to replace it.

By Councilor Gibbs; Seconded by Councilor Ensel

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore
(Councilors Armstrong, Kelly, Gibbs, Ensel and Moore voted in the affirmative. Councilor McFarlin voted in the negative)

ACTION TAKEN: Adopted

Follow up Action: None

H. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign a Medical Director Services Agreement between Champlain Valley Physicians Hospital Medical Center (CVPH) and the City of Plattsburgh to obtain the services of a Medical Director for the City of Plattsburgh’s Emergency Medical Service.

By Councilor Gibbs; Seconded by Councilor Kelly

Discussion: None

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

ACTION TAKEN: Adopted

Follow up Action: None

I. RESOLVED: In accordance with the request therefore the Common Council approves the following rate structure be implemented as of January 1, 2020 for all City Recreation Center fees (see next page):

PROPOSED 2020 CITY GYM RATES

DESCRIPTION	CURRENT RATE	PROPOSED RATE
Monthly Membership* - Running Track Only		
Non-City Resident	\$ 5.00	\$ 21.00
City Resident	\$ 3.75	\$ 12.00
Non-City Resident (55 Years and Older)	\$ 3.75	\$ 15.00
City Resident (55 Years and Older)	\$ -	\$ 10.00
Monthly Membership* - Courts and Running Track		
Non-City Resident	\$ 20.00	\$ 30.00
City Resident	\$ 15.00	\$ 25.00
Non-City Resident (55 Years and Older)	\$ 12.00	\$ 25.00
City Resident (55 Years and Older)	\$ 10.00	\$ 20.00
Monthly Membership* - Full Access		
Non-City Resident	\$ 35.00	\$ 49.00
City Resident	\$ 29.00	\$ 39.00
Add-on	\$ 10.00	\$ 25.00
City Employee	\$ -	\$ 10.00
U.S. Military Veterans	\$ -	\$ -
Day Passes		
Day Pass	\$ 5.00	\$ 10.00
Day Pass (55 Years and Older: Pickelball)	\$ 2.00	\$ 5.00
Room Rentals (all rental rates are per hour)		
Rental - 1/2 Court	\$ 25.00	\$ 45.00
Rental - Full Court	\$ 45.00	\$ 85.00
Rental - Community Room	\$ 25.00	\$ 45.00
Rental - Group Ex Room	\$ 25.00	\$ 35.00
Miscellaneous		
Monthly Locker Rental	\$ 4.00	\$ 10.00
Birthday Parties	\$ 90.00	\$ 100.00
*A 5% discount to the cost of 12 monthly memberships will be offered to members who purchase a full year of membership up front.		

Motion to waive reading and move Resolution

By Councilor McFarlin; Seconded by Councilor Gibbs

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore
(All voted in favor of waiving reading and move Resolution)

Discussion: Yes

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

ACTION TAKEN: Adopted
Follow up Action: None

J. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to adopt a budget resolution establishing the 2020 Capital Expenditure Plan for spending for the years 2020 through 2024 per the attached budget resolution and the 2020 through 2024 capital expenditure plan detail.

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

ACTION TAKEN: Adopted
Follow up Action: None

K. RESOLVED: In accordance with the request therefore the Common Council approves Environmental Manager Jon Ruff to solicit bids for “WRRF Dewatering and Primary Clarifier Upgrades Project.” Funding is anticipated to be from WIIA and ESD grants, WIIA loans and the Sewer Reserve as necessary.

Motion to waive reading and move Resolutions 7K, 7L and 7M

By Councilor McFarlin; Seconded by Councilor Ensel
(All voted in the affirmative to waive reading and move Resolutions 7K, 7L and 7M)
Discussion: None
Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore
(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

L. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to transfer \$35,000.00 of appropriations from Fire Separation Pay to Fire Capital Outlay for the purchase of a new defibrillator. The transfer will not increase the 2019 General Fund Budget.

[See details under Item 7K]

ACTION TAKEN: Adopted
Follow up Action: None

M. RESOLVED: In accordance with the request therefore the Common Council agrees to and authorizes executing the December 4, 2019 CDM Smith Amendment 1 – Final Design Engineering Service Proposal.

