

RESOLUTION – 07/21/2022

7.149 ADOPTION OF LOCAL LAW P-3 OF 2022

Local Law No. P-3 of the year 2022.

Introduced by Mayor Rosenquest on July 7, 2022 at a Regular meeting of the Common Council.

Public Hearing to be held on **Thursday, July 21, 2022 at 5:00pm** in the Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

A local law adding Article III “Open Meetings Videoconference” to Chapter 14 “Boards, Commissions and Committees” to the City Code of the City of Plattsburgh.

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

1. Article III “Open Meetings Videoconference” will be added to Chapter 14 “Boards, Commissions and Committees” to the City Code of the City of Plattsburgh and will read as follows:

Article III “Open Meetings Videoconference”

Section 14-10. Open Meeting Attendance By Videoconference Under Extraordinary Circumstances.

- A. The Common Council authorizes its members, as well as the members of the Planning Board, Zoning Board of Appeals, or any committee of the Common Council, who experience an extraordinary circumstance, as defined by resolution of the Common Council, to attend meetings by videoconference: (i) as long as a quorum of the members attend in-person at one or more locations open to the public; (ii) as long as the member can be seen, heard, and identified while the open portion of the meeting is being conducted; and (iii) as otherwise permitted under Chapter 56 of the Laws of 2022.
 - B. The Common Council shall create written procedures further governing its use of videoconferencing by its members, the Planning Board, Zoning Board of Appeals, or any committee of the Common Council, in compliance with Chapter 56 of the Laws of 2022 by resolution.
2. This Local Law shall take effect immediately upon approval by the Mayor and filing with the New York Secretary of State.

RESOLUTION

In compliance with Public Officers Law (“POL”) § 103-a(2)(a), the Common Council, following a public hearing, authorized by Local Law on [insert date] the use of videoconferencing as described in POL § 103-a.

The following procedures are hereby established to satisfy the requirement of POL § 103-a(2)(b) that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations – under extraordinary circumstances – must establish written procedures governing member and public attendance.

For purposes of this resolution, “Public Body Members” includes those members of the Common Council, the Planning Board, the Zoning Board of Appeals, or the members of a Committee of the Common Council.

1. Public Body Members shall be physically present at any meeting of the Public Body unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.
2. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.
3. If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the Chair of the Public Body no later than four business days prior to the scheduled meeting in order for proper notice to the public to be given. If extraordinary circumstances present themselves on an emergent basis within four days of a meeting, the Public Body shall update its notice as soon as practicable to include that information. If it is not practicable for the Public Body to update its notice, the Public Body may reschedule its meeting.
4. If there is a quorum of members participating at a physical location(s) open to the public, the Public Body may properly convene a meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public shall not count toward a quorum of the Public Body but may participate and vote if there is a quorum of members at a physical location(s) open to the public.
5. Except in the case of executive sessions conducted pursuant to POL § 105, the Public Body shall ensure that its members can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. This shall include the use of first and last name placards physically placed in front of the members or, for members participating by videoconferencing from private locations due to extraordinary circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen.

6. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL § 103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.
7. The public notice for the meeting shall inform the public: (i) that extraordinary circumstances videoconferencing will (or may) be used, (ii) where the public can view and/or participate in such meeting, (iii) where required documents and records will be posted or available, and (iv) the physical location(s) for the meeting where the public can attend.
8. The Public Body shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the Public Body's website within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
9. If members of the Public Body are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Public Body shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The Public Body shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.
10. Open meetings of the Public Bodies conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL § 103-a shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, "disability" shall have the meaning defined in Executive Law § 292.
11. The in-person participation requirements of POL § 103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law § 28 or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to § 24 of the Executive Law if the Public Body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Public Body to hold an in person meeting.
12. These procedures shall be conspicuously posted on the City's website

RESOLUTION – 07/21/2022

7.150 ADOPTION OF LOCAL LAW P-4 OF 2022

Local Law No. P-4 of the year 2022.

