

7.104 ADOPTION OF LOCAL LAW P-3 OF 2021

Introduced by Mayor Rosenquest on May 6, 2021 at a Regular Meeting of the Common Council.

Public Hearing held on Thursday, May 20, 2021 at 5:00pm in the Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

A local law adding Sub-Section “I. Areas where parking permits required.” to Chapter 340-7 “Parking Restrictions in certain places.” to the City Code of the City of Plattsburgh.

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

1. Sub-Section “I. Areas where parking permits required.” will be added to Chapter 340-7 “Parking Restrictions in certain places.” to the City Code of the City of Plattsburgh and will read as follows:

...

“I. Parking Permits. Areas where parking permit required. A person may not stop, stand or park a vehicle in any publically owned parking space, parking lot, or parking area where a parking permit is required per a Traffic Order, or signage, without a valid parking permit being affixed to said vehicle, specific to the parking space, parking lot or parking area. This section also applies to privately owned parking lots or parking areas subject to an easement or agreement which allows for public parking thereon.”

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

**7.105 AUTHORIZE BUDGET ADJUSTMENTS FOR IT COST ALLOCATION
(DISASTER RECOVERY-HARDWARE)**

WHEREAS, the following resolution was adopted on May 30th, 2021; and

WHEREAS, the 2021 General, Rec Complex, Water, Sewer and Library Funds budgets require adjustment for allocation of the IT managed service costs for disaster recovery set-up and hosted service analysis fees; and

WHEREAS, the City Chamberlain is requesting to adjust the major budgets for the allocation of the IT managed service costs for disaster recovery set-up and hosted service analysis fees 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:

It is being requested to adjust the 2021 General and Rec Complex Fund Budgets, as follows:

| | | |
|--|---------------|--------------|
| Increase: General Fund – Appropriated Fund Balance | 1-0599 | \$ 47,494.87 |
| Increase: General Fund – Mayor Telephone | 11210000-4414 | \$ 989.48 |
| Increase: General Fund – Finance Telephone | 11310000-4414 | \$ 989.48 |
| Increase: General Fund – City Clerk Telephone | 11410000-4414 | \$ 989.48 |
| Increase: General Fund – Data Processing Telephone | 11680000-4414 | \$ 989.48 |
| Increase: General Fund – Police Telephone | 13120000-4414 | \$ 11,873.71 |
| Increase: General Fund – Fire Telephone | 13410000-4414 | \$ 11,873.71 |
| Increase: General Fund – Building Inspector Telephone | 13620000-4414 | \$ 989.48 |
| Increase: General Fund – Community Dev. Telephone | 16330000-4414 | \$ 989.48 |
| Increase: General Fund – Transfer Rec Complex | 19515000-9000 | \$ 17,810.57 |
| Increase: Rec Complex Fund – Admin Telephone | 27210000-4414 | \$ 17,810.57 |
| Increase: Rec Complex Fund – Inter-fund Revenues General | 00002228-2810 | \$ 17,810.57 |

To provide for an increase in total appropriations for the General Fund operations and the Rec Complex operations in 2021 for the allocation of the IT managed service costs for disaster recovery set-up and hosted service analysis fees based on 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 \$47,494.87, and it increases the Rec Complex Fund budget for estimated revenues and appropriations in 2021 by \$17,810.57.

It is being requested to adjust the 2021 Water, Sewer and Library Fund Budgets, as follows:

| | | |
|---|---------------|-------------|
| Increase: Water Fund – Appropriated Fund Balance | 4-0599 | \$ 8,905.29 |
| Increase: Water Fund – Administration Telephone | 48310000-4414 | \$ 5,936.86 |
| Increase: Water Fund – Purification Telephone | 48330000-4414 | \$ 2,968.43 |
| | | |
| Increase: Sewer Fund – Appropriated Fund Balance | 5-0599 | \$ 8,905.29 |
| Increase: Sewer Fund – Administration Telephone | 58110000-4414 | \$ 4,479.49 |
| Increase: Sewer Fund – WPCP Flow Telephone | 58110000-4414 | \$ 3,858.96 |
| Increase: Sewer Fund – BOD Telephone | 58110000-4414 | \$ 148.42 |
| Increase: Sewer Fund – Suspended Solids Telephone | 58110000-4414 | \$ 148.42 |
| | | |
| Decrease: Library Fund – Contract Services | 67410000-4430 | \$ 5,936.86 |
| Increase: Library Fund – Telephone | 67410000-4414 | \$ 5,936.86 |

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 allocation of the IT managed service costs for disaster recovery set-up and hosted service analysis fees based on where the internet network connections and related usage actually reside. The budget adjustment increases the Water and Sewer Fund budgets for appropriations and appropriated fund balance in 2021 by \$8,905.29, each. The Library Budget for 2021 will remain unchanged due to the transfer of appropriations between budgeted accounts.