[See details under Item 7K]

ACTION TAKEN: Adopted

Follow up Action: None

Note: *Councilor McFarlin recused himself and exited the room because his wife is on the Board of the YMCA*

N. WHEREAS, the City of Plattsburgh is committed to securing funding to explore a regional recreation center based in the City; and

WHEREAS, the YMCA has approached the City seeking a \$5,000 contribution to fund an approximately \$30,000 study to explore a regional recreation center; and

WHEREAS, a viable public recreation center has a legitimate public purpose, which benefits the City residents and taxpayers;

NOW THEREFORE IT IS HEREBY RESOLVED, the City commits to making a \$5,000 contribution in support of this requested study, subject to a contribution agreement approved by the Corporation Counsel and signed by the Mayor, which agreement shall include terms that the City's contribution is only payable upon confirmation that the study is otherwise fully funded and further that the study shall include properties located within the City. The City's prospective contribution shall be paid from the Recreation fund.

By Councilor Armstrong; Seconded by Councilor Ensel

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(Councilors Armstrong, Kelly, Gibbs, Ensel and Moore voted in the affirmative. Councilor McFarlin recused himself and was not present for Roll Call vote)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves one Police Department employee to attend "FBI Hostage Negotiation School" from December 16-20, 2019 in Oriskany, NY. The total cost will not exceed \$346.25, as training and hotel expenses will be paid for by Homeland Security and Emergency Services, and will be expensed out of the Asset Forfeiture Fund.

By Councilor Gibbs; Seconded by Councilor Ensel

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from the City Chamberlain to authorize an additional \$4,551,000 for the City to borrow through issuing long-term debt in order to provide funding for capital spending for various projects

adding to or upgrading the City's infrastructure and equipment assets. The five bond resolutions are included as supporting documentation for authorizing this request.

10. NEW BUSINESS AND COUNCILOR REPORTS:

Councilor Moore asked about new software Opengov.

Councilor Ensel mentioned he received a letter from a constituent, which was passed on to Mayor and Council earlier this week, regarding the loss of a family pet because of a disease from skunks. Potential harm to humans and urged council to address skunk problem in city.

Mayor Read thinks this leads to bigger discussion and all feel strongly about and agree need to work on code enforcement and have made a lot of progress in last year or so and spoke further on the subject.

11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:

Carol Klepper, 15 Couch Street, felt council passed local law to quickly and it is too vague.

Kye Ford disappointed that decision was so rushed after public hearing and doesn't feel good governance.

Justin Ihne from YMCA thanked Council for \$5,000 toward recreation study, they are in good shape to start study in beginning of year.

Motion to Adjourn by Councilor McFarlin; Seconded by Councilor Ensel

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

(All voted in the affirmative)

MEETING ADJOURNED: 7:09 pm

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>Local Law No. P-6 of the year 2019</i>			
Project Location (describe, and attach a location map): <i>City of Plattsburgh</i>			
Brief Description of Proposed Action: <i>A local law adding section 144-18 "Rental Permits" to Chapter 144 "Building Code Administration & Enforcement" to the City Code.</i>			
Name of Applicant or Sponsor: <i>Common Council City of Plattsburgh</i>		Telephone: <i>518 563-7701</i>	
Address: <i>41 City Hall Place</i>		E-Mail: <i>cwlmbe@cityofplattsburgh.gov</i>	
City/PO: <i>Plattsburgh</i>		State: <i>NY</i>	Zip Code: <i>12901</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.			NO <input type="checkbox"/>
<i>See Local Law P-6 attached. No environmental resources.</i>			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			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:			
5. <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			

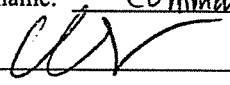
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<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	YES	
	<input type="checkbox"/>	<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	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<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	YES	
	<input type="checkbox"/>	<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	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<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	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<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	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<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)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

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>Common Council City of Plattsburgh</u> Date: <u>12-12-19</u>		
Signature: <u></u> <u>Dean Schneller</u> Title: <u>City Attorney</u>		

Project:

Date:

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?"

