

DRAFT RESOLUTION 2.1 – 03/09/2023

RESOLUTION TITLE: AUTHORIZE AMENDMENT #3 TO DRI STREETScape & RIVERFRONT ACCESS PROJECT CONSULTING CONTRACT

By: Matthew Miller, Director of Community Development

WHEREAS, subsequent to the City’s execution in 2018 of a consulting agreement with Saratoga Associates (“SA”) for design and engineering services required by the DRI’s Streetscape & Riverfront Access grant contract, significant changes to that project’s scope have been implemented and several unforeseen events, most notably the COVID-19 pandemic, have transpired; and

WHEREAS, the cumulative effect of these scope adjustments and events on SA’s consulting agreement has been to increase their costs beyond what had been originally anticipated; and

WHEREAS, SA has requested a modest increase in their total consulting fee in order to facilitate their administration and oversight of the construction phase of the final constituent project, known as the Riverwalk, to be completed under the DRI’s Streetscape & Riverfront Access grant contract.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to execute Amendment #3 to the July 3, 2018 Agreement between the City and SA. The Amendment authorizes an increase of \$6,975.23 to SA’s total fee under the Agreement and various associated adjustments to the Agreement’s budget. The \$6,975.23 increase to SA’s total fee shall be paid by funding associated with the DRI grant.

Contractor:	Saratoga Associates
Service:	Consulting services for DRI Streetscape/Riverfront Access project
Rate:	n/a
Mileage:	n/a
Contract Amount:	\$224,880 (Original) / \$231,855.23 (New)
City Cost:	n/a
Period:	n/a
New/Renewal:	Renewal
Previous Year’s Cost:	n/a
Previous Year’s City Cost:	n/a

Approved by the **FINANCE & COMMUNITY DEVELOPMENT COMMITTEE** at its meeting on **MARCH 9TH, 2023**

“Yes”

“No”

Absent

DRAFT RESOLUTION 2.2 – 03/09/2023

RESOLUTION TITLE: AUTHORIZE FURTHER ACTION ON SUBDIVISION AND MERGER OF HARBORSIDE TAX PARCELS

WHEREAS, the City of Plattsburgh (“City”) is the owner of the parcel known as 4 Dock Street (Tax Map No. 207.20-1-2.32) which is an approximately 3.67 acre improved parcel which contains the parking lot for the City’s Marina, Peace Point Park, and various waterfront areas; and

WHEREAS, the City is the owner of the parcel known as 2 Dock Street (Tax Map No. 207.20-1-2.31) which is an approximately 11.13 acre parcel which contains a vacant field as well as several improved parking lots; and

WHEREAS, the City is the owner of the parcel known as 53 Green Street (Tax Map No. 207.20-1-1) which is an approximately 15.70 acre parcel which contains the City’s Water Resource Recovery Facility (“WRRF”), the City’s farmer’s market building and adjacent parking areas, a boat launch, and various waterfront areas; and

WHEREAS, an approximately 1,000 foot long access road is located within the 53 Green Street parcel, is accessible to the public, services the WRRF, but has never been formally dedicated as a public road; and

WHEREAS, together, these three parcels are known as “Harborside”; and

WHEREAS, the City has been actively generating a Harborside Master Plan, the drafts of which recommend a variety of potential public and private uses for Harborside Lakefront, one of which includes a potential subdivision to facilitate private development of the 2 Dock Street parcel; and

WHEREAS, in order to accomplish the goals of the Harborside Master Plan, reconfiguration of the aforementioned parcels which comprise Harborside is required and this reconfiguration necessarily requires the merger and/or subdivision of the Harborside parcels; and

WHEREAS, the City obtained a map/subdivision plat titled “Harborside Subdivision 2021” prepared by Robert M. Sutherland P.C. and dated June 9, 2021 (the “RMS Survey”) showing a potential merger/subdivision of Harborside in conformance with the goals of the Harborside Master Plan; and

WHEREAS, the proposed new parcels 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” on the RMS Survey (the “Harborside Subdivisions”); and

WHEREAS, for simplicity of reference throughout this resolution, the proposed new parcel identified as “Lot 1, Lot 3, & Tax Parcel: 207.20-1-2.32 To be Merged with Lot A” on the RMS Survey shall be referred to as “Lot A; and

