

RESOLUTION 08/03/2023

**7.151 AUTHORIZE BUDGET ADJUSTMENT - POLICE APPROPRIATIONS
FOR OVERTIME**

It is being requested to adjust the 2023 General Fund Budget, as follows:

Increase: General Fund – Police Over-time	13120000-1200	\$ 12,000.00
Increase: General Fund – Estimated Revenue – Police Fees	00001115-1520	
\$12,000.00		

To provide for an increase in the 2023 Police budget for an increase to Police appropriations for overtime that are off-set by unbudgeted estimated revenue under the account Police Fees. The budget adjustment changes the 2023 General Fund budget by an increase in estimated revenues and appropriations of \$12,000.00 each.

RESOLUTION 08/03/2023

7.152 MAYORAL APPOINTMENTS

THE MAYOR HANDS DOWN THE REAPPOINTMENT OF RICHARD PERRY, A RESIDENT OF WARD 4, AS A REGULAR MEMBER TO THE PLANNING BOARD TO BEGIN ON AUGUST 3, 2023 AND EXPIRE DECEMBER 31, 2024.

RESOLUTION 08/03/2023

7.153 REVISING CAPITAL PROJECT H8130.67 REVISION - 2021 SANITARY SEWER

WHEREAS, the Capital Expenditure Plan adopted January 7th, 2021, includes a Sanitary Sewer category, and

WHEREAS, the Environmental Services Department is establishing a 2021 Sanitary Sewer project that is included in the Capital Expenditure Plan adopted January 7th, 2021, and

WHEREAS, the cost of the 2021 Sanitary Sewer project has been estimated by the Environmental Services Department to provide for cost the construction of the project, and is being revised to reflect an updated cost for the project, as follows:

	2021 Capital Plan	2021 Estimated Cost	2023 Revised Cost
River Run – Slip Line	<u>\$ 150,000</u>	<u>\$ 150,000</u>	<u>\$ 250,000</u>
Total	<u>\$ 150,000</u>	<u>\$ 150,000</u>	<u>\$ 250,000</u>

Project Funding:

Sewer Capital Reserve	<u>\$ 150,000</u>	<u>\$ 150,000</u>	<u>\$ 250,000</u>
Total	<u>\$ 150,000</u>	<u>\$ 150,000</u>	<u>\$ 250,000</u>

Now therefore,

BE IT RESOLVED, by the Common Council of the City of Plattsburgh, New York, this 4th day of February 2021, as follows:

- 1) That, the amount of Two Hundred Fifty Thousand and 00/100 (\$250,000.00) Dollars be and it is hereby appropriated to the Capital Project **2021 Sanitary Sewer (Project H8130.67)** for the cost of the Capital Project described above and is hereby authorized to be expended for such purpose.
- 2) That, Two Hundred Fifty Thousand and 00/100 (\$250,000.00) Dollars of such appropriation is available and will be provided by the Sewer Capital Reserve fund.

RESOLUTION 08/03/2023

7.154 AUTHORIZE STREET CLOSURE - GRACE AVENUE BLOCK PARTY

Approval for Street closure on August 19, 2023 from 10am-8pm for Community Block party on Grace Avenue between Ash and Cornelia Street.

RESOLUTION 08/03/2023

7.155 AUTHORIZE PRE-RENOVATION ASBESTOS INSPECTION & ANALYSIS SERVICES AGREEMENT FOR CITY HALL STAIRCASE AND BASEMENT

WHEREAS, on June 16, 2023, the Common Council authorized execution of a services agreement with Architectural & Engineering Design Associates, P.C. (“AEDA”) for final design and project management of necessary repairs to the front staircase and basement areas of City Hall; and

WHEREAS, a subsequent inspection by AEDA and KAS, Inc. of the areas to be repaired indicated the need for testing of various materials suspected to contain asbestos to clarify the scope of the renovation work.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to execute a services agreement with KAS, Inc. for pre-renovation asbestos inspection and analysis for the City Hall staircase and basement repairs project in an amount not to exceed \$2,350. Funding is to be provided by capital project H5110.85 (2022 Public Service Buildings).

RESOLUTION 08/03/2023

7.156 ADOPTING SEQRA NEGATIVE DECLARATION FOR HARBORSIDE HOTEL DEVELOPMENT AGREEMENT APPROVAL

WHEREAS, in order to accomplish the goals of the City's Harborside Master Plan, the City of Plattsburgh's Common Council (the "Common Council") executed on March 16, 2023 a subdivision of three (3) former tax parcels (Tax Map Nos. 207.20-1-2.32, 207.20-1-2.31, and 207.20-1-1) to create four (4) new tax parcels (Tax Map Nos. for the new parcels have not yet been assigned); and

