

At 5:17 pm a Motion to enter Executive Session to discuss pending litigation Massena vs New York Municipal Power Agency.

By Councilor Ensel; Seconded by Councilor Moore

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

(All voted in the affirmative) (Councilor Armstrong was observing via SKYPE but was not audible for Roll Call)

Returned at 5:26pm

Mayor Read stated returned from Executive Session discussed pending litigation Massena vs New York Municipal Power Agency. No action was taken during Executive Session.

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

February 21, 2019

5:30 P.M.

MINUTES

Pledge of Allegiance

(RC)

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

Absent: None

MAYOR'S COMMENTS: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the Regular Meeting of the Common Council held on February 14, 2019 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Ensel; Seconded by Councilor Gibbs

(All in Favor/opposed)

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

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending February 20, 2019 in the amount of \$ 97,830.06 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 Gibbs

(All in Favor/opposed)

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

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of February 12-18, 2019
- Minutes from the City Infrastructure Committee held on February 14, 2019
- Minutes from the Plattsburgh Sustainability Committee held on February 5 and February 11, 2019
- Report from City Planner to Establish Traffic Zone Designation No. 964

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

Governance, Strategy, and City Operations- Chair Councilor Armstrong nothing to report.

City Infrastructure – Chair Councilor Moore nothing to report. Councilor Gibbs mentioned thanked Public Works, Water Pollution Control Plant and Water Filtration Plant for the tours of their operations and facilities.

Finance and Budget – Chair Councilor Kelly indicated met tonight.

Public Safety – Chair Councilor Gibbs mentioned met earlier this week with the Mayor and the Department Heads.

Plattsburgh Public Library – Chair Councilor Ensel next meeting is Tuesday.

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 Ensel; Seconded by Councilor Kelly
(All in Favor/opposed)

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

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the week ending February 22, 2019 in the amount of \$ 1,207,718.85 are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Gibbs; Seconded by Councilor Moore
(All in Favor/opposed)

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

6. PERSONS ADDRESSING COUNCIL ON AGENDA ITEMS ONLY:

Ryan Brienza asked for the status of lifting cryptocurrency moratorium.

Mayor Read indicated one issue to be addressed which is a Noise ordinance.

Corporation Counsel Dean Schneller indicated he has sent the proposed local law to the Mayor and Council for their review and it needs a councilor to introduce.

Councilor Moore stated he will bring next week.

George Gates, Saily Ave noticed drastic rate in utility bills before and concerned if moratorium is lifted it will happen again.

Mayor Read spoke about the Public Service Commission protection in place to protect rate payers.
[further discussion ensued]

7. OTHER ITEMS:

Motion to remove Item 7A from the table

By Councilor Kelly; Seconded by Councilor McFarlin

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

Discussion: Yes

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.

Motion to table

By Councilor McFarlin; Seconded by Councilor Ensel

Discussion: None

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

(All voted in the affirmative)

ACTION TAKEN: Tabled

Follow up Action: None

B. RESOLUTION AUTHORIZING SETTLEMENT OF PROPERTY ASSESSMENT CASE FILED BY CHARLES RACETTE

WHEREAS, Charles Racette (“Petitioner”), filed an Article 7 Real Property Assessment Review case against the City challenging the 2016 assessments on real property located at 19 Underwood Avenue and 37 Underwood Avenue, Plattsburgh, New York (Tax Map Parcel Nos. 221.14-2-4.1 and 221.14-2-4.2); and

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

WHEREAS, the City Assessor now recommends proposed settlement terms which have been negotiated with Petitioner; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby approves the proposed settlement of the tax assessment case filed by Petitioner for 2016 as follows:

- 1) The 2016 assessment for Tax Map Parcel No. 221.14-2-4.1 will be reduced from \$1,100,000 to \$1,033,700 and the assessment for Tax Map Parcel No. 221.14-2-4.2 will be reduced from \$665,100 to \$529,200 and shall be allocated to specific mobile home lots as follows:

Tax Map Parcel No.	Mobile Home Lot Number	2016 Assessed Value	Reduced Assessed Value	Reduction Amount
221.14-2-4.1	6 Dogwood Avenue	\$14,500	\$12,000	(\$2,500)
	12 Dogwood Avenue	\$64,900	\$50,000	(\$14,900)
	15 Dogwood Avenue	\$13,800	\$0	(\$13,800)
	2 Imperial Avenue	\$25,100	\$20,000	(\$5,100)
	6 Imperial Avenue	\$60,000	\$30,000	(\$30,000)
221.14-2-4.2	3 Carmel Drive	\$44,500	\$37,900	(\$6,600)

	4 Carmel Drive	\$47,200	\$37,900	(\$9,300)
	6 Carmel Drive	\$86,100	\$50,000	(\$36,100)
	8 Carmel Drive	\$89,400	\$50,000	(\$39,400)
	14 Carmel Drive	\$72,000	\$54,000	(\$18,000)
	18 Carmel Drive	\$72,000	\$54,000	(\$18,000)
	14 Hope Drive	\$8,500	\$0	(\$8,500)
TOTAL COMBINED REDUCTION				(\$202,200)