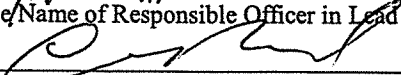
	No, or small impact may occur	Moderate to large impact may occur
<i>Answer No No 2 or No</i>		
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in 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:

Date:

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.
<u>City of Portsmouth Common Council</u> Name of Lead Agency	<u>12-12-19</u> Date
<u>Mayor Colin Reed</u> Print or Type Name of Responsible Officer in Lead Agency	<u>Mayor</u> Title of Responsible Officer
 Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

Local Law No. P-6 of the year 2019.

A local law adding Section 144-18 “Rental Permits” to Chapter 144 “Building Code Administration and Enforcement” to the City Code of the City of Plattsburgh.

Introduced by Councilor Ensel on November 26, 2019 at a Regular Meeting of the Common Council.

Public Hearing to be held on Thursday, December 12, 2019 at 5:00pm in the Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

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 144-18 “Rental Permits” to Chapter 144 “Building Code Administration and Enforcement” to the City Code of the City of Plattsburgh to read as follows:

Chapter 144 “Building Code Administration and Enforcement”...

§ 144-18 Rental Permits

A. Purpose

The Common Council of the City of Plattsburgh recognizes that the rental of single-family residences or units within a duplex to more than four unrelated individuals who do not otherwise qualify as a “family” or “functional equivalent of a family”, or the rental of multi-family dwelling units, (hereinafter “High Occupancy Rental Units”) constitutes a business which impacts upon the public health, safety and general welfare of the people of the City of Plattsburgh. The state and local framework for regulation and inspection of High Occupancy Rental Units is in many and various respects not sufficient to protect the residents from potential violations of the Building and Fire Code, particularly where there is a high turn-over of residents therein. The intent of this chapter is to create a registry, inspection and permit protocol for the offering for rental of High Occupancy Rental Units so as to facilitate the enforcement of New York Building and Fire Codes as well as the City Code of Plattsburgh in relation thereto in order to protect the public health, safety and welfare of the people of the City of Plattsburgh and to achieve the following beneficial purposes:

- (1) The protection of the character and stability of residential areas;
- (2) The correction and prevention of housing conditions/violations that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons inhabiting High Occupancy Rental Units; and

(3) The preservation of the value of land and buildings throughout the City of Plattsburgh.

Further, the Common Council of the City of Plattsburgh recognizes that some High Occupancy Rental Units are owned by corporations or companies whose members or owners lack sufficient capital to discover, correct and prevent violations of the aforementioned codes, particularly where they own more than one property.

Accordingly, this Chapter is intended to ensure that substantial owners of corporations or companies, as defined herein, have sufficient capital to preserve the health, safety and welfare of tenants of all of their High Occupancy Rental Units.

B. Definitions

The following Definitions will apply to this Section:

RECORD TITLEHOLDER

Any person holding title of record by deed, contract of sale, or judicial determination.

REGISTERED COMPLAINT

Any oral or written communication or personal observation upon which the Code Enforcement Officer has probable cause to believe that additional investigation is required to verify compliance with this chapter.

RENTAL AGREEMENT

A written or oral agreement embodying and fixing the terms and conditions for the transfer of possession and the use and occupancy of premises for at least a 30-day continuous period.

RENTAL BUILDINGS AND STRUCTURES/RENTAL UNIT

- A. Dwelling units, rooming houses, rooming units, two-family dwellings, or multiple dwellings which occupied by one or more persons, none of whom is a record titleholder; or
- B. Dwelling units, rooming houses, rooming units, two-family dwellings, or multiple dwellings which are used for residential purposes under the terms of a rental agreement.

ROOMING/BOARDING HOUSE

Dwelling providing lodging and meals for monetary compensation for three or more non-transient guests in which no private kitchen facilities shall be provided to guests.

DWELLING UNIT

Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living.

TENANT

A person, corporation, partnership or group, not the legal owner of record, occupying a dwelling unit or portion thereof as a unit.

TWO-FAMILY DWELLING or DUPLEX

A building of two dwelling units, separated by common walls and/or floors. It may or may not have a direct entrance from the outside to each dwelling unit.

MULTI-FAMILY DWELLING

A building of three or more dwelling units, separated by common walls and/or floors. It may or may not have a direct entrance from the outside to each dwelling unit.

SUBSTANTIAL OWNER

A person, member, or shareholder who owns or controls at least 10% of the shares, stocks, or ownership interest of a company, corporation, partnership, trust, or other related entity.