WHEREAS, on March ___, 2023, the City of Plattsburgh’s Common Council (“Common Council”) determined that the Harborside Subdivisions collectively are an Unlisted Action

pursuant to the State Environmental Quality Review Act (“SEQRA”). Even if the Harborside Subdivisions were deemed to be a Type 1 Action pursuant to SEQRA, no potential Involved Agencies under SEQRA were identified so the Common Council would have served by default as Lead Agency for review of that Type 1 action; and

WHEREAS, as Lead Agency, the Common Council determined to conduct a comprehensive review of the Harborside Subdivisions and reviewed a short environmental assessment form, with addendum, pursuant to SEQRA and its implementing Regulations set forth at Title 6 of the New York Compilation of Codes, Rules and Regulations (“NYCRR”); and

WHEREAS, the Common Council’s SEQRA review acknowledged that the City’s Harborside area and recommendations for its future development, including potential environmental impacts, have been analyzed exhaustively in various planning documents and studies conducted by the City during the past twenty-five years and a list of such studies was included with these SEQRA forms; and

WHEREAS, on March ____, 2023, the Common Council adopted a negative declaration pursuant to SEQRA for the Harborside Subdivisions; and

WHEREAS, upon the approval of the Harborside Subdivisions, the existing Farmer’s Market Building would be located approximately five (5) feet from the lot line; and

WHEREAS, pursuant to Local Law No. 5 of 2020, City projects and activities are exempt from the City’s Subdivision of Land Regulations (Chapter 300) and the City’s Zoning Regulations (Chapter 360). This includes exemption from the review and approval of site plans, subdivisions, planned unit developments, special use permits, and use variance or area variance requirements for projects and activities proposed or undertaken by the City; and

WHEREAS, Local Law No. 5 of 2020 allows for the advisory review of such City projects by the Planning Board and Zoning Board of Appeals and although such review is not required, the Planning Board conducted an advisory review of the Harborside Subdivisions on May 26, 2021 and based on its comments, subsequent adjustments to the Harborside Subdivisions were made; and

WHEREAS, the Common Council has reviewed the RMS Survey which map depicts the internal subdivision/merger of the Harborside parcels, as well as a new road location for the extension of Green Street. The RMS Survey is attached hereto as Exhibit “A”.

NOW THEREFORE IT IS HEREBY RESOLVED, that all of the aforementioned “whereas” clauses are hereby incorporated by reference as if fully re-stated herein; and it is further

RESOLVED, that an integral component of the Common Council’s SEQRA review included the internal subdivision/merger of the Harborside parcels per the same dimensions as depicted on the RMS Survey; and it is further

RESOLVED, that no referrals to the Clinton County Planning Board are necessary pursuant to GML § 239-m because there are no new applications before the City Planning Board or City Zoning Board of Appeals; and it is further

RESOLVED, that prior to the adoption of Local Law No. 5 of 2020, when the City was the sponsor of a project on City-owned property, from time to time, it would perform the analysis set forth by the Court of Appeals in City of Rochester v. County of Monroe, 72 NY2d 338 (1988)—which establishes a balancing test to determine the propriety of governmental immunity from local zoning provisions; and it is further

RESOLVED, the balancing analysis is not required in this matter due to the applicability of Local Law No. 5 of 2020. However, even if the balancing analysis were required the Common Council finds the following:

