

**At 5:20 pm during the Public Safety Committee meeting a Motion to enter Executive Session to discuss medical condition of a particular person and potential litigation on Webb Island Bridge.**

By Councilor Gibbs; Seconded by Councilor Ensel

Roll call: Chair Councilor Gibbs, Councilor Ensel and Mayor Read

(All voted in the affirmative)

Councilors Armstrong, Kelly, Moore, McFarlin and Building Inspector Joe McMahon were invited to attend Executive Session

**Returned at 5:35pm Mayor Read stated returned from Executive Session discussed medical condition of a particular person and potential litigation on Webb Island Bridge.**

**The following decision was made:**

**Reviewed Henry Kuhn appeal, motion to waive fine**

By Councilor Gibbs; Seconded by Councilor Ensel

Roll call: Chair Councilor Gibbs, Councilor Ensel and Mayor Read

(All voted in the affirmative)

**Appeal granted for Henry Kuhn, 90 Pine Street** (Receipt of Sidewalk Shoveling Appeal application for fine imposed on Henry Kuhn, 90 Pine Street)

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

February 28, 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

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**MAYOR'S COMMENTS: None**

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

**RESOLVED:** That the Minutes of the Regular Meeting of the Common Council held on February 21, 2019 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Kelly; Seconded by Councilor Gibbs

(All in Favor/opposed)

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

(All voted in the affirmative)

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending February 27, 2019 in the amount of \$ 452,747.72 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)

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

- Report of Fire and Ambulance Responses for the week of February 19-25, 2019
- Minutes from the Finance and Budget Committee held on February 21, 2019
- Report from the Parking Violations Bureau for January 2019

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

**Governance, Strategy, and City Operations-** Chair Councilor Armstrong stated she is glad so many Councilors are able to attend Opengov presentation on Tuesday, March 5, 2019 at 5:00pm in the Council Chambers. Also, she has been doing research through the Sustainability Committee about some New York State governmental programs. One is a climate smart community and the other is clean energy communities. Jamie Rogers of ANCA will possibly attend meeting on March 14<sup>th</sup> to make a presentation of these programs. Councilor Armstrong submitted a letter from City Resident Kylie Goodell King expressing her concerns about tree removal in the City of Plattsburgh in to the minutes of the meeting.

**City Infrastructure** – Chair Councilor Moore mentioned that the Department of Public Works is working on pot holes as rapidly as they can.

**Mayor Read** indicated the Department of Public Works is researching new technology to repair them.

**Councilor Moore** asked City Chamberlain Marks if he has been able to research from our Insurance Carrier coverage for volunteers removing snow.

**City Chamberlain Marks** indicated he would need to contact insurance carrier to see if there is a charge to do that.

**Finance and Budget** – Chair Councilor Kelly indicated no updates.

**Public Safety** – Chair Councilor Gibbs indicated met tonight all items moved to agenda.

**Plattsburgh Public Library** – Chair Councilor Ensel indicated there was a meeting Tuesday, however, he was unable to attend.

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

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**4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS:**

1. Letter received from City Resident Kylie Goodell King expressing her concerns with the removal of trees in the City of Plattsburgh.
2. Public Safety Committee granted Sidewalk Shoveling Appeal for Henry Kuhn, 90 Pine Street.

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**5. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills Audited by the Common Council for the week ending March 1, 2019 in the amount of \$ 1,169,334.12 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 Kelly; Seconded by Councilor Gibbs  
(All in Favor/opposed)  
Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore  
(All voted in the affirmative)

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

**Unidentified speaker** spoke of her concerns about Council considering lifting moratorium on commercial cryptocurrency mining and that it caused her electric rates to be higher.