SINGLE-FAMILY RESIDENCE

A freestanding detached structure which contains a residence designed for and occupied by one family as defined herein.

FAMILY

A. The term "family" means:

(1) Any number of persons related by blood, marriage, or adoption living together in a single housekeeping unit and using certain rooms and sanitary and cooking facilities in common; or

(2) Up to four unrelated persons living together in a single housekeeping unit and using certain rooms and sanitary and cooking facilities in common; or

(3) Five or more persons occupying a dwelling unit and living together as the functional equivalent of a family.

B. It shall be presumed that five or more persons occupying a dwelling unit do not comprise the functional equivalent of a family. A functional equivalent of a family is a group of persons living together in a dwelling unit who:

(1) Share the use of the entire dwelling unit.

(2) Share the cost of rent, food, utilities, property maintenance and other household expenses.

(3) Intend to reside together on a permanent basis and have a stable relationship.

C. The following facts shall be considered in deciding whether a group intends to reside together on a permanent basis and has a stable relationship:

(1) The presence of minor dependent children regularly residing in the household who are enrolled in local schools.

(2) Whether the group members regularly dine together.

(3) Whether the dwelling is the legal residence of all group members as evidenced by the address listed on their driver's license, motor vehicle registration, voter registration card, income tax return or any other document that lists the member's residence address.

(4) Employment in the local area.

(5) Joint or common ownership of household furnishings.

(6) Other facts relevant to prove that the group functions as a stable household unit and intends to reside together for the indefinite future.

HIGH OCCUPANCY RENTAL UNITS

The term “high occupancy rental units”, as used in this section, includes (1) single-family residence rented to more than four unrelated individuals who do not otherwise qualify as a “family” or “functional equivalent of a family”; (2) dwelling units within a duplex or two-family dwelling rented to more than four unrelated individuals who do not otherwise qualify as a “family” or “functional equivalent of a family”; or (3) a Multi-Family Dwelling.

C. Rental Permits

1. Commencing May 1, 2020, it shall be unlawful to rent a High Occupancy Rental Unit unless and until a rental permit shall have been issued by the Code Enforcement Officer certifying that such premises conforms to the Uniform Building Code, New York State Uniform Fire Prevention and Building Code and Plattsburgh City Code, except that a temporary certificate may be issued upon showing, to the satisfaction of the Code Enforcement Officer, that remedial action is being taken to correct violations. Commencing on the effective date of this Section, the Code Enforcement Officer shall accept rental unit registration forms without penalty to the owner, lessor or respective agent of premises.
2. Unless revoked sooner, rental permits shall be valid for three years from the date of issuance. Owners and lessors, or their respective agents, shall, upon request, make available a copy of said rental permit to the person(s) in possession or occupancy. Rental permits may not be assigned or transferred.
3. A rental permit may be revoked, or not granted, by written notice thereof, if, upon an inspection, the subject premises are found to be in violation of this Section, the Uniform Building Code, New York State Uniform Fire Prevention and Building Code or the Plattsburgh City Code.
 - i. The Code Enforcement Officer is authorized to conduct inspections of premises or parts of premises at such times and in such manner as the Code Enforcement Officer may find convenient or necessary, with the consent of the person in possession or occupancy, or the record titleholder, to ensure compliance with the Uniform Building Code, New York State Uniform Fire Prevention and Building Code and Plattsburgh City Code.
 - ii. If admission is refused or cannot be obtained from the person in possession or occupancy, or the record titleholder, the Code Enforcement Officer is authorized to obtain an administrative warrant from a court of competent jurisdiction and also revoke or refuse to issue a rental permit.
4. A rental permit may be revoked, or no such rental permit shall be granted to or renewed for an applicant who is in violation of any Uniform Building Code or City of Plattsburgh Code, ordinance or local law (hereinafter "violations"). A rental permit may be revoked, or no such rental permit shall be granted to or renewed for an applicant who owes property taxes, water or sewer fees, special assessments, fines for

violations of City ordinances or any other fees or past due monies of any name or nature owed to the City of Plattsburgh (hereinafter "unpaid monies").