1. The nature and scope of the instrumentality seeking immunity. The City is the title owner to all affected real property. With respect to internal mergers/subdivision of the Harborside parcels per the RMS Survey, the City will retain ownership of all underlying real property upon completion of the subdivision/merger. However, it will be better positioned to utilize potential grant funding for the final design and construction of any projects recommended within the Harborside Master Plan. The eventual use or development of the available and developable properties is subject to numerous legal, market, and community factors.
2. The encroaching government's legislative grant of authority. There is no encroaching government, but notably, the Common Council has the authority per Local Law No. 5 of 2020 to exempt these projects.
3. The kind of function or land use involved. The recitations above describe the various kind of function or land use involved.
4. The effect local land use regulation would have upon the enterprise concerned. The City's subdivision regulations require certain frontage, access, and size limitations for subdivided parcels, most of which would be met were they to apply. The application of local land use regulations would support these discrete actions.
5. Alternative locations for the facility in less restrictive zoning areas. There are no viable alternative locations for this site-specific action.
6. The impact on legitimate local interests. Legitimate local interests support this project based on a clear consensus revealed during proposed development on nearby parcels—which consensus advocated for the development and accomplishment of the Harborside Master Plan. Local interests would presumably support the City's efforts to accomplish these plans.
7. Alternative methods of providing the proposed improvement. Due to the unique location of this site, there are no other identifiable alternative methods of providing the proposed improvement.
8. The extent of the public interest to be served by the improvements. The public would support and will clearly benefit from the City's efforts to implement the Harborside Master Plan.

9. Intergovernmental participation in the project development and an opportunity to be heard. The City has worked closely with various agencies within New York State to develop and accomplish the various goals of the Harborside Master Plan. Other governmental agencies have a full opportunity to be heard.

RESOLVED, that based upon the Common Council’s analysis of these nine factors, it is determined that the proposed subdivision and merger of Harborside, per the RMS Survey, would not require local planning or zoning board review as they would be exempt from the City’s local zoning provisions per the City of Rochester v. County of Monroe balancing test even if Local Law No. 5 of 2020 were no in full force and effect; and it is further

RESOLVED, that the Common Council hereby invokes its authority to exempt these City actions from the City’s Subdivision of Land Regulations (Chapter 300) and the City’s Zoning Regulations (Chapter 360) such that the internal merger/subdivision of the Harborside parcels are completed per the RMS Survey; and it is further

RESOLVED, that the Common Council grants a fifteen (15) foot area variance from the side yard setback for the Farmer’s Market Building from the side yard lot line per the RMS Survey; and it is further

RESOLVED, that the RMS Survey may be forthwith recorded in the Clinton County Clerk’s Office with the same effect as an approved subdivision plat and the City Attorney is authorized to prepare and record any deeds to be signed by the Mayor as necessary to effectuate the intent of this Resolution; and it is further

RESOLVED, that 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.

Approved by the **FINANCE & COMMUNITY DEVELOPMENT COMMITTEE** at its meeting on **MARCH 9TH, 2023**

“Yes”

“No”

Absent

DRAFT RESOLUTION 2.3 – 03/09/2023

RESOLUTION TITLE: ADOPTION OF A SECTION OF GREEN STREET AS A PUBLIC HIGHWAY

By: Matthew Miller, Director of Community Development

WHEREAS, the public road known as Green Street in the City of Plattsburgh currently extends approximately 350 feet (.07 mile) north from Bridge Street north to the Canadian Pacific (CP) railroad line; and

WHEREAS, after its crosses the CP railroad line, this same paved area continues and extends approximately 650 feet (0.12 mile) north and east of the CP railroad line and services City-owned property and facilities located at 32-53 Green Street; and

WHEREAS, this 0.12-mile paved area north and east of the CP railroad line and adjacent City-owned property constituting a sixty-six (66) foot-wide right of way are depicted as “Lot C” on the map titled “Harborside Subdivision 2021” by Robert M. Sutherland, dated June 9, 2021, and attached hereto as Exhibit A; and

WHEREAS, based on a review of New York State and local documentation, “Lot C” has never been officially dedicated as a public road; and

WHEREAS, “Lot C” has been utilized by the public for a continuous period of ten (10) years or more and the City has exercised control over “Lot C” in the form of maintenance during that period which satisfies the elements of NYS Highway Law Section 189 for dedication as a highway by use.

NOW, THEREFORE, BE IT RESOLVED, the Common Council, by right, does hereby adopt and establish the additional 0.12 mile of paved area including a sixty-six (66) foot-wide right of way as referenced above and depicted as “Lot C” in Exhibit A, attached hereto, as a public highway to be identified as Green Street.

