

7.43 ADOPTION OF LOCAL LAW P-1 OF 2021: A local law re-naming, amending and re-stating Chapter 254 “Peddling and Soliciting” of the City Code of the City of Plattsburgh. Once re-named, Chapter 254 will be entitled “Food Trucks”.

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

1. Chapter 254 “Peddling and Soliciting” of the City Code of the City of Plattsburgh is hereby re-named “Food Trucks” and is further amended and restated in its entirety to read as follows:

CHAPTER 254 FOOD TRUCKS

§ 254-1. Purpose:

The purpose of this chapter is to regulate Food Trucks within the City of Plattsburgh in a manner that protects the public health, safety and welfare. This chapter describes the permitting procedures for Food Trucks and is intended to operate in conjunction with the regulations of Chapter 360 entitled “Zoning”

§ 254-2. Definitions:

The following terms shall, for the purposed of this chapter, have the meanings herein indicated:

FOOD TRUCK:

A mobile food service operation located in a licensed motorized vehicle or a movable trailer and from which food and beverage (pre-packaged or prepared and served from the vehicle or stand) are sold or distributed in individual portions to the general public directly from the food truck for consumption on or off of the premises.

FOOD TRUCK OPERATOR:

The registered owner of a food truck or food cart or the owner’s agent or employee.

FOOD CART

A mobile food service cart or stand, which is only mobile when moved by human power, from which food and beverage (pre-packaged or prepared and served from the vehicle or stand) are sold or distributed in individual portions to the general public directly from the food cart for consumption.

§ 254-3. Permit Required.

A. It shall be unlawful for any person or entity to operate a Food Truck or Food Cart within the City without having obtained a permit for such purpose in accordance with the provisions of this chapter.

B. Any person or entity desiring to operate a Food Truck or Food Cart shall make a written application for a Food Truck permit to the City Clerk. The application for a permit shall be made on forms provided by the City and shall include the information required by this chapter and the following:

(1) Name, signature, telephone number, home address and business address of the Food Truck Operator and the registered owner of the Food Truck or Food Cart.

(2) A description and photograph of the Food Truck or Food Cart, including the license plate, registration number, VIN number, year, make, length, and model of the vehicle.

(3) A copy of the valid Clinton County Health Department permit for a mobile food service operation. If applicable, a copy of a license from the New York State Liquor Authority.

(4) A valid Certificate of Authority for a mobile food service operation.

(5) Valid proof of insurance, which must be kept continuously in force during the term of the license. At the time of application, applicants shall provide proof of insurance that extends for the entire license period and must meet the liability guidelines set by the City. The policy shall provide that it may not be canceled except upon 10 days' written notice served upon the City. The insurance must name the City of Plattsburgh as an additional insured party.

(6) If an individual or Food Truck Operator has a secondary Food Truck or Food Cart, each individual Food Truck or Food Cart must obtain a Food Truck permit.

§ 254-4. General Regulations For Food Trucks and Food Carts:

A. Food Trucks and Food Carts are permitted to operate in B-1, B-2, C, I, OL-P, OL-W, RC-1, RC-2 and RC-3 zoning districts as well as at Wilcox Dock.

B. Food Trucks and Food Carts shall not operate within any other zoning district, including the Single-Family Residential (R-1), Residential Historical (R-H) and Multiple-Family Residential (R-2) Zoning Districts unless permitted by the City Common Council.

C. A copy of all valid permits must be conspicuously displayed on the Food Truck or Food Cart at all times.

D. All Food Trucks must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times, including by not limited to any durational requirements in force and effect at that time and location. Food Trucks shall not park on sidewalks, driveways or walkways and may only park where motor vehicles may operate.

E. Food Carts may operate on sidewalks or walkways but must ensure that pedestrian access is not impeded. When located on a sidewalk or walkway, Food Carts must ensure that pedestrians have at least a 60" unobstructed path on the sidewalk or walkway.

F. No Food Truck or Food Cart shall operate in a location that has the effect of obstructing access to or egress from any structure or the free flow of vehicular and pedestrian traffic.

G. No Food Truck Operator shall chain, connect or otherwise attach any signs, goods, merchandise, chairs, stools or food cart or other equipment to any tree, parking meter, hydrant, sign or post, light pole, telephone pole or other street appurtenance or leave any such items unattended on a public street, sidewalk or place.

H. All Food Trucks and Food Carts must be equipped with trash receptacles of a sufficient capacity and shall be changed as necessary to prevent overflow or the creation of litter or debris.

I. No alcohol may be sold or dispensed from Food Trucks or Food Carts without a license from the New York State Liquor Authority for the specific location of the sale or dispensation. Any Food Truck Operator selling or dispensing alcohol from a Food Truck or Food Cart must provide a copy of the permit from the New York State Liquor Authority to the City Clerk and also must conspicuously display said permit on the Food Truck or Food Cart.

J. Food Trucks and Food Carts shall be located a minimum of 100 feet from the main entrance to any eating establishment, and any other permitted food service business, during their posted hours of operation.