- i. The applicant shall have the burden of providing proof in a form acceptable to the department that there are no such violations or unpaid monies.
- ii. In the event that the applicant has accrued violations or unpaid monies, such permit or renewal thereof shall be denied regardless of whether such violations or unpaid monies relate to a parcel of real property for which the application is made or another parcel owned by applicant or are personal to the applicant. This denial or revocation of a rental permit shall also apply to such violations or unpaid monies for any parcel of real property within the City of Plattsburgh owned by a Substantial Owner of a company, corporation, or partnership.
- iii. In the event that the applicant has accrued violations or unpaid monies, such permit or renewal thereof shall be denied regardless of whether such violations or unpaid monies occurred or accrued before the effective date of this local law.
- iv. Such rental permit, once granted, shall be revoked in the event that the applicant accrues violations or unpaid monies, or violations or unpaid monies are discovered, after the permit is granted. The revocation shall take effect five business days after receipt by the permit holder of notice from the City of Plattsburgh of the pending revocation. Upon such revocation, all permitted activities and privileges shall immediately cease.
- v. No application fees shall be refunded upon revocation of the rental permit.
- vi. The applicant must reapply for the issuance of such revoked rental permit by submitting a new application and paying all necessary application fees, and any such permitted activities or privileges may only be resumed once a new rental permit has been granted.
- vii. All requirements set forth herein shall also apply to nonperson entities and such permit or renewal thereof shall be denied to an entity, or revoked, if a Substantial Owner in such entity owes such unpaid monies or has accrued such violations.

D. Inspections; Issuance of Notices; Occupancy Limitations

1. For purposes of this Section, the Code Enforcement Officer shall cause inspections to be made at intervals as follows, but in any event, not less than once every 3 years:

- (i) If requested in writing by the owner, owner's agent or occupant of a rental building(s) or structure(s) pursuant this Section;
- (ii) Upon receipt of a registered complaint;
- (iii) Upon the sale, transfer or conveyance of a Multi-Family Dwelling that will be utilized as a rental building/structure;

- (iv) Upon the sale, transfer or conveyance of a single family residence, or a unit of a duplex, which is occupied by more than four unrelated individuals who do not otherwise qualify as a “family” or “functional equivalent of a family”;
 - (v) Upon the application for a building permit for a Multi-Family Dwelling that will be utilized as a rental building/structure.
 - (v) At the discretion of the Code Enforcement Officer at an interval of less than three years, or
 - (vi) Otherwise in accordance with law.
2. The inspection by the Code Enforcement Office shall determine the condition of rental buildings and structures, rooming houses, rooming units, similar dwellings and accessory structures located within the City of Plattsburgh, and the Code Enforcement Office may issue notices as provided for in this chapter.
 3. The Code Enforcement Officer or his/her designees are authorized to enter common areas at reasonable times for the purposes of conducting a visual inspection. If entry is refused or not obtained, the Code Official is authorized to pursue entry to the fullest extent authorized by law.
 4. Occupancy limitations shall be governed by the rules and regulations contained in the Uniform Building Code, New York State Uniform Fire Prevention and Building Code City Code of the City of Plattsburgh, and any amendments made thereto. Nothing in this section shall authorize any owner to allow for an occupancy of property in excess of what is permitted in these aforementioned Codes.

E. Prohibited Acts

1. In addition to the requirements of this Section, the following shall be deemed violations:
 - (i) It shall be unlawful and a violation of this chapter for any owner of a Multi-Family rental building or structure to lease, let, rent or permit the occupancy and use as a rental building or structure without first having obtained a rental permit as provided herein.
 - (ii) It shall be unlawful and a violation of this chapter for any owner of a single-family residence or unit within a duplex to rent to more than four unrelated individuals who do not otherwise qualify as a “family” or “functional equivalent of a family” without first having obtained a rental permit as provided herein.
 - (iii) It shall be unlawful and a violation of this Section for any owner of a rental building or structure to provide materially false, misleading, or inaccurate information on any form submitted pursuant to this Section.
 - (iv) It shall be unlawful and a violation of this Section for any person to disable a carbon monoxide or smoke detection device within a dwelling unit or to otherwise lease a dwelling unit that is not in compliance with the New York State Uniform Fire Prevention and Building Code.
 - (v) No owner shall, following reasonable notice and an adequate opportunity to correct the same, fail to correct a serious fire hazard or electrical violation or fail to provide heat for a residential building or structure in accordance with legal requirements.