Introduced by Mayor Rosenquest on July 7, 2022 at a Regular meeting of the Common Council.

Public Hearing to be held on **Thursday, July 21, 2022 at 5:01pm** in the Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

A local law adding Chapter 169 “Fire Insurance Proceeds” to the City Code of the City of Plattsburgh.

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

1. Chapter 169 “Fire Insurance Proceeds” will be added to the City Code of the City of Plattsburgh and will read as follows:

Section 169-1 “Definitions”

As used in this chapter, any inconsistent provisions of law notwithstanding, the following terms shall have the following meanings:

ENFORCING OFFICER

The City Chamberlain and in lieu thereof the Mayor.

LIEN

Any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of the City or special district, which is an encumbrance on real property, and which has remained undischarged for a period of one year or more.

REAL PROPERTY

Any property upon which there is erected any residential, commercial or industrial building or structure except an owner-occupied single family or two-family residence.

SPECIAL LIEN

A lien upon fire insurance proceeds pursuant to this chapter and § 22 of the General Municipal Law.

Section 169-2 “Notice of Intention to Claim”

Upon the adoption of a resolution by the Common Council providing therefor, the Enforcing Officer shall file a notice of intention to claim against the proceeds of fire insurance policies with the State Superintendent of Insurance for entry in the Index of Tax Districts in accordance with § 22 of the General Municipal Law, the New York State Insurance Law and all rules and regulations promulgated by the New York State Department of Insurance with respect to this procedure.

Section 169-3 “Claim to Constitute Special Lien”

Prior to the payment of any proceeds of a policy of insurance for damages caused by fire to real property, which policy insures the interest of an owner and is issued on real property located within the City, and following notification to the enforcing officer by an insurer of the filing of a claim for payment of such proceeds, the enforcing officer shall claim, by serving a certificate of lien, against such proceeds to the extent of any lien, including interest and penalties to the date of the claim thereon, which claims, when made and perfected in the manner provided for in § 22 of the General Municipal Law and § 331 of the Insurance Law, shall constitute a special lien against such proceeds and shall, as to such proceeds, be prior to all other liens and claims except the claim of a mortgagee of record named in such policy. Notice of the service of the certificate of the special lien shall be given to the insured by certified mail.

Section 169-4 “Additional Powers”

The provisions of this chapter shall not be deemed or construed to alter or impair the right of the City to acquire or enforce any lien against property but shall be in addition to any other power provided by law to acquire or enforce such right.

Section 169-5 “Release of Proceeds”

Whenever the proceeds of a policy of fire insurance will be or have been paid to the City instead of an insured, all or part of such proceeds may be paid or released to the insured if the insured satisfies to the enforcing officer that the affected premises have been or will be repaired or restored or demolished with all debris removed, that such repairs or restoration or demolition are in the public interest and that the insured is insured and complies with an agreement entered into pursuant to this chapter. To secure such payment or release of proceeds, the insured must notify the Enforcing Officer within 45 days after the mailing to the insured of a notice of the service of the certificate of special lien pursuant to § 169-3 of this chapter of the intention to restore or repair or demolish with all debris removed the affected premises and must file with the enforcing officer a completed application with all required supporting documentation pursuant to § 169-6 of this chapter within 60 days thereafter, unless the enforcing officer grants an extension for a stated period of time.

Section 169-6 “Conditions of Release of Proceeds”

The release or return to the insured of any amounts to which he or she or it would otherwise be entitled to claim shall be subject to the following conditions:

A. Such release or return shall be subject to the repair or restoration of the affected premises, in accordance with applicable building laws, to the condition it was in prior to the time the lien of the City arose or to an improved condition or demolished with all debris removed.

B. The insured shall file with the enforcing officer an application in affidavit form with such supporting documentation as the enforcing officer shall require containing the following:

(1) A complete description of the nature and extent of the damage to the insured premises and of the condition of the premises prior to the time the lien of the City arose.