WHEREAS, a map/subdivision plat detailing that subdivision titled "Harborside Subdivision 2021" prepared by Robert M. Sutherland P.C. and dated June 9, 2021 (the "RMS Survey") was filed with the Clinton County Clerk's Office on April 12, 2023 as instrument # 2023-00330782; and

WHEREAS, the new parcels on the RMS Survey are identified as "Lot B", "Lot C", "Lot 2", and "Lot 1, Lot 3, & Tax Parcel: 207.20-1-2.32 To be Merged with Lot A" (collectively, these parcels are referred to as the "Harborside Area"); and

WHEREAS, the City has been in negotiations with GP Manager PLF, LLC (the "Developer") for several years regarding the construction of a hotel in the Harborside Area having approximately 125 rooms, 4,000 square feet of meeting space, a restaurant and other ancillary facilities (the "proposed Hotel Development"); and

WHEREAS, a development agreement detailing the terms of the proposed Hotel Development to be constructed within Lot B as identified on the RMS Survey and the respective responsibilities of both the City and the Developer (the "Development Agreement") has been drafted; and

WHEREAS, the City wishes to execute the Development Agreement with the Developer for the proposed Hotel Development ("the Action"); and

WHEREAS, pursuant to the State Environmental Quality Review Act and the regulations promulgated thereunder ("SEQRA"), the Common Council is required to make a determination with respect to the environmental impact of any "action" (as defined by SEQRA) to be taken by the Common Council and approval of the Development Agreement constitutes such an action; and

WHEREAS, to aid the Common Council in determining whether approval of the Development Agreement may have a significant impact on the environment, the Developer prepared and submitted to the Common Council a completed Part 1 of a Full Environmental Assessment Form

with addendum (the “EAF Part 1”) with respect to the Action, a copy of which is both attached hereto as Exhibit “A” and on file at the office of the Common Council; and

WHEREAS, during its Regular Meeting held on July 20, 2023, the Common Council reviewed the EAF Part 1 with respect to the Action and made the following determinations:

1. Approval of the Development Agreement constitutes a “Type 1 Action” (as said quoted term is defined in SEQRA 6 New York Compilation of Codes, Rules, and Regulations (“NYCRR”) §617.4(b)); and
2. No other “Involved Agencies” (as said quoted term is defined in SEQRA 6 NYCRR §617.2(t)) for approval of the Development Agreement have been identified.
3. As a consequence of the foregoing, the Common Council hereby declares its intent to act as “Lead Agency” (as said quoted term is defined in SEQRA 6 NYCRR §617.2(v)) for approval of the Development Agreement; and

WHEREAS, during its Regular Meeting held on July 20, 2023, the Common Council also reviewed and analyzed all questions posed in Part 2 of a Full Environmental Assessment Form (the “EAF Part 2”) with respect to the Action, a copy of which is both attached hereto as Exhibit “B” and on file at the office of the Common Council; and

WHEREAS, during its review of EAF Part 2, the Common Council determined that a potentially “Moderate to large impact may occur” with respect to one (1) of the questions posed in EAF Part 2; and

WHEREAS, the Common Council has caused to be prepared Part 3 of a Full Environmental Assessment form (the “EAF Part 3”) with respect to the Action, a copy of which is both attached hereto as Exhibit “C” and on file at the office of the Common Council; and

WHEREAS, the Common Council has reviewed EAF Part 3 which provides reasons in support of the Common Council’s determination of significance with respect to the Action.

NOW, THEREFORE, BE IT RESOLVED that the Common Council hereby makes the following findings:

1. The proposed Hotel Development will be subject to SEQRA review and said potential future development does not constitute a part of this Action for SEQRA purposes, as any such potential future review process is entirely independent of the other.
2. Even if the foregoing were not the case, the Common Council finds that it would not be in any position to undertake a cumulative impact assessment of the proposed Hotel Development as

the details of such potential future development are purely speculative and unknown at this time. While the number of proposed rooms and amount of other amenity space involved in the proposed Hotel Development have been preliminarily estimated, SEQRA review of such a project would require that the project plans be more fully developed so that impacts upon traffic, groundwater, air quality, wildlife, aesthetics, character of the neighborhood and other potential impacts could be properly identified and analyzed. Only when sufficient details of development are proposed can the reviewing agency properly identify and analyze such impacts and the impact of such development cannot be adequately or appropriately considered or analyzed at this time. Were the Common Council to attempt to consider the potential environmental impacts that could result from the proposed Hotel Development or any other potential development before any details of development are shared with the Common Council, the environmental review would be a largely meaningless and hollow exercise and would not likely encompass any “cumulative impacts”.

3. Given the potential for relevant and numerous changes during the design and permitting processes, there is no guarantee that all or even any portion of the proposed Hotel Development will actually come to fruition. By more appropriately identifying the scope of the current Action as approval of the Development Agreement, the Common Council is helping to ensure that, if or when the proposed Hotel Development is actually submitted for review, a more meaningful and comprehensive SEQRA analysis of its potential environmental impacts will be conducted. Therefore, the approach taken by the Common Council will be no less protective of the environment than an alternative approach of trying to consider possible future impacts from the proposed Hotel Development.