K. Hours of operation of Food Trucks and Food Carts shall be limited to the hours of 7:00 a.m. and 9:00 p.m. Sunday through Thursday and 7:00 a.m. to midnight on official holidays and Friday and Saturday. There shall be no overnight parking of Food Trucks at any permitted location.

L. The Food Truck Operator or their designee must be present at all times during the hours of operation.

M. The Food Truck Operator is responsible for the proper disposal of waste and trash associated with their operation. Operators shall remove all waste and trash from their site location at the end of each day or as needed to maintain the health and safety of the public. The operator shall keep all areas within five feet of the truck or cart clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste of grease is to be disposed in or on storm drains, tree lawns, sidewalks, streets, or other public space.

N. Tents are prohibited. Awnings are only permitted if they are attached to the Food Truck or Food Cart and do not interfere with pedestrian or vehicular traffic.

O. A Food Truck Operator may obtain an Annual, Seasonal or Monthly Permit. Annual Permits shall be issued on a calendar year running from January 1 to December 31. Annual Permit fees shall not be prorated. Seasonal Permits shall be issued for any consecutive six-month period, but shall expire automatically at the end of every calendar year. Monthly Permits commence on the first day of any month and expire at the end of

every calendar month. Any permit shall not be transferable from person to person. Any permit is valid only for the Food Truck or Food Cart for which it was issued.

P. The Food Truck Operator shall comply with all notices, orders, decisions and rules and regulations made by the City Building Inspector, the Clinton County Health Department, the City of Plattsburgh Police Department, or any other City department and/or agency.

Q. Food Trucks shall be licensed as a motor vehicle and able to be operated on the public streets of New York State.

R. Signage. All Food Trucks and Food Carts shall be permitted a single freestanding sign not greater than eight square feet in size, in addition to the following:

- (1) There shall be no limit on the size or number of signs painted on the truck or cart.
- (2) Signs affixed to truck or cart shall not be mounted perpendicular to the truck or cart, and shall not protrude beyond the edges of the truck or cart.
- (3) Any signage, including the single freestanding sign, may not be located or positioned so as to impede, block or impair pedestrian walkways or handicapped accessibility.

§ 254-5. Permit Fees

All Food Truck Operators shall pay a Food Truck permit fee in an amount set from time to time by the City Common Council. These include Annual, Seasonal or Monthly Permits.

§254-6. Exceptions.

A. Nothing in this chapter shall be held to apply to any sales conducted pursuant to statute or by order of any court; to farmers and truck gardeners, who themselves or through their employees vend, sell or dispose of products of their own farms and gardens; or to berry pickers who sell berries of their own picking.

B. The Common Council may also grant exemptions from this Chapter for City-sponsored special events or other occasions.

§ 254-7. Administration and Enforcement.

A. Any Food Truck Operator who violates any provision of this chapter shall be guilty of an offense and upon conviction thereof shall be subject to a fine of not less than \$250 nor more than \$500 for each violation, or by imprisonment not exceeding 15 days, or both such fine and imprisonment.

B. Conviction of two violations of any provision of this chapter shall result in the immediate revocation of the Food Truck permit, which if occurs will not result in any refund for a Food Truck permit fee. If the Food Truck permit is revoked, the Food Truck Operator will not be allowed to apply for another Food Truck permit for any Food Truck or Food Cart until the following calendar year

C. The Food Truck Operator may be required to relocate their Food Truck or Food Cart, or any of their appurtenances, if the City Building Inspector, Police Office or other code enforcement officer determines that the Food Truck or Food Cart operations are causing

parking or traffic congestion, pedestrian impediments, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.

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

7.44 ADOPTION OF LOCAL LAW P-2 OF 2021: A local law adding Part 4 “Public Safety Management Compensation” inclusive of Article XXX entitled “Police and Fire Management Compensation” to Chapter 52 “Emergency Services” to the City Code of the City of Plattsburgh.

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

1. Part 4 “Public Safety Management Compensation” inclusive of Article XXX entitled “Police and Fire Management Compensation” will be added to Chapter 52 “Emergency Services” to the City Code of the City of Plattsburgh and will read as follows:

§ 52-286 Police Department Management Compensation

- a. The Chief, Captain(s) and Lieutenant(s) of the Police Department shall receive the salary and benefits provided under this Article.
 - i. The Chief, Captain(s) and Lieutenant(s) of the Police Department shall receive tuition payment benefits, health insurance, health insurance buyout, retirement health insurance, and retirement benefits in accordance with, and subject to the conditions set forth in, the provisions of the collective bargaining agreement negotiated by the City with the public employee organization representing Police Sergeants employed by the City.
 - ii. The Chief, Captain(s) and Lieutenant(s) of the Police Department shall receive and accrue vacation leave, sick leave, cash payment for unused sick leave, annual voluntary liquidation of sick leave, personal leave, holiday pay, clothing allowance, education incentives, travel reimbursement and bereavement leave in accordance with, and subject to the conditions set forth in, the provisions of the collective bargaining agreement negotiated by the City with the public employee organization representing Police Sergeants employed by the City.
 - iii. The Chief, Captain(s) and Lieutenant(s) of the Police Department, as exempt employees, shall not earn or accrue overtime or compensatory time.
 - iv. The base salary of Lieutenant(s) of the Police Department shall be at least \$7,000.00 higher than the base salary set forth in the collective bargaining agreement for a Police Sergeant with the same years of service with the City.