(2) A complete description of the nature of the repairs or restoration or demolition to be undertaken and the cost thereof.

(3) A statement as to the source of funds needed to complete such repairs or restoration or demolition if the insurance proceeds are not sufficient therefor.

(4) The name and address of each contractor who will effect such repairs or restoration or demolition.

(5) An estimated time schedule showing how long the repairs or restoration and each phase thereof will take.

(6) Such other information as may be required by the enforcing officer to enable him or her to determine whether the repairs or restoration or demolition are in the public interest and will be or have been timely and properly made.

C. Upon preliminary approval of an application by the enforcing officer, the enforcing officer may enter into a written agreement with the insured, in a form approved by the City Attorney, which shall set forth the terms and conditions for the release and return of all or part of the proceeds, and the enforcing officer is hereby authorized to enter into such agreement on behalf of the City.

D. The repairs or restoration or demolition required by the enforcing officer shall be completed in compliance with the terms and conditions of the agreement prior to the

release or return of any part of the insurance proceeds; provided, however, that the enforcing officer may, upon written request of the insured and in his or her sole discretion, approve a prior release of such proceeds or a portion thereof in a lump sum or in installments, where the insured certifies and demonstrates that such release is required to permit such repairs or restoration or demolition to go forward. Any such insurance proceeds released or returned prior to the completion of the repairs or restoration or demolition required by the enforcing officer may be paid directly to the contractor or contractors responsible for making such repairs or restoration or demolition. Such payment shall, to the extent thereof, release the enforcing officer from further liability to the insured.

E. Whenever the enforcing officer releases the entire amount of the proceeds prior to compliance with the terms and conditions of agreement, the insured shall post a bond in an amount sufficient to assume the restoration or improvement of the property.

Section 169-7 “Termination of Right of Insured to Assert Claim”

If the insured fails to notify the City of his or her or its intention to repair or restore the affected premises as required in § 169-5 of this chapter or fails to file a completed application pursuant to this chapter or fails to enter an agreement with the enforcing officer or comply therewith within the time set forth, the right of the insured to assert a claim against the insurance proceeds, except to the extent they exceed the amount of the lien, shall terminate.

Section 169-8 “Funds for Proceeds”

There shall be established in the office of the City Chamberlain a fund for the deposit of fire insurance proceeds to be held and applied in accordance with this chapter. Such funds shall not be held together with the general tax levies in the general fund.

Section 169-9 “Disposition of Proceeds”

Until such termination, any insurance proceeds received by the City shall be deposited in a special fund and shall be retained therein. Upon termination of the insured's right to claim against the proceeds, the proceeds and any interest accrued thereon shall be applied to the liens affecting the premises in a manner to be determined by the enforcing officer and may be transferred to the general fund.

Section 169-10 “Continuance of Liens in Effect Until Paid”

The lien or liens against the affected premises upon which the special lien against proceeds is based shall continue in full force and effect, except to the extent that such lien or liens are or have been paid.

Section 169-11 “Purpose of Agreements; Repairs not Municipal Projects”

Any agreement entered into by the enforcing officer pursuant to this chapter shall be for the purpose of preserving and evidencing the right of release of the special lien created by this

chapter and shall be subject solely to the provisions of this chapter. Any repair or restoration or demolition performed in anticipation of a release of insurance proceeds shall not be deemed to be a public work or municipal project or to have been done pursuant to a municipal contract.

Section 169-12 “Notice to Owner”

In the event of a loss which is subject to this chapter, it shall be the duty of the Code Enforcement Officer, and in lieu thereof the Mayor, to promptly notify the owner of the applicability of this chapter. Nevertheless, failure to notify the owner shall not affect the applicability of this chapter.

Section 169-13 “Power to Promulgate Rules and Adopt Approved Forms”

The enforcing officer shall be empowered to promulgate rules and regulations, in consultation with the City Attorney, and to adopt approved forms to be used by applicants.