F. Rental Certification and Registration Information

1. Commencing March 1, 2020 owners of High Occupancy Rental Units which are located in the City of Plattsburgh shall annually complete and sign a registration form provided by the Code Enforcement Office for each rental building and/or structure owned. If the owner owns more than one rental building or structure, separate forms must be completed for each separate rental building and/or structure. The form shall indicate the name, physical address, and telephone number of each and every owner, including each Substantial Owner, the number and address of the rental building or structure for which a rental permit is sought, the number of dwelling units contained within each rental building or structure, the number of occupied bedrooms within each single-family residence, whether the premises are governed by a written lease or an oral lease, daytime and evening telephone numbers of the owner or owner's agent, the square footage of habitable space in each rental dwelling unit, the maximum number of tenants in each and every rental dwelling unit, any pre-existing nonconforming status, and any other pertinent data sought by the Code Enforcement Officer. The owner shall sign a statement affirming whether a written lease is in effect. The form shall indicate an address for receipt of notices by mailing under this chapter. The permittee shall be responsible for updating such information within five business days of an event or a change in circumstances that would render the information in the registration form inaccurate.
2. The registration form shall also include a section whereby the owner of High Occupancy Rental Units shall certify, under oath and subject to perjury, that all information on the registration form is accurate and complete and that said rental building or structure, and all dwelling units contained therein, are in compliance with all applicable City and State Codes, Statutes, Laws Ordinances and regulations.
3. Only those owners who can demonstrate to the Code Enforcement Officer that such single-family residences or units within a duplex who rent to more than four unrelated individuals who do not otherwise qualify as a "family" or "functional equivalent of a family" are an established pre-existing non-conforming use will be eligible to receive a rental permit.

G. Fees; Issuance of Permits

1. Rental permit fees, rental inspection fees, re-inspection fees and rental registration and certification fees will be charged in the amount set forth in the schedule of fees adopted by the City of Plattsburgh Common Council by resolution.
2. Permits shall be issued upon completion of all of the following:
 - (i) Provision of all the information required in the registration form pursuant to Section F; and
 - (ii) Verification of compliance with this chapter through one of the following methods:
 - (a) Completion and submission of a self-certification form by the owner, certifying under oath and subject to perjury that said rental building or structure, and all dwelling units contained therein, are in compliance

- with all applicable City and State Codes, Statutes, Laws Ordinances and regulations; or
- (b) Performance of an inspection by the Code Enforcement Office not less than once every 3 years to determine compliance with this Section; and
- (c) All requirements of this Section have been met.

H. Procedures for Inspections and Self-Certification

1. If the owner desires an inspection to verify compliance with this Section, the following shall apply:
 - (i) At least thirty days prior to initial occupancy, or thirty days prior to the expiration date of a current rental permit, whichever is applicable, the owner or agent of a rental property shall apply to the Code Enforcement Office for inspection of the structure and all units therein. The owner of the property shall be required to sign and return the application along with the applicable fee, which will also include the registration form required by this Section.
 - (ii) The Code Enforcement Officer shall inspect the property subject to the requirements set forth in this Section. If the property is in compliance with this Section, the permit will be issued.
2. If the owner prefers to self-verify compliance with this Section, as set forth above, the following shall apply:
 - (i) The form for self-certification shall be made available by the Code Enforcement Officer and shall be completed, signed and notarized by the record titleholder(s) under penalties of perjury at least thirty days prior to initial occupancy, or thirty days prior to the expiration date of a current rental permit, whichever is applicable. The owner of the property shall be required to sign and return the application along with the applicable fee, which will also include the registration form required by this Section.
 - (ii) Any owner that provides materially false or misleading information on the self-certification form shall be in violation of this Section and shall also be subject to the penalties of perjury in addition to the penalties found in this Section.
 - (iii) The Code Enforcement Officer has the right, but not the obligation, to inspect the subject property regardless of the submission of the self-certification form.
 - (iv) The Code Enforcement Officer shall review the self-certification form, and other required documentation and if, warranted, issue the rental permit.

I. Notice of Violation; Method of Service.

1. If the Code Enforcement Officer determines that there are reasonable grounds to believe that premises are being maintained in violation of this Section, that officer shall give notice of the alleged violation to the owner or owner's agent of the premises.

