

1. Agenda

Documents:

[AGENDA 12-01-16.PDF](#)

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

December 1, 2016

5:30 P.M.

AGENDA

Present: Mayor James Calnon, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Dale Dowdle (W3), Paul O’Connell (W4), Becky Kasper (W5), Joshua Kretser (W6)

Absent:

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on November 17, 2016 are approved and placed on file among the public records of the City Clerk’s Office.

By Councilor _____; Seconded by Councilor _____

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the weeks ending November 23, 2016 in the amount of **\$ 535,962.64** and November 30, 2016 in the amount of **\$ _____** 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 _____; Seconded by Councilor _____

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the weeks of November 17- 30, 2016
- Report from the Building Inspector’s office November 14- 25, 2016
- Report of Public Hearing held by the Zoning Board of Appeals on November 21, 2016

RESOLVED: That the reports as listed are hereby ordered received and placed on file among the public records of the City Clerk’s Office.

By Councilor _____; Seconded by Councilor _____

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the weeks ending November 25, 2016 in the amount of **\$ 1,072,767.93** and December 2, 2016 in the amount of **\$ _____** 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 _____; Seconded by Councilor _____
Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

6. PERSONS ADDRESSING COUNCIL:

7. OTHER ITEMS:

A. RESOLUTION AUTHORIZING SETTLEMENT OF PENDING ARTICLE 7 REAL PROPERTY ASSESSMENT CASES FILED BY CARROL’S CORPORATION

WHEREAS, Carrol’s Corporation (“Petitioner”), filed Article 7 Real Property Assessment Review Petitions against the City in years 2012 through 2016 challenging the assessment on its property located at 303 Cornelia Street in the City of Plattsburgh, more specifically identified by its Tax Map Number: 207.17-2-17; and

WHEREAS, it appears to be in the best interests of the City to avoid the costs that would result if the litigation continues and goes to Trial; and

WHEREAS, terms of a proposed settlement have been negotiated with Petitioner and the Assessor supports settling on the proposed terms, and

WHEREAS, the Plattsburgh City School District is not a party to these cases and it has no role in settling them;

NOW, THEREFORE, BE IT RESOLVED, that the City of Plattsburgh Common Council hereby

approves the proposed settlement of the real property assessment cases filed by Carrol's Corporation for the years 2012 through 2016 for its property at 303 Cornelia Street in the City of Plattsburgh, having Tax Map Number: 207.17-2-17, as follows:

- 1) The assessments shall be revised as follows:

Year	Current Assessment	Revised Assessment	Reduction
2012	\$830,200	\$730,000	\$100,200
2013	\$830,200	\$730,000	\$100,200
2014	\$830,200	\$730,000	\$100,200
2015	\$830,200	\$730,000	\$100,200
2016	\$830,200	\$730,000	\$100,200

and,

- 2) The City shall pay tax refunds to Petitioner based on the assessment reductions, but no interest shall be payable on such refunds if they are paid within ninety (90) days of the City's receipt from Petitioner of a filed Stipulation of Settlement and Order and a Demand for Payment, and
- 3) Real Property Tax Law Section 727, which would otherwise usually "freeze" the final assessment on the property at \$730,000 on the assessment rolls for 2017, 2018 and 2019 shall not apply to this settlement because the structure on the property upon which a portion of the revised assessments was based has been demolished and replaced, and

BE IT FURTHER, RESOLVED, that approval of this Settlement Agreement is contingent upon the City's Special Counsel, Miller, Mannix, Schachner & Hafner, LLC, reviewing and approving the terms of the final Stipulation of Settlement and Order; and

BE IT FURTHER, RESOLVED, that the Common Council further authorizes and directs the City Mayor and/or its Special Counsel to execute settlement documents and take any additional steps necessary to effectuate the proposed settlement in accordance with the terms of this Resolution.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

B. RESOLUTION AUTHORIZING SETTLEMENT OF PENDING ARTICLE 7 REAL PROPERTY ASSESSMENT CASES FILED BY RITE AID CORPORATION

WHEREAS, Rite Aid Corporation (“Petitioner”), filed Article 7 Real Property Assessment Review Petitions against the City in years 2012 through 2016 challenging the assessment on its property located at 357 Cornelia Street in the City of Plattsburgh, more specifically identified by its Tax Map Number: 207.17-2-2.1; and