Section 169-14 “Penalties for Offenses”

Violation of this chapter shall be punishable by fine or imprisonment or both as prescribed by the City Code. Each separate violation shall constitute a separate additional offense.

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

RESOLUTION – 07/21/2022

7.151 RESOLUTION TITLE: AUTHORIZE CITY CLERK TO ATTEND NYCOM FALL TRAINING SCHOOL

RESOLVED: In accordance with the request therefore the Common Council approves City Clerk Sylvia Parrotte to attend the “NYCOM Fall Training School” in Saratoga, NY from September 13-15 2022 at a cost not to exceed \$1200.

RESOLUTION – 07/21/2022

**7.152 RESOLUTION TITLE: AUTHORIZE APPROVAL FOR UPWARD BOUND TO
ENGAGE IN COMMUNITY ART PROJECT ON TERRY GORDON BIKE PATH
TUNNEL**

RESOLUTION – 07/21/2022

**7.153 RESOLUTION TITLE: AUTHORIZE APPROVAL FOR STREET CLOSURE ON
JULY 23 2022 FROM 10AM-8PM FOR COMMUNITY BLOCK PARTY ON GRACE
STREET BETWEEN ASH AND CORNELIA STREET**

RESOLUTION – 07/21/2022

7.154 RESOLUTION TITLE: AUTHORIZE MAYOR TO ATTEND NYCOM FALL TRAINING SCHOOL

RESOLVED: In accordance with the request therefore the Common Council approves Mayor Rosenquest to attend the “NYCOM Fall Training School” in Saratoga Springs, NY from September 12-15, 2022 at a cost not to exceed \$1500.

RESOLUTION – 07/21/2022

**7.155 RESOLUTION TITLE: AUTHORIZE MAYOR TO RENEW UPDATED
MANAGED PRINT SERVICE CONTRACT (SYMQUEST)**

RESOLUTION – 07/21/2022

7.156 RESOLUTION TITLE: APPROVAL OF ZONING CODE UPDATE CFA APPLICATION

WHEREAS, the City of Plattsburgh is applying to the Department of State Smart Growth Comprehensive Planning and Zoning Grant Program for a project entitled “Zoning Code Update” to be located in the City of Plattsburgh; and

WHEREAS, the applicant municipality must obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located; and

WHEREAS, the Department of State, pursuant to the Smart Growth Comprehensive Planning and Zoning Grant Program regulations requires an applicant to fund up to ten percent (10%) of the total project cost, pursuant to the grant program; and

WHEREAS, the City has secured up to ten percent (10%) of the total project cost, pursuant to the grant program, in cash and in kind services.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Plattsburgh hereby does approve and endorse the application for a grant under the Smart Growth

Comprehensive Planning and Zoning Grant Program, for a project known as the “Zoning Code Update” and located within the City of Plattsburgh.

RESOLUTION – 07/21/2022

7.157 RESOLUTION TITLE: APPROVAL OF HARBORSIDE MASTER PLAN PHASE 1 IMPLEMENTATION CFA APPLICATION

WHEREAS, the City of Plattsburgh is applying to the NYS Department of State’s Local Waterfront Revitalization Program for a project entitled “Harborside Master Plan Implementation Phase 1” to be located on Green and Dock Streets in the City of Plattsburgh; and

WHEREAS, Harborside Master Plan Implementation Phase 1 is to include a destination playground, shoreline pedestrian pathways, access to the water, and signage among other improvements; and

WHEREAS, the applicant municipality must obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located; and

WHEREAS, the Department of State, pursuant to the Local Waterfront Revitalization Planning Grant regulations requires an applicant to fund up to twenty-five percent (25%) of the total project cost, pursuant to the grant program; and

WHEREAS, the Common Council will commit to a local match contribution of cash and in-kind services not to exceed twenty-five percent (25%) of total project costs and not to exceed a total local match contribution of \$500,000; and

NOW, THEREFORE, BE IT RESOLVED that the governing board of the City of Plattsburgh hereby does approve and endorse the application for a grant application under the Local Waterfront Revitalization Planning Grant Program, for a project known as the Harborside Master Plan Implementation Phase 1 and located within this community.