- v. The base salary of Captain(s) of the Police Department shall be at least \$10,000.00 higher than the base salary set forth in the collective bargaining agreement for a Police Sergeant with the same years of service with the City.
- vi. The base salary of the Chief of the Police Department shall be at least \$20,000.00 higher than the base salary set forth in the collective bargaining agreement for a Police Sergeant with the same years of service with the City.
- vii. The Chief, Captain(s) and Lieutenant(s) of the Police Department shall be subject to the City's drug and alcohol testing policy as set forth in the collective bargaining agreement negotiated by the City with the public employee organization representing Police Sergeants employed by the City.
- viii. The City shall assume the liability to the extent that it shall save harmless, the Chief, Captain(s) and Lieutenant(s) of the Police Department for any negligent act or tort, provided such officer, at the time of the negligent act or tort complained of, was acting in the performance of his duties and within the scope of his employment, on the same terms as set forth in the collective bargaining agreement negotiated by the City with the public employee organization representing Police Sergeants employed by the City.
- ix. The Chief, Captain(s) and Lieutenant(s) of the Police Department shall not receive any benefit, except those required by law, not expressly set forth in this Article. This Article supersedes all prior policies, resolutions, ordinances, and local laws addressing the salary and benefits provided to the Chief, Captain(s) and Lieutenant(s) of the Police Department.

§ 52-287 FIRE DEPARTMENT MANAGEMENT COMPENSATION

- b. The Chief, Assistant Chief(s) and Battalion Chief(s) of the Fire Department shall receive the salary and benefits provided under this Article.
 - i. The Chief, Assistant Chief(s) and Battalion Chief(s) of the Fire Department shall receive tuition reimbursement benefits, health insurance, retirement health insurance, and retirement benefits in accordance with,

and subject to the conditions set forth in, the provisions of the collective bargaining agreement negotiated by the City with the public employee organization representing Fire Captains employed by the City.

- ii. The Chief, Assistant Chief(s) and Battalion Chief(s) of the Fire Department shall receive and accrue vacation leave, payment for vacation, sick leave, cash payment for unused sick leave, personal leave, holiday pay, clothing allowance, education incentives and bereavement leave in accordance with, and subject to the conditions set forth in, the provisions of the collective bargaining agreement negotiated by the City with the public employee organization representing Fire Captains employed by the City.
- iii. The Chief, Assistant Chief(s) and Battalion Chief(s) of the Fire Department shall not earn or accrue overtime, compensatory time, lieu hours or Kelly Days.
- iv. The base salary of Battalion Chief(s) of the Fire Department shall be at least \$7,000.00 higher than the base salary set forth in the collective bargaining agreement for a Fire Captain with the same years of service with the City.
- v. The base salary of Assistant Chief(s) of the Fire Department shall be at least \$9,000.00 higher than the base salary set forth in the collective bargaining agreement for a Fire Captain with the same years of service with the City.
- vi. The base salary of the Chief of the Fire Department shall be at least \$30,000.00 higher than the base salary set forth in the collective bargaining agreement for a Fire Captain with the same years of service with the City.
- vii. The Chief, Assistant Chief(s) and Battalion Chief(s) of the Fire Department shall not receive any benefit, except those required by law, not expressly set forth in this Article. This Article supersedes all prior policies, resolutions, ordinances, and local laws addressing the salary and benefits provided to the Chief, Assistant Chief(s) and Battalion Chief(s) of the Fire Department.

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

7.45 WHEREAS, the Town of Plattsburgh and the City of Plattsburgh have been in communication with each other in an effort to enhance cooperation and to resolve existing matters involving litigation and other issues; now therefore, be it

RESOLVED: In accordance with the request therefore, the Mayor is authorized to sign the “Plattsburgh Compact Between the City and the Town”, incorporated herein by reference, in a form approved by Corporation Counsel.

7.46 WHEREAS, the Town of Plattsburgh and the City of Plattsburgh have been in communication with each other in an effort to enhance cooperation and to resolve existing matters involving litigation and other issues; now therefore, be it

RESOLVED: In accordance with the request therefore, the Mayor is authorized to sign the “Settlement Agreement Between the City and the Town”, and where applicable, Corporation Counsel and/or Special Counsel to the City are authorized to sign the exhibits attached thereto, and incorporated herein by reference, in a form approved by Corporation Counsel.

7.47 WHEREAS, the Town of Plattsburgh and the City of Plattsburgh have been in communication with each other in an effort to enhance cooperation and to resolve existing matters involving litigation and other issues; now therefore, be it

RESOLVED: In accordance with the request therefore, the Mayor is authorized to sign the “Memorandum of Agreement Between the City and the Town regarding Planning and Community Development”, incorporated herein by reference, in a form approved by Corporation Counsel.

7.48 WHEREAS, the Town of Plattsburgh and the City of Plattsburgh have been in communication with each other in an effort to enhance cooperation and to resolve existing matters involving litigation and other issues; now therefore, be it

RESOLVED: In accordance with the request therefore, the Mayor is authorized to sign the “Memorandum of Agreement Between the City and the Town regarding Infrastructure”, incorporated herein by reference, in a form approved by Corporation Counsel.