**Mayor Read** spoke about the Public Service Commission protection in place to protect rate payers.

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**7. OTHER ITEMS:**

**Motion to remove Item 7A from the table**

By Councilor Kelly; Seconded by Councilor Gibbs

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

**ACTION TAKEN:** Adopted

A. WHEREAS, pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law of the State of New York and the statutory powers vested in the Common Council of the City of Plattsburgh ("Common Council") to regulate and control land use and to protect the health, safety and welfare of its residents, pursuant to Local Law P-3 of 2018, which was adopted on March 15, 2018, the Common Council declared an eighteen (18) month moratorium on all applications or proceedings for applications, for the issuance of approvals or permits for the commercial cryptocurrency mining operations in the City of Plattsburgh ("City"); and

WHEREAS, pursuant to Local Law P-3 of 2018, the aforementioned moratorium may be terminated earlier than eighteen (18) months if the Common Council determines by resolution that the purpose of the local law have been fulfilled;

WHEREAS, the City formed a cryptocurrency zoning committee to study the matter; and

WHEREAS, on March 19, 2018, the New York State Public Service Commission adopted an Order Approving Tariff Amendments with Modifications ("Rider-A") impacting High Density Load Customers to mitigate/minimize any utility surcharges experienced by residential customers as a result of incremental purchase power costs; and

WHEREAS, on October 25, 2018, the Common Council adopted Local Law P-6 of 2018, which established zoning regulations, fire suppression requirements, heat controls, noise limits, and nuisance abatement provisions for commercial cryptocurrency mining operations in the City.

NOW THEREFORE IT IS HEREBY RESOLVED that the Common Council determines that the purpose of the Commercial Cryptocurrency Mining Operation Moratorium established by Local Law P-3 of 2018 have been fulfilled and the Moratorium is hereby terminated, effective the date this resolution is approved.

Discussion: Yes

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

**ACTION TAKEN:** Adopted

Follow up Action: None

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**B. ADOPTION OF LOCAL LAW P-2 OF 2019:** A local law renaming, amending and restating in its entirety Chapter 241, Section 5 of the City Code of the City of Plattsburgh.

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

**§ 241-5 REGULATING THE USE OF TOBACCO PRODUCTS UPON PUBLIC PROPERTY**

1. Definitions. The term "Public Property" means public buildings and adjacent grounds, streets, sidewalks, parks, and other publicly owned property, including vehicles owned by the City of Plattsburgh. The term "Tobacco Product" means cigarette, cigar, pipe tobacco, snuff, chewing

tobacco, electronic nicotine delivery system (e-cigarettes, vaping, hookahs) in which tobacco or electronically delivered nicotine is the main ingredient that are intended for human consumption or use.

2. It shall be a violation for any person, including any person under the age of eighteen years, to use or possess a tobacco product or electronic nicotine delivery system (e-cigarettes, vaping, hookahs) on public property.

3. Each instance of Smoking or Tobacco Product use in violation of this Law shall constitute a separate violation. An offense may be prosecuted by the issuance of an appearance ticket under §150.20 of the Criminal Procedure Law.

4. A violation of any provision of this Local Law shall constitute a violation, and upon conviction thereof, subject the violator to a fine not to exceed Two Hundred Fifty Dollars (\$250).

5. Any peace officer or code enforcement official may enforce this Law. For the purpose of this Local Law, the term "enforcement officer" shall mean a police officer or code enforcement official.

This Local Law shall take effect upon approval by the Mayor and filing with the New York State Secretary of State.

### **Motion to waive reading and move Resolution**

By Councilor McFarlin; Seconded by Councilor Ensel  
(All voted in favor of waiving reading and move Resolution)

Discussion: Yes

### **Motion to amend Local Law P-2 as follows:**

Section 2 strike "or possess" and in Section 4 change fine from \$250 to \$100

By Councilor Armstrong; Seconded by Councilor McFarlin  
Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore  
(All voted in the affirmative to amend Local Law P-2)

**ACTION TAKEN:** Amended

**Corporation Counsel Dean Schneller** indicated since substantive changes proposed Local Law P-2 will another public hearing and will be Local Law P-2A.

**Mayor Read** set Public Hearing Thursday, March 14, 2019 at 5:00pm.

### **Councilor Armstrong introduced Local Law P-2A of 2019:**

A local law renaming, amending and restating in its entirety Chapter 241, Section 5 of the City Code of the City of Plattsburgh.