2. Such notice shall be mailed via first-class, registered or certified mail to the permittee or served upon any other person in accordance with the applicable provisions of the Criminal Procedure Law.
3. Such notice shall state that all health, safety and maintenance violations must be corrected immediately per an Order to Remedy. The Code Enforcement Officer shall return at a specified date to verify conformance with the Order to Remedy. Any maintenance items which cannot be completed at this time because of weather constraints may be granted a time extension. Reasonable time extensions may be granted by the Code Enforcement Office based on consideration of all relevant factors. Such notice shall also state that, if upon re-inspection a violation still exists, the Code Enforcement Officer shall order that the rental permit be revoked and the structure vacated.
4. Upon such re-inspection, any remaining health, safety and maintenance violations, or other violations of the Uniform Building Code, New York State Uniform Fire Prevention and Building Code and Plattsburgh City Code shall result in the revocation of the rental permit and an order to vacate the structure.
5. Any party aggrieved by this action may pursue judicial relief in a Court of competent jurisdiction.

J. Retaliatory Actions

1. No person shall institute or maintain an action for eviction because the occupant has reported a violation of this Section or a related provision of the City Code to the Code Enforcement Officer or other City employee.
2. No person shall cause any service, facility, equipment or utility required under this Section to be removed, shut off or discontinued in retaliation for a complaint.

K. Content of Rental Permit

1. The rental permit issued under this chapter shall contain the following information:
 - The address, type of structure, and structure classification;
 - The date of inspection or date of self-certification statement, whichever is applicable;
 - The date of issuance;
 - The expiration date;
 - Number of dwelling units and/or bedrooms suitable for occupancy;
 - A statement indicating whether the structure is equipped with a fire alarm system, single station smoke detectors, and carbon monoxide detectors as required by the Code,
 - A statement indicating whether the structure is equipped with a sprinkler system;
 - Local contact information including name, address and phone number for the owner or owner's designated representative; and

The maximum number of occupants permitted for each and every rental dwelling unit. Such number must be posted in a conspicuous place within each dwelling unit.

L. Transferability, Posting and Notice of Rental Permit

1. A current rental permit issued under this Section shall be invalidated by sale, conveyance, or transfer of the subject property. Upon such sale, conveyance or transfer, the new owner shall be required to obtain a rental permit in conformance with this Section. The owner of a rental building or structure shall conspicuously display a copy of the rental permit on the main entrance door of each building, or in a common area immediately adjacent thereto.
2. Commencing January 1, 2021, all written rental agreements for High Occupancy Rental Units within the City of Plattsburgh must contain the following language in 10-point or larger type: "Please take notice that you and the landlord each have certain rights and responsibilities under The City of Plattsburgh Rental Permit Law, a copy of which is available in the City Hall, 41 City Hall Place, Plattsburgh, New York, 12901, or via the City's website.

M. Exemptions

1. Any dwelling unit or rental unit located on property owned by the State University of New York or the Plattsburgh Housing Authority is subject to an existing inspection protocol and is therefore exempt from this Section.
2. Any property used as a "Nursing Home", as defined in this Chapter is exempt from this Section.
3. This Local Law shall take effect upon approval by the Mayor and filing with the New York Secretary of State

Rental Registry Law

Shelise Marbut <shelise@outlook.com>

Wed 12/11/2019 9:50 PM

To: McFarlin, Patrick <McFarlinP@cityofplattsburgh-ny.gov>;

Councilor McFarlin entered into minutes this meeting and requested they be made part of previous public hearing held 12/12/19 at 5pm.

Patrick,

I'm writing you because you are my ward councilor and I won't be able to fit this into two minutes during the public hearing of the Rental Registry law. I ask that you share and earnestly consider these thoughts with the other councilors before acting on the item. Feel free to paraphrase or go ahead and read this in. As an employee of the City, I'd prefer to keep my name out of this, but if I have to be identified in order to share this message, that's fine.