7.49 WHEREAS, the Town of Plattsburgh and the City of Plattsburgh have been in communication with each other in an effort to enhance cooperation and to resolve existing matters involving litigation and other issues; now therefore, be it

RESOLVED: In accordance with the request therefore, the Mayor is authorized to sign the “Memorandum of Agreement Between the City and the Town regarding the Plattsburgh Organics Recycling Plant”, incorporated herein by reference, in a form approved by Corporation Counsel.

7.50 Authorizing revising Capital project H5110.77 – street resurfacing

WHEREAS, the following resolution was adopted on April 15th, 2021, and

WHEREAS, the Capital Expenditure Plan adopted January 7th, 2021, includes a Street Resurfacing & Improvements category, and

WHEREAS, the Infrastructure Division established a 2021 Street Resurfacing project for items included in the Street Resurfacing & Improvements category of the Capital Expenditure Plan adopted January 7th, 2021, and

WHEREAS, the cost of the 2021 Street Resurfacing project has been estimated by the Infrastructure Division for the costs to implement the planned improvements included in the street expenditure plan during 2021, and is being revised for 2021, as follows:

	2021 Capital Plan	2021 Estimated Cost	2021 Revised Cost
Beekman Street (design)	\$ 200,000	\$ 200,000	\$ 136,000
Maryland Road (design)	-	-	25,000
South Peru Street (design)	-	-	19,000
New York Road (design)	-	-	20,000
Palmer Street	52,000	52,000	52,000
White Street	25,000	25,000	25,000
George Street/Water Alley	36,000	36,000	36,000
Standish Street	44,000	44,000	44,000
Riley Avenue	55,000	55,000	55,000
Miscellaneous Paving	25,000	25,000	25,000
Misc. sidewalks & ADA improvements	<u>50,000</u>	<u>50,000</u>	<u>50,000</u>
Total	<u>\$ 487,000</u>	<u>\$ 487,000</u>	<u>\$ 487,000</u>
Project Funding:			
General Fund	\$ 302,000	\$ 302,000	\$ 302,000
CHIPS – NYS Funding	<u>185,000</u>	<u>185,000</u>	<u>185,000</u>
Total	<u>\$ 487,000</u>	<u>\$ 487,000</u>	<u>\$ 487,000</u>

Now therefore,

BE IT RESOLVED, by the Common Council of the City of Plattsburgh, New York, this 15th day of April 2021, as follows:

- 1) That, the amount of Four Hundred Eighty-seven Thousand and 00/100 (\$487,000.00) Dollars is hereby appropriated for the capital project **2021 Street Resurfacing (H5110.77)** for the cost of the revised project items listed above and is hereby authorized to be expended for such purpose.
- 2) That, the amount of Three Hundred Two Thousand and 00/100 (\$302,000.00) Dollars of such appropriation be provided by an advance from the General Fund to be reimbursed by a BAN or serial bonds issued by the City of Plattsburgh as permanent funding for the project.
- 3) That, the amount of One Hundred Eight-five Thousand and 00/100 (\$185,000.00) Dollars of such appropriation be provided by funding from the Consolidated Local Street and Highway Improvement Program (CHIPS) sponsored by New York State.
- 4) That, this resolution takes effect immediately.

7.51 Authorizing award of the Design phase of Beekman Street Reconstruction

Resolution awarding the Design phase of Beekman Street Reconstruction to RMSPC for a total of \$52,915.00

7.52 Authorizing award of the Design phase of Maryland Road Water Line Reconstruction

RESOLUTION TITLE: Resolution awarding the Design phase of Maryland Road Water Line Reconstruction to RMSPC for a total of \$24,415.00.

7.53 Authorizing award of the Design phase of New York Road Water Line Reconstruction

Resolution awarding the Design phase of New York Road Water Line Reconstruction to AEDA for a total of \$18,800.00.

7.54 Authorizing award of the Design phase of South Peru Street Water Line Reconstruction

Resolution awarding the Design phase of South Peru Street Water Line Reconstruction to AEDA for a total of \$18,800.00.

7.55 Authorizing award of the Design phase of The City of Plattsburgh Annual Sidewalk Improvements Program

Resolution awarding the Design phase of The City of Plattsburgh Annual Sidewalk Improvements Program to AEDA for a total of \$6,500.00

7.56 Authorizing award of the Construction phase of the Cogan Avenue Reconstruction Project

Resolution awarding the Construction phase of the Cogan Avenue Reconstruction Project to Luck Bros. Inc. for a total of \$1,833,000.00

7.57 Authorizing award of the Construction Management phase of Cogan Avenue Reconstruction Project

Resolution awarding the Construction Management phase of Cogan Avenue Reconstruction Project to C&S Engineers, Inc. for a total not to exceed \$151,000.00.