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

§ 241-5 REGULATING THE USE OF TOBACCO PRODUCTS UPON PUBLIC PROPERTY

1. **Definitions.** The term "Public Property" means public buildings and adjacent grounds, streets, sidewalks, parks, and other publicly owned property, including vehicles owned by the City of Plattsburgh. The term "Tobacco Product" means cigarette, cigar, pipe tobacco, snuff, chewing tobacco, electronic nicotine delivery system (e-cigarettes, vaping, hookahs) in which tobacco or electronically delivered nicotine is the main ingredient that are intended for human consumption or use.
2. It shall be a violation for any person, including any person under the age of eighteen years, to use a tobacco product or electronic nicotine delivery system (e-cigarettes, vaping, hookahs) on public property.
3. Each instance of Smoking or Tobacco Product use in violation of this Law shall constitute a separate violation. An offense may be prosecuted by the issuance of an appearance ticket under §150.20 of the Criminal Procedure Law.
4. A violation of any provision of this Local Law shall constitute a violation, and upon conviction thereof, subject the violator to a fine not to exceed One Hundred Dollars (\$100).
5. Any peace officer or code enforcement official may enforce this Law. For the purpose of this Local Law, the term "enforcement officer" shall mean a police officer or code enforcement official. This Local Law shall take effect upon approval by the Mayor and filing with the New York State Secretary of State.

Follow up Action: Consider Local Law P-2A on a future agenda on or after Public Hearing on March 14, 2019

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**C. RESOLVED:** In accordance with the request therefore the Common Council approves that the 'Pre-Demolition Asbestos Survey' contract for the former Glens Falls National Bank building and associated structures be awarded to KAS, Inc. Payment shall be made from the Parking Fund.

**Motion to waive reading and move Resolutions 7C, 7D, 7E, 8A, 8B, 8C, 8D and 8E**

By Councilor Gibbs; Seconded by Councilor Moore  
 (Councilors Armstrong, Kelly, Gibbs, Ensel and Moore voted in the affirmative to waive reading and move Resolutions 7C, 7D, 7E, 8A, 8B, 8C, 8D and 8E. Councilor McFarlin voted in the negative)

Discussion: Yes

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

**ACTION TAKEN:** Adopted

Follow up Action: None

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**D. RESOLVED:** In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign a Memorandum of Agreement with Clinton County Public Transit (Clinton County Department of Planning) to establish a formal mechanism for payment by Clinton County Public Transit (CCPT) to the City of Plattsburgh, New York Department of Public Works for the removal of obsolete bus stop signs.

**[See details under Item 7C]**

**ACTION TAKEN:** Adopted

Follow up Action: None

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E. Whereas, by resolution dated January 31, 2019 the Common Council advanced its intention to serve as Lead Agency for a Type 1 SEQRA review for the City's impending Petition for Annexation because it was best suited to complete this review; and

Whereas, thereafter the City served its notice to serve as Lead Agency on other potentially involved parties; and

Whereas, while several respondents indicated they had no objection to the City's intention to serve as Lead Agency, the Town of Plattsburgh adopted a Resolution on February 21, 2019 advising that it does not consent to the City's request for Lead Agency status and stated its intention to establish itself as Lead Agency in this matter.

NOW THEREFORE BE IT RESOLVED, pursuant to 6 NYCRR 617.6(b)(5), the Common Council authorizes and directs the Corporation Counsel for the City to submit a request, with supporting information, that a lead agency be designated by the DEC Commissioner, specifically the City of Plattsburgh, on notice to the involved agencies.

[See details under Item 7C]

ACTION TAKEN: Adopted  
Follow up Action: None

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8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves a Police Department employee to attend "2019 Annual State of New York Juvenile Police Officer Conference Training" from August 26-30, 2019 in Lake George, NY. The total cost will not exceed \$1,619 and will be expensed out of the Asset Forfeiture Fund.