Access to safe, affordable housing is an issue that I am passionate about. In fact, much of my research in college centered around topics relating to the housing crisis, gentrification, and how communities can incorporate equity and inclusion when planning for future development. Accordingly, I was pleased when the Council created the Livable Community Committee to investigate and address aspects of life within the City, particularly in relation to housing. I support the implementation of this law and the intended goal to create a registry, inspection and permit protocol throughout the city. I believe this to be a positive step toward protecting the welfare of city residents and making our community a safer, more enjoyable place to live. That being said, however, I believe the current iteration of this proposed law is flawed, insufficient, and fails to achieve the larger goal for which it ought to be intended.

The passage of this law is an opportunity for the Common Council to apply these protections broadly to rental units throughout the city. The council has correctly identified a deficiency within current regulations intended to protect the well-being of residents, and is properly doing it's diligence by expanding these protections. However, this law falls substantially short of what it could achieve. Before voting on this law, I ask that you consider the deficiency of the applicability of this law and amend the language to expand the protections more inclusively and comprehensively to all occupants of rental housing throughout the city.

Though the Council is aware of this figure, it bears reminding that **63%** of the dwellings in this city are rentals. Again, nearly **two-thirds of our housing population** are rentals. However, the same Census data that provides this figure shows that 97% of our dwellings have only one occupant per bedroom, and only 3% of our dwellings have five or more bedrooms. As the proposed law currently reads, the new rental permit regulation would apply solely to "High Occupancy Rental Units," known more colloquially throughout the City as "Student Housing." The majority of our housing stock, as evidenced by Census data, would not meet this law's definition of "High Occupancy Rental Units." The law as it is currently written will ultimately apply to likely less than 3% of the housing in this city.

The larger problem, however, is the erroneous presumption within the law's limited applicability that potential violations of the Building and Fire Code are symptomatic solely of High Occupancy Rental Units, and are not manifested in more traditional rental units such as one, two, and 3-bedroom dwellings. This is simply untrue. My

experience handling the inspection reports of a neighboring community confirms that the violations you are seeking to protect occur widely in ALL types of rental housing. In fact, not a single one of the more egregious violations I have seen occurred in a rental that would qualify for inspection under this law.

More nefariously, and presumably unintentionally, this law entirely discounts rental occupants meeting the definition of a family, a couple, or some other configuration of 4 or fewer roommates. Are families and non-students undeserving of the same protections outlined within this law's purpose? Indeed, all residents are deserving of these protections, yet this law fails to extend these protocols equitably to all occupants of rental housing. The law declares its purpose is to correct and prevent housing conditions or violations that adversely affect the life, safety, general welfare and health of residents. **Two thirds of our population will be without the protections outlined in this law if you pass it without revision.**

Without going into the minutiae of the imbalance of the tenant-landlord relationship, the conclusion is that, as a result of national economics, the local housing market, family structure, and many other factors, landlords are in a position of power over tenants. This has the psycho-social effect of tenants being insufficiently capable of reporting substandard living conditions for fear of landlord retaliation via rent increases or eviction, homelessness, or being forced to relocate to an area that places out of reach access to employment, transportation, and necessary services, particularly in rural communities such as ours. This is where we as a society need leaders like you to implement these protections broadly so that all residents may share in the benefit of its protections of life, safety, general welfare, and health.

Before thinking tenants in substandard units "should just move," please know that our trusty Census data also indicates that effectively half of renters in the City of Plattsburgh are rent burdened and paying more than 30% of their income toward rent. This means that it is nearly impossible for residents in such conditions to save for a new security deposit, first month's rent, and relocation expenses. They are effectively trapped. It's not only appropriate, but ethical to expand this law to include all rentals, regardless of the number or relationship structure of the tenants within the dwelling.

If all of this information fails to convince the Council to expand the law, I implore you, at a minimum, please consider the effect this law will have on the tenants within such rentals. A set of language in this law discusses "unpaid monies" owed to the City by the permit holder. These sections indicate that the permit will be revoked with a 5-day notice period, but fail to indicate what will happen to the tenants of these premises if such an event were to occur. Are they to be served an eviction notice? At a minimum, please include some level of protection in this section giving tenants sufficient time to prepare for relocation, preferably at the expense of the property owner as a result of their negligence and a full refund of all deposits paid by the tenant(s).

I apologize for the length of this, however, I fear that taking this action as it is currently proposed will provide the Council with a sense of accomplishment and complacency that will indefinitely delay the expansion of these protections to all who deserve it.

Thanks for all you do.

Shelise