**7.58 Authorizing award of the NYSDEC Storm Water Pollution Prevention Plan (SWPPP)
Inspection and Material Testing phase of Cogan Avenue Reconstruction Project**

**Resolution awarding the NYSDEC Storm Water Pollution Prevention Plan (SWPPP)
Inspection and Material Testing phase of Cogan Avenue Reconstruction Project to RMSPC
for a total of \$13,050.00.**

7.59 Authorizing amendment to Capital project H8320.79 – “Water System Improvements

WHEREAS, The City is in the process of upgrading its water system; and

WHEREAS, Capital Project H83210.79 “Water System Improvements” requires additional appropriation to continue the work;

NOW, THEREFORE, BE IT RESOLVED, The Common Council Authorizes the appropriation increase of \$1,000,000 to Capital Project H8320.79 “Water System Improvements” to bring the revised total to \$1,500,000 with the source of funds to be from the Mead Dam IIC revenue already received.

7.60 Authorizing agreement - WRRF Disinfection and Odor Control Upgrades

WHEREAS, The WRRF will be constructing odor control and disinfection system upgrades under the NYS EFC Cleanwater WIIA program; and

WHEREAS, Engineering Construction services will be needed; and

WHEREAS, CDM Smith has provided a March 5, 2021 proposal for the services on a time and expense basis not to exceed \$335,000;

NOW, THEREFORE, BE IT RESOLVED, The Common Council authorizes the execution of all necessary documents to enter into an agreement with CDM Smith for obtaining the services described in their March 5, 2021 proposal:

7.61 Authorizing agreement with Lake Champlain Basin Program Illicit Discharge and Elimination (IDDE) Study Phase 2

WHEREAS, The City has completed the original LCBP funded IDDE study; and

WHEREAS, a number of potential illicit discharges have been detected requiring further study; and

WHEREAS, the LCBP has provided funding for performing another phase of investigation;

NOW, THEREFORE, BE IT RESOLVED, The Common Council Authorizes the execution of all necessary documents, including a NEIWPC MOA and an amendment to the agreement with Stone Environmental, to perform IDDE Phase II. The agreement with Stone Environmental is for \$19,605 and requires a \$500 match from the City which will come from the Sewer Fund.

7.62 Authorizing award for chemicals for WRRF

WHEREAS, Contract #WRRF 2021-01 “Sodium Thiosulfate for the WRRF” is awarded to Thatcher Company of NY for the ESTIMATED sum of \$73,089.20. The contract shall commence on April 6, 2021 for one year, with two optional one-year extensions

NOW, THEREFORE, BE IT RESOLVED, The Common Council Authorizes the Mayor of Plattsburgh to execute all necessary documents.

7.63 Authorizing award for Activated Carbon for Water Filtration Plant

WHEREAS, The Water Filtration Plant relies on activated carbon in its treatment process; and

WHEREAS, The activated carbon needs to be replaced to promote optimal treatment; and

WHEREAS, Bids were solicited for purchasing new activated carbon;

NOW, THEREFORE, BE IT RESOLVED, The Common Council Authorizes the Mayor of Plattsburgh to execute all necessary documents.

7.64 Authorizing Budget Transfer - General Fund Fire Department Paramedic Training Program Expenses

WHEREAS, the following resolution was adopted on April 15th, 2021; and

WHEREAS, the 2021 General Fund budget does not make sufficient appropriations for Fire Paramedic program and training expenses; and

WHEREAS, the Fire Chief has requested to purchase program training costs and manuals for the City fire and ambulance services for fiscal year 2021;

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

Increase: General Fund – Fire Training & Education	13410000-4461	\$ 5,900.00
Increase: General Fund – Fire Contract Services	13410000-4430	\$12,550.00
Decrease: General Fund – Fire Repairs to Motor Vehicles	13410000-4452	\$18,450.00

To provide for unbudgeted appropriation for the purchase of training manuals for the adopted program for the conversion of City firemen from EMT to Paramedic status and related program costs not included in the Fire budget in the General Fund. The budget adjustment does not increase the General Fund budget for appropriations in 2021.

7.65 Authorizing Budget Transfer – General Fund Police Motor Vehicle Repairs

WHEREAS, the following resolution was adopted on April 15th, 2021; and

WHEREAS, the 2021 General Fund budget makes appropriations for motor vehicle repairs in the police department; and

WHEREAS, the police are asking to increase the motor vehicle repairs appropriations for 2021 by the same amount received for insurance proceeds from a damaged vehicle;

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

Increase: General Fund – Police Motor Repairs	13120000-4452	\$ 2,420.00
Increase: General Fund – Insurance Recovery Property	00001127-2680	\$ 2,420.00

To provide for the repair of a police vehicle from the insurance proceeds received for a damaged vehicle. The budget adjustment provides for the increase in appropriations and the increase in estimated revenues that will increase the total General Fund budget by \$2,420.00 for 2021.