WHEREAS, it appears to be in the best interests of the City to avoid the costs that would result if the litigation continues and goes to Trial; and

WHEREAS, terms of a proposed settlement have been negotiated with Petitioner and the Assessor supports settling on the proposed terms, and

WHEREAS, the Plattsburgh City School District is not a party to these cases and it has no role in settling them;

NOW, THEREFORE, BE IT

RESOLVED, that the City of Plattsburgh Common Council hereby approves the proposed settlement of the real property assessment cases filed by Rite Aid Corporation for the years 2012 through 2016 for its property at 357 Cornelia Street in the City of Plattsburgh, having Tax Map Number: 207.17-2-2.1, as follows:

- 1) The assessments shall be revised as follows:

Year	Current Assessment	Revised Assessment	Reduction
2012	\$3,204,900	\$3,125,000	\$79,900
2013	\$3,204,900	\$3,125,000	\$79,900
2014	\$3,204,900	\$3,125,000	\$79,900
2015	\$3,204,900	\$3,125,000	\$79,900
2016	\$3,204,900	\$3,125,000	\$79,900

and,

- 2) The City shall pay tax refunds to Petitioner based on the assessment reductions, but no interest shall be payable on such refunds if they are paid within ninety (90) days of the City’s receipt from Petitioner of a filed Stipulation of Settlement and Order and a Demand for Payment, and
- 3) Real Property Tax Law Section 727 will apply and will fix or “freeze” the final assessment on the property at \$3,125,000 on the assessment rolls for 2017, 2018 and 2019 unless one of the exceptions to Section 727 applies (e.g.: demolition, destruction by fire, construction of a new building, etc.) and

BE IT FURTHER, RESOLVED, that approval of this Settlement Agreement is contingent upon the City's Special Counsel, Miller, Mannix, Schachner & Hafner, LLC, reviewing and approving the terms of the final Stipulation of Settlement and Order; and

BE IT FURTHER, RESOLVED, that the Common Council further authorizes and directs the City Mayor and/or its Special Counsel to execute settlement documents and take any additional steps necessary to effectuate the proposed settlement in accordance with the terms of this Resolution.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

C. RESOLVED: In accordance with the request therefore the Common Council approves the street access fee to be waived for NYSDOT Plattsburgh Office to complete the Governor's Railroad Safety Initiative Pilot Study Project at the Margaret Street rail crossing

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

D. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign contract with Ronnie Santor to hold a course in Police Supervision at the Police Department from January 9-27, 2017 at a cost of \$1,500 which will be reimbursed by attendee's tuition.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

E. RESOLVED: In accordance with the request therefore the Common Council approves the Lake Champlain Chapter of American Military Retirees Association to hold the Annual Wreaths Across America Ceremony on December 12, 2016 at 12p.m. at the Old Post Cemetery they are requesting to use electricity.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

F. RESOLVED: In accordance with the request therefore the Common Council approves continuing Contract # 2014-1 “Laboratory Services for Water Pollution Control Plant” with Adirondack Environmental Services for the laboratory portion and Endyne, Inc for BOD/CBOD analysis portion for an estimated total price of \$126,000.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

G. RESOLVED: In accordance with the request therefore the Common Council approves continuing Contract #2015-18 “Sodium Hypochlorite for Water Pollution Control Plant and Water Filtration Plant” with Surpass Chemical Company, Inc for an estimated total price of \$78,984.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

H. RESOLVED: In accordance with the request therefore the Common Council approves Water Pollution Control Plant to advertise for bids for Contract #2016-14 “Sodium Thiosulfate for Water Pollution Control Plant.”

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

I. RESOLVED: In accordance with the request therefore the Common Council approves Water Pollution Control Plant to advertise for bids for Contract #2016-15“Liquid Alum for Water Pollution Control Plant.”