4. Approval of the Development Agreement does not in any way prevent full and thorough analysis of all potential impacts relating to the proposed Hotel Development nor does approval of the Development Agreement prevent any agency from considering project alternatives and evaluating potential mitigation measures when reviewing any potential future impacts. Therefore, the mere fact that the Development Agreement will have been approved by the time the proposed Hotel Development is submitted for review would not in any way limit or impair future SEQRA review or render it ineffectual; and be it further

RESOLVED, that based upon the Common Council’s review of EAF Part 1, its responses given on July 20, 2023 to the questions posed in EAF Part 2, and its review of EAF Part 3 including the reasons given in support of its determination of significance, the Common Council hereby finds that no significant adverse environmental impacts will result from the Action, an environmental

impact statement need not be prepared, and it hereby adopts a SEQRA Negative Declaration with respect to the Action.

RESOLVED, the Common Council authorizes and directs the Mayor, City Clerk, Director of Community Development, City Attorney and/or Special Legal Counsel to take such further actions as may be necessary to effectuate the intent of this Resolution.

RESOLUTION 08/03/2023

7.157 AUTHORIZE HARBORSIDE HOTEL DEVELOPMENT AGREEMENT

WHEREAS, in December 2019, the City received a grant award via the Consolidated Funding Application process for the completion of a master planning document for the area commonly known as Harborside (the “Harborside Master Plan”) including certain real property located at 2 Dock Street; and

WHEREAS, in the spring of 2020, the City of Plattsburgh (the “City”) issued a Request for Proposals (“RFP”) seeking qualified and interested bidders to submit proposals for the future development of the City’s 2 Dock Street property; and

WHEREAS, Skyward Hospitality submitted a proposal in response to the RFP and on June 11, 2020, the City’s Common Council (the “Common Council”) subsequently awarded Skyward Hospitality the exclusive right to negotiate with the City for the potential purchase and development of 2 Dock Street; and

WHEREAS, on August 19, 2021, the Common Council authorized an extension of the negotiating period with Skyward Hospitality for a period not to exceed six (6) months beyond the date on which the Council formally accepts the completed Harborside Master Plan; and

WHEREAS, on February 16, 2023, the Common Council authorized execution of an agreement with Skyward Companies Holdings, LLC (“Skyward” or “Guide Hospitality”) with respect to various planning, permitting, and other matters relating to the potential purchase and development of 2 Dock Street; and

WHEREAS, in order to accomplish the goals of the City’s Harborside Master Plan, the Common Council executed on March 16, 2023 a subdivision of three (3) former tax parcels (Tax Map Nos. 207.20-1-2.32 known as 4 Dock Street, 207.20-1-2.31 known as 2 Dock Street, and 207.20-1-1 known as 53 Green Street) to create four (4) new tax parcels (Tax Map Nos. for the new parcels have not yet been assigned); and

WHEREAS, a map/subdivision plat detailing that subdivision titled “Harborside Subdivision 2021” prepared by Robert M. Sutherland P.C. and dated June 9, 2021 (the “RMS Survey”) was filed with the Clinton County Clerk’s Office on April 12, 2023 as instrument # 2023-00330782; and

WHEREAS, the new parcels on the RMS Survey are identified as “Lot B”, “Lot C”, “Lot 2”, and “Lot 1, Lot 3, & Tax Parcel: 207.20-1-2.32 To be Merged with Lot A” (collectively, these parcels are referred to as the “Harborside Area”); and

WHEREAS, the City has been in negotiations with Guide Hospitality for several years regarding the construction of a hotel in the Harborside Area having approximately 125 rooms, 4,000 square feet of meeting space, a restaurant and other ancillary facilities (the “proposed Hotel Development”); and

WHEREAS, Guide Hospitality has caused to be created the single purpose New York limited liability corporation GP Manager PLF, LLC (the “Developer”) to own the proposed Hotel Development; and

WHEREAS, a development agreement detailing the terms of the proposed Hotel Development to be constructed within Lot B as identified on the RMS Survey and the respective responsibilities of both the City and the Developer (the “Development Agreement”) has been drafted and reviewed by the Common Council and is incorporated herein by reference; and

WHEREAS, the Common Council has not yet accepted the completed Harborside Master Plan.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to execute the Development Agreement with GP Manager PLF, LLC for the proposed Hotel Development within Lot B as identified on the RMS Survey in a form approved by the City Attorney; and be it further

RESOLVED, the Common Council authorizes the Mayor, City Clerk, Director of Community Development, and City Attorney to take such further actions as may be necessary to effectuate the intent of this Resolution.