7.66 Authorizing Budget Transfer – Major Funds Budget Adjustments for Telephone Cost Reallocation

WHEREAS, the following resolution was adopted on April 15th, 2021; and

WHEREAS, the 2021 General, Rec Complex, Water, Sewer and Library Funds budgets require adjustment for reallocation of the telephone and IT managed service costs; and

WHEREAS, the City Chamberlain is requesting to adjust the major budgets for the reallocation of the telephone and IT managed service costs in 2021;

NOW, THEREFORE, BE IT RESOLVED, the Common Council Authorizes the City Chamberlain to adjust the General, Rec Complex, Water, Sewer and Library Fund budgets, as follows:

Increase: General Fund – Appropriated Fund Balance	1-0599	\$ 3,401.00
Decrease: General Fund – Mayor Telephone	11210000-4414	\$ 3,461.00
Decrease: General Fund – Finance Telephone	11310000-4414	\$14,049.00
Decrease: General Fund – City Clerk Telephone	11410000-4414	\$ 5,106.00
Decrease: General Fund – Data Processing Telephone	11680000-4414	\$ 5,091.00
Decrease: General Fund – Police Telephone	13120000-4414	\$ 3,381.00
Decrease: General Fund – Asset Seizure Telephone	13121000-4414	\$ 206.00
Increase: General Fund – Fire Telephone	13410000-4414	\$ 7,865.00
Decrease: General Fund – Building Inspector Telephone	13620000-4414	\$ 8,061.00
Decrease: General Fund – Community Dev. Telephone	16330000-4414	\$12,551.00
Increase: General Fund – Transfer Rec Complex	19515000-9000	\$47,442.00
Increase: Rec Complex Fund – Admin Telephone	27210000-4414	\$47,442.00
Increase: Rec Complex Fund – Inter-fund Revenues General	00002228-2810	\$47,442.00

To provide for an increase in total appropriations for the General Fund operations and the Rec Complex operations in 2021 for the reallocation of the telephone and IT managed service costs to recognize the cost where the internet network connections and related usage actually reside. The budget adjustment increases the General Fund budget for appropriations and appropriated fund balance in 2021 by \$3,401.00, and it increases the Rec Complex Fund budget for estimated revenues and appropriations in 2021 by \$47,442.00.

Increase: Water Fund – Appropriated Fund Balance	4-0599	\$ 17,206.00
Increase: Water Fund – Administration Telephone	48310000-4414	\$ 10,304.00
Increase: Water Fund – Purification Telephone	48330000-4414	\$ 6,902.00
Increase: Sewer Fund – Appropriated Fund Balance	5-0599	\$ 7,452.00
Increase: Sewer Fund – Administration Telephone	58110000-4414	\$ 7,452.00

Increase: Library Fund – Contract Services	67410000-4430	\$ 7,633.00
Decrease: Library Fund – Telephone	67410000-4414	\$ 7,633.00

To provide for an increase in total appropriations and appropriated fund balance for the Water and Sewer Funds operations and a transfer of appropriations in the Library operations in 2021 due to the reallocation of the telephone and IT managed service costs to recognize the cost where the internet network connections and related usage actually reside. The budget adjustment increases the Water Fund budget for appropriations and appropriated fund balance in 2021 by \$17,206.00 and it increases the Sewer Fund budget for appropriations and appropriated fund balance in 2021 by \$7,452.00. The Library Budget for 2021 will remain unchanged due to the transfer of appropriations between budgeted accounts.

7.67 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 being revised, as follows:

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

Project Funding:

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

Now therefore,

BE IT RESOLVED, by the Common Council of the City of Plattsburgh, New York, this 15th day of April 2020, as follows:

- 5) 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.
- 6) That, Two Hundred Fifty Thousand and 00/100 (\$250,000.00) Dollars of such appropriation be provided by the Water Capital Reserve.

7) 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.

8) That, Eighty-two Thousand Three Hundred and 00/100 (\$82,300.00) Dollars of such appropriation be provided by the Water Operating Fund.

That, One Million and 00/100 (\$1,000,000.00) Dollars of such appropriation be provided by an advance from the Water Operating Fund but that such advance will be reimbursed by year-end through WIIA drinking water grant funding or through the issuance of Water Fund bond anticipation notes or serial

7.68 Authorizing the Chamberlain to transfer for Rec Complex Fund Beach Materials & Supplies and Contract Services

WHEREAS, the 2021 Rec Complex Fund budget does not make appropriations for materials and supplies and contract services costs; and

WHEREAS, the City Chamberlain is requesting to appropriate for the unbudgeted costs in the Rec Complex Fund Beach department costs for the fiscal year 2021;

NOW, THEREFORE, BE IT RESOLVED, the Common Council Authorizes the City Chamberlain to adjust the Rec Complex Fund budget, as follows:

Increase: Rec Complex Fund – Beach Materials & Supplies	27215000-4330	\$ 4,500.00
Increase: Rec Complex Fund – Beach Contract Services	27215000-4330	\$ 4,500.00
Decrease: Rec Complex Fund – Beach Temporary Payroll	27215000-1300	\$ 9,000.00

To provide for unbudgeted appropriations for the Rec Complex Beach operational expense accounts in 2021 providing for the re-opening and operation of the beach for the season. The budget adjustment does not increase the Rec Complex Fund budget for appropriations **in 2021**.