[See details under Item 7C]

ACTION TAKEN: Adopted  
Follow up Action: None

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B. RESOLVED: In accordance with the request therefore the Common Council approves two Police Department employees to attend "NYS Homeland Security and Emergency Services Initial Response to Active Shooters Training" from May 5-7, 2019 in Oriskany, NY. The total cost will not exceed \$290 and will be expensed out of the Asset Forfeiture Fund. The lodging and training will be provided by the Department of Homeland Security.

[See details under Item 7C]

ACTION TAKEN: Adopted  
Follow up Action: None

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**C. RESOLVED:** In accordance with the request therefore the Common Council approves a Police Department employee to attend “NYS Homeland Security and Emergency Services FBI Crisis Negotiation Course Training” from April 15-20, 2019 in Oriskany, NY. The total cost will not exceed \$296.25 and will be expensed out of the Asset Forfeiture Fund. The lodging and training will be provided by the Department of Homeland Security.

[See details under Item 7C]

**ACTION TAKEN:** Adopted  
**Follow up Action:** None

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**D. RESOLVED:** In accordance with the request therefore the Common Council approves two Police Department employees to attend “NYS Homeland Security and Emergency Services Officer Survival Tactics Training” from May 8-10, 2019 in Oriskany, NY. The total cost will not exceed \$290 and will be expensed out of the Asset Forfeiture Fund. The lodging and training will be provided by the Department of Homeland Security.

[See details under Item 7C]

**ACTION TAKEN:** Adopted  
**Follow up Action:** None

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**E. RESOLVED:** In accordance with the request therefore the Common Council approves two Fire Fighters to attend “Crude by Rail Emergency Response Training course” March 24-30, 2019 in Pueblo, CO. The NYS FEMA program covers travel, room, board and meals. The total cost is approximately \$400 to pay for travel meals, ferry, parking and baggage fees.

[See details under Item 7C]

**ACTION TAKEN:** Adopted  
**Follow up Action:** None

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

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

**Councilor Moore Introduced Local Law P-3 of 2019:**

Amending, Re-Naming and Re-Stating Chapter 206 “Noise” of the City Code of the City of Plattsburgh.

A local law amending, re-naming and re-stating in its entirety Chapter 206 “Noise” of the City Code of the City of Plattsburgh.

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

1. Chapter 206 “Noise” of the City Code of the City of Plattsburgh, including sections 206-1, 206-2, 206-3, 206-4, 206-5, 206-6 and 206-7 will be amended, re-named and restated in its entirety, to read as follows:  
Chapter 206 “Noise Control Law”



§ 206-1 Purpose/Definitions

A. Purpose.

The proliferation of unreasonably loud, disturbing and unnecessary noises in the City of Plattsburgh of such character, intensity, duration or repetition as to be detrimental to the life, health or safety of any individual or of the public has reached such proportions that the City of Plattsburgh, to preserve, protect and promote the public health, safety and welfare, has enacted a Noise Control Local Law which, pursuant to the standards hereinafter set forth, shall delineate permitted noise levels within the City of Plattsburgh.

B. Definitions.

For the purposes of this local law, the terms used herein shall be defined as follows:

COMMERCIAL DISTRICT

Those areas designated B-1, B-2, C, and RC under Chapter 270 of the City Code of the City of Plattsburgh.

COMMERCIAL BUILDING

Any structure located within a Commercial District.

DECIBEL

A unit for measuring the volume of sound.

EMERGENCY WORK

Work or activity that is necessary to prevent or recover from an emergency, including but not limited to work to repair electric, gas, water, sewerage and telephone services.

INDUSTRIAL DISTRICT

Those areas designated I under Chapter 270 of the City Code of the City of Plattsburgh.

LESSEE

The person who has a right to occupy the real property of another owner for a period of at least 30 consecutive days.

MULTIPLE RESIDENCE

A building containing two or more dwelling units, including a duplex, townhouse, condominium, apartment, or triplex.

OWNER

The person or entity who has record title to a parcel of real estate.

PERSON

Any individual, association, corporation, or partnership.