- 2) There will be no reduction to the assessed value placed on the land or on any other improvements not specifically set forth above; and
- 3) There will be no reduction to the 2017 assessments; and
- 4) The reductions in assessed values shall also apply to the 2018, 2019 and 2020 assessment rolls (“Settlement Years”), however the exception provisions of Real Property Tax Law Section 727(2) shall apply allowing for changes to the assessments during the Settlement Years in limited circumstances, such as where there are physical improvements, changes to the mobile homes or additions of new or different mobile homes; and
- 5) All Proceedings challenging the assessments will be discontinued and refunds will be issued based upon reduction of the 2016 assessments; and
- 6) If any 2019 tax bills are paid before a reduction in the assessed value is finalized, refunds shall be paid on any overpayments; and

BE IT FURTHER, RESOLVED, that unless otherwise ordered by the Court, refunds based upon the assessment reductions shall be paid without interest provided they are paid within ninety (90) days after Petitioner serves a copy of the filed Court Order approving the settlement on the City and other Municipal taxing authorities; and

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

Motion to waive reading and move Resolution

By Councilor Kelly; Seconded by Councilor Ensel
 (All voted in the affirmative “waiving reading and move resolution”)

Discussion: None

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

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

ACTION TAKEN: Adopted

Follow up Action: None

C. WHEREAS, Section 253.3 of the City Code authorizes the City Planner to regulate traffic and parking in the City of Plattsburgh, including the powers granted by VTL 1640; and

WHEREAS, VTL 1640(15) authorizes the Common Council to establish, operate, police, and supervise a prepaid parking permit system, impose parking time limits for such permits and the collect fees applicable to parking where such a prepaid permit parking system is in operation; and

WHEREAS, by resolution, the Common Council established a Plattsburgh Parking Advisory Committee (“PPAC”), comprised of stakeholders who, guided by collected data, will research and evaluate potential options for the establishment, operation, enhancement and improvement to the City’s parking system; and

WHEREAS, the PPAC held its first meeting in January of 2019 and anticipates holding periodic meetings thereafter; and

WHEREAS, there currently exists time-limited on-street parking in the City, of which, the most common time limit for on-street parking is one or two hours; and

WHEREAS, in early January of 2019, the City enhanced its enforcement of the time-limit restrictions for on-street parking; and

WHEREAS, the County of Clinton, and other employers in the City, have determined that they do not have sufficient off-street parking leading to their employees and patrons parking on the street, potentially in violation of the posted time limits; and

WHEREAS, while the PPAC will continue to execute its mission and will provide well-studied recommendations to the Common Council, due to current off-street parking deficiencies of the County of Clinton and other employers, and in order to provide additional empirical data for the benefit of the PPAC, a data-gathering, short-term on-street parking permit trial program is recommended.

NOW THEREFORE BE IT RESOLVED that based on the Report and recommendation of the City Planner, the following on-street parking permit trial program is established:

1. Non-commercial vehicles with a valid, conspicuously displayed City Parking Permit, may park in any time-limit on-street parking spot, which allows parking for 60 minutes or more, between the hours of 8:00 a.m. and 8:00 p.m. Such City Parking Permit shall be valid for the date issued.
2. City Parking Permits will cost \$3 per daily permit, and may be purchased through the Finance Department in a format and via procedures established by the Office of Community Development. Each City Parking Permit shall include the valid date and the license plate number of the vehicle.
3. City Parking Permits are not transferrable.
4. City Parking Permits do not exempt the permit holder from any parking restrictions other than 60 minutes or more on-street parking time restrictions. Permit holders must obey the signage for all other restrictions, including a snow-emergency parking ban.

BE IT FURTHER RESOLVED that all data generated by this on-street parking permit trial program shall be collected and transmitted to the PPAC.

BE IT FURTHER RESOLVED that City Parking Permits shall be available for purchase forthwith, and this resolution is effective upon approval.

BE IT FURTHER RESOLVED that this on-street parking permit trial may be terminated by subsequent Council Resolution.

Motion to waive reading and move Resolution

By Councilor Gibbs; Seconded by Councilor Moore
(All voted in the affirmative “waiving reading and move resolution”)

Discussion: Yes

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

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign a non-binding Letter of Intent with Prime Companies, LLC to purchase and develop a portion of the property commonly known as the Durkee St. parking lot.

By Councilor Ensel; Seconded by Councilor Gibbs

Discussion: None

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

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign approving and concurring in the attached amendment to the New York Municipal Power Agency Agreement, pursuant to Article XI of the subject agreement.

By Councilor McFarlin; Seconded by Councilor Kelly

Discussion: None

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

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves the Office of Community Development to loan Po Sun Woo, the owner of 10-18 Brinkerhoff St \$43,800 from the Façade Loan Fund Program to help improve both the look and stability of the buildings’ exterior façade.

By Councilor McFarlin; Seconded by Councilor Kelly

Discussion: Yes

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

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION: None

10. NEW BUSINESS AND COUNCILOR REPORTS: None

11. CLOSING PUBLIC COMMENTS ON ANY TOPIC: None

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: 6:20 pm