7.69 Authorizing Budget adjustment to the Rec Complex fund budget for building demolition

WHEREAS, the following resolution was adopted on April 15th, 2021; and

WHEREAS, the 2021 Rec Complex Fund budget does not make appropriations for the demolition of a building damaged by a fallen tree at the Crete Center site; and

WHEREAS, the City Chamberlain is requesting to appropriate for the unbudgeted costs in the Rec Complex Fund Crete Center department costs for the fiscal year 2021;

NOW, THEREFORE, BE IT RESOLVED, the Common Council Authorizes the City Chamberlain to adjust the Rec Complex Fund budget, as follows:

Increase: Rec Complex Fund – Crete Capital Outlay	27220000-3000	\$11,000.00
Increase: Rec Complex Fund – Inter-fund Revenues General	00002228-2810	\$11,000.00
Increase: General Fund – Transfer Rec Complex	19151000-9000	\$11,000.00
Decrease: General Fund – Appropriated Fund Balance	1-0599	\$11,000.00

To provide for unbudgeted appropriations for the Rec Complex Crete Center operations in 2021 for the demolition of the Anderson Building, at the Crete Center site, that was partially demolished by a fallen tree. The budget adjustment increases the Rec Complex Fund – Crete Capital Outlay budget for estimated revenues and appropriations in 2021 by \$11,000.00.

7.70 Authorizing Budget adjustment to the Rec Complex fund budget for Beach implementation

WHEREAS, the following resolution was adopted on April 8th, 2021; and

WHEREAS, the 2021 Rec Complex Fund budget does not make appropriations for the creation of an implementation plan for future development for the beach site; and

WHEREAS, the City Chamberlain is requesting to appropriate for the unbudgeted costs in the Rec Complex Fund Beach department costs for the fiscal year 2021;

NOW, THEREFORE, BE IT RESOLVED, the Common Council Authorizes the City Chamberlain to adjust the Rec Complex Fund budget, as follows:

Increase: Rec Complex Fund – Beach Contract Services	27215000-4330	\$ 20,000.00
Increase: Rec Complex Fund – Inter-fund Revenues General	00002228-2810	\$20,000.00
Increase: General Fund – Transfer Rec Complex	19151000-9000	\$20,000.00
Decrease: General Fund – Appropriated Fund Balance	1-0599	\$20,000.00

To provide for unbudgeted appropriations for the Rec Complex Beach operational expense in 2021 providing for the creation of an implementation plan from Saratoga Associates for the future development of the beach site. The budget adjustment increases the Rec Complex Fund budget for estimated revenues and appropriations in 2021 by \$20,000.00.

7.71 Authorizing of service agreement to create implementation plan for Beach Complex improvements

WHEREAS, in April 2016 Saratoga Associates completed a ‘City Beach and Crete Center Waterfront Design and Feasibility Study’ that included options for rehabilitation and development of the City Beach and Crete Center property; and

WHEREAS, in the years since publication of Saratoga’s 2016 feasibility study, few, if any, of that study’s recommendations have been implemented; and

WHEREAS, a revitalized City beach would increase quality of life and recreational opportunities for local residents and visitors while at the same time drawing additional tourism spending to the City; and

WHEREAS, additional analysis of the beach complex and guidance from an experienced consulting firm are needed to facilitate implementation of the recommended improvements.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to sign a consulting services agreement with Saratoga Associates, in an amount not to exceed \$20,000, to develop a phased implementation plan for improvements to the City Beach/Crete Center property and to provide support services to the City on an as-need basis during the design, permitting, and site redevelopment process. Funding to be provided from the 2021 City Beach contracted services budget appropriation.

7.72 Approval of license agreement for Plattsburgh Farmers' and Crafters' market

WHEREAS, the City is currently completing improvements to the former Plattsburgh Municipal Lighting Department (PMLD) site on Green Street; and

WHEREAS, the Plattsburgh Farmers' and Crafters' Market wishes to operate from the renovated building previously known as Building 4 on PMLD's former Green Street site.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to sign a License Agreement with the Plattsburgh Farmers' and Crafters' Market to operate a twice-weekly farmers' market in the renovated building on PMLD's former Green Street site from May 1, 2021 to October 10, 2021.

7.73 Approval of Mohawk Sculpture and Interpretive Panel at Harborside

WHEREAS, the Tsi ietsenhtha Plattsburgh Art Project in partnership with Clinton County Historical Association and Outside Art has requested permission to design and install a Mohawk art sculpture and interpretive panel near Peace Point park in Harborside; and

WHEREAS, the Community Development department, DPW and other departments as necessary will coordinate with Tsi ietsenhtha Plattsburgh Art Project to ensure proper sculpture and sign placement to compliment and highlight our native history on the shores of Lake Champlain; and

NOW, THEREFORE, BE IT RESOLVED, The Common Council Authorizes the Mayor of Plattsburgh to execute all necessary documents

7.74 Appointment of Jacob Avery to Plattsburgh Public Library Board of Trustees

THE MAYOR HANDS DOWN THE APPOINTMENT OF JACOB AVERY TO THE LIBRARY BOARD OF TRUSTEES TERM EFFECTIVE APRIL 16, 2021 EXPIRING JUNE 30, 2022.