PUBLIC PLACE

Any highway, street, sidewalk, park, parking lot, or other City-owned public property or building.

RECREATIONAL VEHICLE

Any vehicle which is propelled by any power other than muscular power that is designated for or capable of cross-country travel, such as a motorcycle, trail bike or minibike.

RESIDENTIAL DISTRICT

Those areas designated R-1, R-2, and RH under Chapter 270 of the City Code of the City of Plattsburgh.

SOUND-LEVEL METER

An instrument, including a microphone, an amplifier, an output meter and frequency-weighting network for the measurement of sound levels.

UNREASONABLE NOISE

Any excessive, unreasonable or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a person or which causes injury to animal life or damages to property or business. Standards to be considered in determining whether unreasonable noise exists in a given situation include, but are not limited to, the following:

A. The intensity of noise.

B. Whether the nature of the noise is usual or unusual.

- C. Whether the origin of the noise is natural or unnatural.
- D. The volume and intensity of the background noise, if any.
- E. The proximity of the noise to sleeping facilities.
- F. The nature and the character of the neighborhood in which the noise is heard.
- G. The time of day or night in which the noise occurs.
- H. The duration of the noise.
- I. Whether the noise is continual or of a periodic or impulsive character.

J. Any sound in excess of the “Maximum Permitted Sound Levels” set forth in this Chapter as observed from the property line of the source thereof, or the source of the noise where there are more than one occupant or use on a particular property, will be deemed presumptive evidence of unreasonable noise.

§ 206-2 Persons Liable

The following persons shall be held liable for a violation of this local law:

- A. The person making the noise or operating the equipment or device making the noise; or
- B. The owner or lessee of the premises which is the source of the noise.
- C. It shall be an affirmative defense to liability hereunder, if a person who has not caused the unreasonable noise reports the suspected violation to the enforcement officer prior to the enforcement officer arriving in response to a complaint in investigate a suspected noise violation.

§ 206-3 Prohibited Acts Enumerated

The following acts, and the causing thereof, are declared to be in violation of this chapter, but any enumeration herein shall not be deemed to be exclusive:

- A. The operation of or the permitting of the operation of a radio, television set, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound which is plainly audible at the boundary of a nearby residential property, or which otherwise creates unreasonable noise at the adjoining property line or, in the case of a multiple residence, within the adjoining or adjacent apartment.
- B. The projection of sound by an electronic device, musical instrument or otherwise, directly onto the public way, for any purpose whatsoever so as to create unreasonable noise. Nothing contained herein shall be construed as prohibiting the normal emanation of sound from a vehicle playing a car radio or similar device or the normal emanation of sound from the demonstration or use of a musical instrument within a private residence; provided, however, that there is no unreasonable noise therefrom at a distance of 50 feet or more from said vehicle or property.
- C. Operating or permitting the operation of any tool or equipment used in construction, drilling or demolition work, including excavation and the alteration or repair of any building between the hours of 9:00 p.m. and 7:00 a.m. so as to create unreasonable noise except in the case of an emergency or the interests of public safety.
- D. The operation of an appliance, including but not limited to a pump, fan, exhaust fan, air-conditioning device or similar mechanical device between the hours of 9:00 p.m. and 7:00 a.m. so as to create unreasonable noise at the adjoining property line or, in the case of a multiple residence, within the adjoining or adjacent apartment.
- E. The loading or unloading of any vehicle or in the opening and destruction of bales, boxes, crates and containers in such a manner as to create unreasonable noise at the adjoining property line or, in the case of multiple residence, within the adjoining or adjacent apartment.
- F. The use of any drum, loud speaker or other instrument or device for the purposes of attracting attention to any performance, show or sale or display of merchandise by the creation of unreasonable noise.
- G. The use of any automobile, motorcycle, truck, recreational vehicle or other vehicle so out of repair or loaded in such a manner as to create unreasonable noise by operating, accelerating, grating, grinding, rattling or other noise.
- H. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, recreation vehicle, or any other motor vehicle unless equipped with a muffler or other device in good order and in constant operation which will prevent unreasonable noise from being emitted therefrom.