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

J. RESOLVED: In accordance with the request therefore, the Common Council accepts as a gift from Mayor James Calnon the semi-circular conference table, composed of oak, in 7 sections, 22 feet in length (hereafter "Council Table"), on condition that the Council Table be used for the regular business of the Council and in the event the Council Table is no longer used for the regular business of the Council, the Council Table shall be returned to James Calnon or his designee.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

K. RESOLVED: In accordance with the request therefore the Common Council approves Change order #1to Contract # 2016-06/07 “2016 City Street Paving – Sandra Ave/ Fort Brown Drive” in the

total amount of \$23,341.94. There is sufficient funding in Capital projects H5110.57, H5110.50 and H5110.53.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

L. Introduced: Local Law P-7 of 2016: A local law authorizing the Common Council to adopt a 2017 tax levy in excess of the limit established by NYS General Municipal Law Section 3-c.

By _____

Public Hearing Date set by Mayor: _____

M. RESOLVED: In accordance with the request therefore the Common Council approves MLD to advertise for bids for PMLD Bid No. 2016-12-1 “Wooden Utility Poles.” Bid Opening Date: January 10, 2017 at 11:00 am.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

N. RESOLVED: In accordance with the request therefore the Common Council approves MLD to advertise for bids for PMLD Bid No. 2016-12-2 “A/E Design Proposal.” Proposal due Date: December 20, 2016 by 2:00 pm.

By Councilor _____; Seconded by Councilor _____

Discussion:

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

ACTION TAKEN: Adopted _____ Defeated _____ Withdrawn _____ Tabled _____

Follow up Action:

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from Councilor O’Connell:

WHEREAS: This Council enacted a Resolution on October 8, 2015 stating that: “RESOLVED: That the City change the method of delivery of Health Insurance Benefits for Medicare Eligible Retirees from the Self-Funded Traditional Plan to a Premium-based Humana Medicare Plan that mirrors the benefits of the Traditional Plan;”

WHEREAS: This Council enacted a Resolution on February 18, 2016 stating that: “RESOLVED: that the City shall no longer provide health insurance benefits through the self-funded Traditional Plan to Medicare eligible retirees and such Medicare eligible retirees shall be provided with health insurance as set forth in the Evidence of Coverage, posted on the City of Plattsburgh website, through the Humana Insurance Company, and its affiliates and it is further resolved that this resolution shall supersede the resolution passed by the Common Council at a special meeting on October 8, 2015 involving the same subject matter;”

WHEREAS: This Council enacted these Resolutions under the belief that health insurance coverage under the Medicare Advantage PPO Plan from Humana (the “Humana Plan”) was better than or equal to health insurance coverage under the self-funded Traditional Blue Plan (the “Blue Plan”) and that the collective bargaining agreements governing the City of Plattsburgh’s retired employees permitted the transfer to the Humana Plan;

WHEREAS: After its implementation, coverage under the Humana Plan proved not to be better than or equal to the Blue Plan and as such, such transfer was not permitted by the collective bargaining agreements governing the City of Plattsburgh’s retired employees;

WHEREAS: The Humana Plan will no longer be available after December 31, 2016;

WHEREAS: The City has continued to actively litigate the matter entitled *Plattsburgh City Retirees’ Association et al. v. City of Plattsburgh*, Index No. 2015-1625, in the New York State Supreme Court, County of Clinton, and pay legal fees in the defense of that action; it is hereby

RESOLVED; That this Council no longer supports the City’s litigation of *Plattsburgh City Retirees’ Association et al. v. City of Plattsburgh*, Index No. 2015-1625;

RESOLVED: that the City pay all attorneys’ fees incurred by the Plaintiffs in that lawsuit in an amount not to exceed the amount currently paid by the Plattsburgh City Retirees’ Association to Hinman Straub P.C., and release all claims to the undertaking posted by the Plaintiffs with the

Clinton County Office of the County Clerk in consideration of Plaintiffs filing a voluntary discontinuance of that lawsuit; and

RESOLVED: That the City shall provide health insurance benefits through the Blue Plan to Medicare-eligible retirees of the City.

10. NEW BUSINESS:

11. CLOSING PUBLIC COMMENTS:

Motion to Adjourn by Councilor _____; Seconded by Councilor _____
Roll call Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

MEETING ADJOURNED: _____