7.75 Appointment of Monticia Prather to Board of Ethics

**PURSUANT TO CHAPTER 53 OF THE CITY CODE, THE COMMON COUNCIL
HEREBY APPOINTS MONTICIA PRATHER TO THE BOARD OF ETHICS
EFFECTIVE APRIL 16, 2021 TO SERVE AT THE PLEASURE OF THE COMMON
COUNCIL.**

7.76 Approval of Fee Structure for Venue rentals

WHEREAS, the City of Plattsburgh would like to expand the venues available for public and private events, and

WHEREAS, reserving these facilities will ensure the ability to use the venue for private use, and

WHEREAS, there are cost incurred by the City to accommodate such events and such fees levied are intended to simply cover the cost of delivering that expense,

NOW THEREFORE IT IS HEREBY RESOLVED, The Common Council of the City of Plattsburgh hereby approves and adopts the fee structure below (Attachment A) effective immediately and

BE IT FURTHER RESOLVED, All fees must be remitted upon application approval per the City Clerk's requirements and must adhere to all City Clerk requirements before approval can occur.

ATTACHMENT A

Location	Fee
Gazebo's (Sailor's Beach, Oval, Samuel de Champlain, Lakeview Park-Sailors Point Park, Wilcox Dock)	\$50/day
Beach Lawn	\$200/day
City Hall (Auditorium, Chambers)	\$100/day
Utility Fee (Electric or Water)	\$20/day
Portable Stage	\$500/event
Harborside Stage	\$100/day
BMI/ASCAP licensing	\$50.00/event
Trailer stage	\$500.00/day
Cones	\$2/cone/event
Barricade	\$5/cone/event
Garbage cans	\$5/can/event
Garbage removal	\$5.00/bag
EMS/Police/Security	Labor Cost/hr

7.77 Approval of Fee Structure for Food trucks/Carts vendors

WHEREAS, Local Law P-1 of 2021, a local law re-naming, amending and re-stating Chapter 254 “Peddling and Soliciting” of the City Code of the City of Plattsburgh. Once re-named, Chapter 254 will be entitled “Food Trucks” was presented for public hearing on April 15, 2021 and council has since approved

NOW, THEREFORE, BE IT RESOLVED, The Common Council approves the City of Plattsburgh to invoke the following fee structure:

Monthly permit (starting the first day of a month, ending the last day of said month) - \$98.00

Seasonal permit (any consecutive 6-months, but must be within the current year) - \$545.00

Yearly permit (January 1 through December 31 of current year) - \$725.00

7.78 Awarding of Consulting Contract for Harborside Master Plan

WHEREAS, in 2019, the City was awarded a grant in the amount of \$109,965 from the NYS Department of State for the preparation of a Master Plan for the City's Harborside area; and

WHEREAS, on February 8, 2021, the City issued a Request for Proposals for Consulting Services to assist the City with preparation of the Harborside Master Plan; and

WHEREAS, a thorough review of the 11 complete proposals received in response to the City's RFP was completed by a 5-member review committee, including an initial, independent review of all proposals by each member and secondary group interviews with several firms.

NOW, THEREFORE, BE IT RESOLVED, the Common Council awards the consulting services contract for preparation of the City's Harborside Master Plan to Barton & Loguidice and authorizes the Mayor to execute an agreement with Barton & Loguidice for said services in an amount not to exceed \$109,870. This award is subject to the terms of the NYS Department of State grant.

7.79 Awarding of contract for Real Estate Brokerage Services

WHEREAS, the City owns several parcels of real property that are suitable for sale and/or lease but does not possess the expertise to effectively market these properties; and

WHEREAS, on February 26, 2021, the City issued a Request for Proposals for Real Estate Broker services; and

WHEREAS, a thorough review of the 6 complete proposals received in response to the City's RFP was completed by a 3-member review committee.

NOW, THEREFORE, BE IT RESOLVED, the Common Council awards the contract for real estate brokerage services to CDC Real Estate Inc. and authorizes the Mayor to execute an agreement with CDC Real Estate Inc. for said services reflecting the terms included in their submitted proposal.

7.80 Approval of Change Order #3 for the Saranac River Trail Phase 2

WHEREAS, the City executed a construction contract with Luck Brothers, Inc. (Luck) in October 2020 to complete Phase 2 of the Saranac River Trail (SRT 2); and

WHEREAS, discoveries made during excavation activities around the abutments of the two pedestrian bridges resulted in changes to Luck’s scope of work and additional construction costs; and

WHEREAS, the change order for this additional work in the amount of \$23,908.74 will be paid from the Field Change Payment line that was budgeted in the previously approved construction contract.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to sign Change Order #3 to the SRT 2 construction contract with Luck Brothers, Inc. and all associated documents to accommodate unanticipated construction expenses; and

BE IT FURTHER RESOLVED, that the Common Council authorizes the Mayor to execute any further amendments and change orders to the construction contract for SRT 2 that do not impact the General Fund.

Contractor:	Luck Brothers, Inc.
Service:	Construction of SRT Phase 2; Change Order #3
Rate:	n/a
Mileage:	n/a
Contract Amount:	\$3,098,501.31 (Original) / \$3,098,501.31 (New)
City Cost:	\$1,154,635.31
Period:	Construction scheduled for completion in fall of 2021
New/Renewal:	Renewal
Previous Year’s Cost:	n/a
Previous Year’s City Cost:	n/a