Approved by the **FINANCE & COMMUNITY DEVELOPMENT COMMITTEE** at its meeting on **MARCH 9TH, 2023**

“Yes”

“No”

Absent

DRAFT RESOLUTION 2.5 – 03/09/2023

RESOLUTION TITLE: AUTHORIZE TRAVEL REQUEST - SENIOR PLANNER

WHEREAS, The National American Planning Conference has an annual conference that will be held in Philadelphia, Pennsylvania from Saturday April 1 through Tuesday, April 4, 2023 and provides continuing education credits, and opportunities to network and learn about cutting edge planning solutions to salient topics such as affordable housing development, downtown revitalization, 15 minute neighborhoods, placemaking, multimodal travel, and much more.

WHEREAS, the Senior Planner holds an American Institute of Certified Planners Certificate (AICP) which needs to be maintained through the acquisition of continuing education credits that are made available through attending conferences like this one.

WHEREAS, an AICP is a professional certification and was part of the job posting for the position.

WHEREAS, Individual estimates to attend the conference included are \$835 conference fee + \$282/ night for lodging + \$180/ round trip flight +\$80 ground transportation to & from hotel + \$30/ day food stipend for a total estimated cost of \$2,061 but may be as much as \$2,200.

WHEREAS, Cost can not be fully determined until full trip scheduling which will occur after Council authorization is provided.

NOW, THEREFORE, BE IT RESOLVED: The Common Council agrees to, and authorizes the Senior Planner, Elisha Bartlett to attend the 2023 National American Planning Conference with a not to exceed cost of \$2,200. The money is funded out of line item 16335000 4462 Economic Development Zone - Conference Budget

Approved by the **FINANCE & COMMUNITY DEVELOPMENT COMMITTEE** at its meeting on **MARCH 9TH, 2023**

“Yes”

“No”

Absent

DRAFT RESOLUTION 4.1 – 03/09/2023

RESOLUTION TITLE: AUTHORIZE TRAVEL REQUEST - FIRE CHIEF

RESOLVED: In accordance with the request therefore the Common Council approves Fire Chief Lawliss to attend the “Career Fire Chief’s meeting” in Vernon, NY from March 14 -15, 2023 at a cost not to exceed \$160.

Approved by the **FINANCE & COMMUNITY DEVELOPMENT COMMITTEE** at its meeting on **MARCH 9TH, 2023**

“Yes”

“No”

Absent

DRAFT RESOLUTION 5.1 – 03/09/2023

**RESOLUTION TITLE: AWARD ALUMINUM SULFATE FOR THE WRRF –
CONTRACT #WRRF 2023-02**

BY: Kristofer Gushlaw, Chief Plant Operator

**NOW, THEREFORE, BE IT RESOLVED, The Common Council Authorizes the Mayor of
Plattsburgh to execute all necessary documents/the following change order/the following
contract:**

Contractor:	Chemtrade
Service:	Provide Aluminum Sulfate to WRRF for phosphorus removal and settling.
Rate:	N/A
Mileage:	N/A
Contract Amount:	\$658.00/dry ton
City Cost:	~\$31,913.00
Period:	3/17/23 – 3/16/24 (New Bid Award)
New/Renewal:	New
Previous Year’s Cost:	\$593.00/dry ton
Previous Year’s City Cost:	~\$28,760.00

Approved by the **FINANCE & COMMUNITY DEVELOPMENT COMMITTEE** at its
meeting on **MARCH 9TH, 2023**

“Yes”
“No”
Absent

DRAFT RESOLUTION 5.2 – 03/09/2023

RESOLUTION TITLE: AUTHORIZING REVISING CAPITAL PROJECT H8320.79 – 2019 WATER SYSTEM IMPROVEMENTS

WHEREAS, the Capital Expenditure Plan adopted January 10th, 2019, includes a Water Source of Supply category, and

WHEREAS, the Environment Engineer established a 2019 Water System Improvements project to be included in the Water Source of Supply category under a new item in the Capital Expenditure Plan that was adopted January 10th, 2019, and

WHEREAS, the cost of the 2019 Water System Improvements project has been estimated by the Environmental Engineer for the costs of the planned expenditures during 2019, and is again being revised, as follows:

	2019 Capital Plan	2019 Estimated Cost	2021 Estimated Cost	2023 Estimated Cost
Development - full production water well	\$ -	\$ 500,000	\$ 1,500,000	\$
<u>2,500,000</u>				
Total	<u>\$ -</u>	<u>\$ 500,000</u>	<u>\$ 1,500,000</u>	<u>\$</u>
<u>2,500,000</u>				

Project Funding:

Water Capital Reserve	\$ -	\$ 250,000	\$ 250,000	\$ 250,000
Mead Dam IIC Fees	-	167,700	167,700	167,000
Water Operating Fund	-	82,300	82,300	82,300
WIIA Grant/Financing	-	-	-	1,000,000
Water Fund Advance	<u>-</u>	<u>-</u>	<u>1,000,000</u>	<u>1,000,000</u>
Total	<u>\$ -</u>	<u>\$ 500,000</u>	<u>\$ 1,500,000</u>	<u>\$ 2,500,000</u>

Now therefore,

BE IT RESOLVED, by the Common Council of the City of Plattsburgh, New York, this 16th day of March 2023, as follows:

- 1) That, the amount of One Million Five Hundred Thousand and 00/100 (\$1,500,000.00) Dollars is hereby appropriated for the capital project **2019 Water System Improvements (H8320.79)** for the revised cost of the development listed 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 be provided by the Water Capital Reserve.
- 3) That, One Hundred Sixty-seven Thousand Seven Hundred and 00/100 (\$167,700.00) Dollars of such appropriation be provided by the 2019 Meade Dam Infrastructure Investment Charge fees.
- 4) That, Eighty-two Thousand Three Hundred and 00/100 (\$82,300.00) Dollars of such appropriation be provided by the Water Operating Fund.
- 5) That, One Million and 00/100 (\$1,000,000.00) Dollars of such appropriation be provided by a grant or bond financing through the NYS WIIA Drinking Water program.
- 6) That, One Million and 00/100 (\$1,000,000.00) Dollars of such appropriation has been provided by through the issuance of a Water Fund bond anticipation note to be redeemed by the issuance of serial bonds.

Approved by the **FINANCE & COMMUNITY DEVELOPMENT COMMITTEE** at its meeting on **MARCH 9TH, 2023**

“Yes”

“No”

Absent

DRAFT RESOLUTION 5.3 – 03/09/2023

RESOLUTION TITLE: BUDGET ADJUSTMENTS - WATER FUND

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

Decrease: Water Fund – Sales Other (use of property)	00004127-2656	\$440,000.00
Increase: Water Fund – Purification Contract Services	4833000-4430	\$ 50,000.00
Increase: Water Fund – IIC Water Distribution (home)	00004121-2143	
\$369,000.00		
Increase: Water Fund – IIC Water Distribution (inter-gov.)	00004223-2378	\$
37,000.00		
Increase: Water Fund – IIC Water Distribution (inter-fund)	00004228-2822	\$
5,900.00		
Increase: Water Fund – Water Public (home)	00004121-2140	\$
38,000.00		
Increase: Water Fund – Water Industrial (home)	00004121-2141	\$
6,000.00		
Increase: Water Fund – SUNY (inter-gov.)	00004223-2372	\$
2,700.00		
Increase: Water Fund – Inter-fund Water (inter-fund)	00004228-2803	\$
1,400.00		
Increase: Water Fund – Appropriated Fund Balance	4-0590	\$
30,000.00		

To provide for an increase in the 2023 Water Fund budget for contractual services to be performed by CDM Smith to study the water filtration plant operating processes for back-flushing the plant filters and purification of the filtered water supply.

The budget adjustment also establishes the new revenues for the IIC Water Distribution flat charge, as well as, the 1.95% water rate increase, both for the 11 month period from February 1st, 2023, when they took effect.

The estimated revenues were budgeted for a flat \$440,000 included as Other Sales in the 2023 budget process. The budget adjustment increases the 2023 Water Fund budget for estimated revenues by \$20,000, increases appropriations by \$50,000.00 and increases appropriated fund balance by \$30,000.00 to balance the budget adjustment.

Approved by the **FINANCE & COMMUNITY DEVELOPMENT COMMITTEE** at its meeting on **MARCH 9TH, 2023**

“Yes”

“No”

Absent