M. The sounding of a horn or signal device on any automobile, motorcycle, bus or other vehicle so as to create unreasonable noise, except as a warning signal pursuant to the provisions of the motor vehicle laws of the State of New York.

N. The use or operation of any sound-producing device in any public place in such a manner as to create unreasonable noise to any person other than the operator of the device.

O. The harboring of any animal, including a bird, which animal, whether by its barking, growling, howling, squawking, scratching or otherwise, creates unreasonable noise at the adjoining property line or, in the case of a multiple residence, within the adjoining or adjacent apartment.

P. To intentionally make, or cause to make, any other unreasonable noise or sound, as heard from the source of the noise, or the property line thereof, that annoys, disturbs, injures or endangers the comfort, repose, health, safety or welfare of another person. For purposes of this local law, any sound in excess of the "Maximum Permitted Sound Levels" set forth in this will be deemed presumptive evidence of unreasonable noise.

§ 206-4 Exemptions

The following sounds shall not be deemed to be in violation of this chapter:

- A. Sounds created by church bells or chimes.
- B. Sounds created by any government agency by the use of public warning devices.
- C. Sounds created by public utilities in carrying out the operations of their franchise.
- D. Sounds connected with sporting events of any public or private school or authorized carnival, fair, exhibition or parade authorized by permit of the Common Council.
- E. The sounds created by crop cultivation, production, and harvesting.
- F. Sounds created by safety and protective devices.
- G. The use of snow removal equipment at any time.
- H. Non-commercial public speaking and public assembly activities conducted in a public place.

§ 206-5 Method of Measurement/Maximum Permitted Sound Levels

(a) Method of measurement.

- (1) Scale. All noise measurements shall be measured in decibel units of the frequency weighted sound level (dB(A)), in accordance with American National Standards Institute specifications for sound level meters based on standard IEC651 type 2 or ANSI S1.4 type 2.
- (2) Point of measurement. Sound level measurements for industrial uses shall be taken at the property line of each use. Sound level measurements for commercial and residential uses shall be taken at the property line of each use but in the case of multiple residence or businesses, sound level measurements within the adjoining or adjacent apartment or business.

(b) Maximum permitted sound levels.

(1) Sound levels. The table below displays the maximum permitted sound levels arising by human activity in specific zoning districts, taken at the point of measurement set forth in (2) above:

Daytime: 7:00 a.m.-- 9:00 p.m.

Industrial	Commercial	Residential	City Street (distance of 50')
80 dB(A)	70 dB(A)	60 dB(A)	90 dB(A) truck>10,000 lbs GVWR
			85 dB(A) motorcycle
			80 db(A) car

Nighttime: 9:00 p.m.-- 7:00 a.m.

75 dB(A)	65 dB(A)	55 dB(A)	85 dB(A) truck>10,000 lbs GVWR
			80 dB(A) motorcycle
			75 db(A) car

(c) Maximum permitted sound levels may be adjusted subject to the following conditions:

(1) The permitted sound level may be exceeded by five dB(A) for a cumulative period of not more than 30 minutes of a given hour during daytime hours.

(2) The permitted sound level may be exceeded by ten dB(A) for more than 15 minutes of a given hour during daytime hours.

§ 206-6 Penalties for Offense

Any person violating any provision of this Chapter law shall have committed an offense and shall be subject to a fine of not less than \$250. Persons committing a second offense within twelve (12) months of the date of the prior conviction shall be subject to a fine of \$500. A separate offense shall be deemed committed on each day during which the violation occurs.

§ 206-7 Enforcement.

This chapter may be enforced by any code enforcement officer or building inspector employed by the City of Plattsburgh and the procedures will mirror that of a code violation. This local law may also be enforced by any police officer. The building inspector’s office may compel an applicant for a building permit or certificate of occupancy to document, stipulate, or substantiate that the proposed use will and is capable of complying with the applicable performance standards.