RESOLUTION – 07/21/2022

7.158 RESOLUTION TITLE: AUTHORIZE BUDGET TRANSFER - ZONING CODE REWRITE

NOW, THEREFORE, BE IT RESOLVED, the Common Council Authorizes the City to adjust the 2022 General Fund Budget, as follows:

Increase: General Fund – Econ. Dev. Contract Services	16335000-4430	\$250,000.00
Increase: General Fund – Appropriated Fund Balance	1-0590	\$250,000.00

To provide appropriations for the unbudgeted cost for revising zoning and sub-division ordinances under a general rewriting of those codes to coordinate the zoning and sub-division functions within the conditions established by the City’s comprehensive plan. The budget adjustment provides for the increase in appropriations and the increase in appropriated fund balance for these unbudgeted costs which will increase the total General Fund budget by \$250,000.00 for 2022.

RESOLUTION – 07/21/2022

**7.159 RESOLUTION TITLE: ESTABLISHING THE CITY OF PLATTSBURGH
MAYOR AS THE CERTIFYING OFFICER FOR THE CITY OF PLATTSBURGH
WATER MAIN REPLACEMENT PROJECT'S ENVIRONMENTAL REVIEW
RECORD**

WHEREAS, the City of Plattsburgh (the"City") is proposing the City of Plattsburgh Water Main Replacement Project in the City of Plattsburgh, Clinton County, New York (the"Project"); and

WHEREAS, the City must prepare and Environmental Review Record (ERR) in accordance with regulations governing the CDBG Small Cities, Towns and Towns Program; and

WHEREAS, the City must appoint an Environmental Certifying Officer to be responsible for the activities associated with the preparation of the ERR;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the City of Plattsburgh is hereby designated as the Certifying Officer for the City's ERR; and be it further

RESOLVED, that the Mayor is authorized to sign all necessary certifications leading to the completion of the ERR.

RESOLUTION – 07/21/2022

7.160 RESOLUTION TITLE: APPROVAL OF SAFE ROUTES TO SCHOOL CFA APPLICATION

WHEREAS, the City of Plattsburgh hereby requests financial assistance from the New York State Climate Smart Communities Grant Program pursuant to Environmental Conservation Law Article 54, Title 15.

WHEREAS, the City of Plattsburgh certifies that it has identified up to \$450,000 of matching funds from the city general fund or in-kind services provided by City staff pursuant to the requirements of Environmental Conservation Law Article 54, Title 15.

NOW, THEREFORE, BE IT RESOLVED that the City of Plattsburgh hereby authorizes Mayor Rosenquest to act on its behalf in submittal of an application through the Consolidated Funding Application for a total project cost up to \$900,000 including up to \$450,000 in matching funds to be used for the Implementation of the Bike Friendly Plattsburgh Plan for pedestrian and bicycle safety infrastructure near Thomas Glasgow and Oak Street Elementary Schools.

RESOLUTION – 07/21/2022

7.161 RESOLUTION TITLE: AUTHORIZE TERMINATION OF COMMERCIAL LEASE WITH CHAMPLAIN VALLEY TRANSPORTATION MUSEUM

RESOLVED: The Mayor is authorized to sign an Agreement to Terminate the Commercial Lease with Champlain Valley Transportation Museum, which Agreement is incorporated herein by reference.

RESOLUTION – 07/21/2022

**7.162 RESOLUTION TITLE: AUTHORIZING BOND ISSUANCE TO PAY FOR
THE COST OF PURCHASING AN AMBULANCE**

RESOLUTION – 07/21/2022

7.163 RESOLUTION TITLE: AUTHORIZING BOND ISSUANCE TO PAY FOR THE COST OF PURCHASING A FIRE ENGINE