2. This Local Law shall take effect upon approval by the Mayor and filing with the New York State Secretary of State.

**Mayor Read** set Public Hearing Thursday, March 14, 2019 at 5:01pm.

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

**Jamie Schwartz**, Vice President of Plattsburgh Professional Firefighters Local 2421 spoke about and gave Council information on the “Safer” grant available for Fire Departments. Offered to help if Council wished to pursue.

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Motion to Adjourn by Councilor Gibbs; Seconded by Councilor Moore  
Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore  
(All voted in the affirmative)

**MEETING ADJOURNED: 6:22 pm**

February 7, 2019

Dear Councilors and Fellow Citizens,

I write to express concern, sadness, and fear regarding the removal of trees in the City of Plattsburgh. These opinions and emotions are informed and influenced by my status as a longtime former resident of the City, a recent new resident of the City, an educator, and a mother.

I was born in Plattsburgh and spent the first 18 years of my life living on Lafayette Street. Much of my childhood (summertime, at least) was spent playing on the lawn with a sprinkler, enjoying kickball games in my driveway, and reading under the shade of the trees that towered over our yard. These experiences fostered my love for the outdoors. I am an avid biker, runner, and swimmer and enjoy hiking and camping whenever I have the opportunity. The feelings of groundedness and peace I enjoy when I am outside are unrivaled by any man-made experiences.

Moving away from Plattsburgh for my undergraduate and graduate studies, I maintained a love for the outdoors, exploring parks and trails throughout North Carolina and trying to find green space in Washington, DC. During my graduate and post-graduate studies I became acutely aware of the influence of place on one's values and perspective. We are all shaped, for better or worse, by the natural and artificial forces that surround our daily lives. I am lucky that my childhood memories of place are so positive<sup>1</sup>. Although many of my friends from high school (and at first my husband) could not understand why I wanted to move back to Plattsburgh upon completing my Ph.D., I told them and tell you that I feel deeply connected to the place that set the scene for my childhood and shaped my adult life. As a mother of a two year old son (with another son on the way), I yearn to provide my children with similar experiences to those I was lucky enough to enjoy as a young girl.

Not only did I choose to move back to Plattsburgh, but I chose to move to a home on Lafayette Street, next door to my parents and across the street from my grandfather. Among the trees of my childhood. I didn't make this choice by necessity. I work in Burlington and my husband works in Montreal. We happily make our commutes most days, confident in our goals of providing stability and security to our young family. We cannot expect other young families, educated to understand the impact of place, to make this same choice. This brings me back to the trees.

With an academic background in engineering and professor of business and entrepreneurship, I certainly understand the importance of removing trees for reasons surrounding safety, operations, and logistics. I believe, however, that the recent tree removal, throughout the city but especially

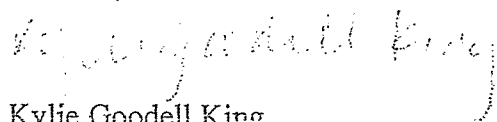
<sup>1</sup>Orr, D. (2013). Place and Pedagogy. *NAMTA Journal*. 38(1). 183-188

near my home, has not given due consideration to the long-term damage that may be caused by the removal of our already limited green space.

The street that set the scene for the summers of my childhood is no longer present. What we have now are bare lawns, new steel poles, and more wires. The shade that I felt lying on my front lawn reading is no longer available to be enjoyed by my sons. My husband, a business professional who grew up in Knoxville, TN, is similarly disturbed by the apparent short-termism of the City. As much as I love Plattsburgh and want to stay connected to the community that shaped the course of my life, I cannot identify with the demonstrated values of those leading our City and making decisions that will linger for generations. Soon, we will be no better than Washington, DC; creating small, fenced-in patches of grass for our pets and small, fenced-in parks for our children.

My request is that we citizens of Plattsburgh are provided with assurance and evidence that this described short-termism is not the case. What is the City's long-term plan to ensure that we maintain our green spaces, our natural resources, and our trees? Understanding that some tree removal is necessary, I would appreciate knowing how City leadership is balancing short-term needs with long-term thinking.

Sincerely,



Kylie Goodell King