**7.106 AUTHORIZE BUDGET ADJUSTMENTS FOR IT COST ALLOCATION
(DISASTER RECOVERY - SOFTWARE/STORAGE)**

WHEREAS, the following resolution was adopted on May 30th, 2021; and

WHEREAS, the 2021 General, Rec Complex, Water, Sewer and Library Funds budgets require adjustment for allocation of the IT hardware costs for disaster recovery set-up; and

WHEREAS, the City Chamberlain is requesting to adjust the major budgets for the allocation of the IT costs for disaster recovery set-up 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:

It is being requested to adjust the 2021 General and Rec Complex Fund Budgets, as follows:

| | | |
|--|---------------|-------------|
| Increase: General Fund – Appropriated Fund Balance | 1-0599 | \$16,219.43 |
| Increase: General Fund – Data Processing Capital Outlay | 11680000-3000 | \$10,137.14 |
| Increase: General Fund – Transfer Rec Complex | 19515000-9000 | \$ 6,082.29 |
| Increase: Rec Complex Fund – Crete Capital Outlay | 27220000-3000 | \$ 2,027.43 |
| Increase: Rec Complex Fund – Gym Capital Outlay | 27221000-3000 | \$ 2,027.43 |
| Increase: Rec Complex Fund – Marina Capital Outlay | 27225000-3000 | \$ 2,027.43 |
| Increase: Rec Complex Fund – Inter-fund Revenues General | 00002228-2810 | \$ 6,082.29 |

To provide for an increase in total appropriations for the General Fund operations and the Rec Complex operations in 2021 for the allocation of the IT hardware costs for disaster recovery set-up based on 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 \$16,219.43, and it increases the Rec Complex Fund budget for estimated revenues and appropriations in 2021 by \$6,082.29.

It is being requested to adjust the 2021 Water, Sewer and Library Fund Budgets, as follows:

| | | |
|--|---------------|-------------|
| Increase: Water Fund – Appropriated Fund Balance | 4-0599 | \$ 3,041.14 |
| Increase: Water Fund – Source of Supply Capital Outlay | 48320000-3000 | \$ 2,027.43 |
| Increase: Water Fund – Purification Capital Outlay | 48330000-3000 | \$ 1,013.71 |
| Increase: Sewer Fund – Appropriated Fund Balance | 5-0599 | \$ 3,041.14 |
| Increase: Sewer Fund – Sanitary Sewer Capital Outlay | 58120000-3000 | \$ 1,621.94 |
| Increase: Sewer Fund – WPCP Flow Capital Outlay | 58130000-3000 | \$ 1,419.20 |

| | | |
|--|---------------|-------------|
| Decrease: Library Fund – Contract Services | 67410000-4430 | \$ 2,027.43 |
| Increase: Library Fund – Telephone | 67410000-3000 | \$ 2,027.43 |

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 for the allocation of the IT hardware costs for disaster recovery set-up based on where the internet network connections and related usage actually reside. The budget adjustment increases the Water and Sewer Fund budgets for appropriations and appropriated fund balance in 2021 by \$3,041.14, each. The Library Budget for 2021 will remain unchanged due to the transfer of appropriations between budgeted accounts.

7.107 AUTHORIZING THE MAYOR TO SIGN APPROVAL FOR DISASTER RECOVERY SERVICE CONTRACT

WHEREAS, the City executed an IT managed service contract with SymQuest to address a number of network and user IT concerns; and

WHEREAS, in the process of analysis the city has been made aware of a number of concerns regarding the lack of managed back-up and disaster recovery issues facing city network infrastructure; and

WHEREAS, the implementation of a disaster recovery plan will result in additional IT hardware, infrastructure cost, and service contracts with a total amount of \$111,500, some of which has the potential for recovery at the end of the 1 year contract; and

WHEREAS, the funding for this contract will come from 2021 General, Rec Complex, Water, Sewer and Library Funds allocation of the IT managed service costs for disaster recovery set-up and hosted service analysis fees;

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to sign approval for a disaster recovery service contract.

7.108 AUTHORIZING THE MAYOR TO SIGN LETTER OF INTENT FOR IT HOSTING ANALYSIS

WHEREAS, the City executed an IT managed service contract with SymQuest to address a number of network and user IT concerns; and

WHEREAS, in the process of analysis the city would like to explore the options for network hosting solutions that has the ability to help further secure city network infrastructure and reduce overall operational IT costs; and

WHEREAS, the analysis of network hosting options would potentially be an additional expense of \$3,500, this expense is currently included in the current SymQuest IT Managed Service contract; and

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to sign a letter of intent to allow for SymQuest to perform an IT hosting analysis.

7.109 AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO SUBMIT AN APPLICATION FOR THE 2021 BRIDGE NY GRANT PROGRAM.

Resolution to approve the Department of Public Works to submit an application for the 2021 BridgeNY Grant Program for the Cumberland Avenue Bridge and naming Andrew Durrin as the Responsible Local Official (RLO) for the project.

7.110 AUTHORIZING REVISING CAPITAL PROJECT H5110.73 - 2019 FARMERS' MARKET IMPROVEMENTS

WHEREAS, the following resolution was adopted on May 20th, 2021, and

WHEREAS, the Capital Expenditure Plan adopted January 10th, 2019, includes a Downtown Improvements category, and

WHEREAS, the Infrastructure Division established a 2019 Farmers' Market Improvements project for items not included in the Downtown Improvements category of the Capital Expenditure Plan adopted January 10th, 2019, and

WHEREAS, the cost of the 2019 Farmers' Market Improvements project was estimated by the Infrastructure Division for the costs to implement the unplanned improvements through revising the Downtown Improvements section of the Capital Expenditure Plan during 2019 and twice again in 2021, for change orders, as follows:

| Revised | 2019 Capital Plan | 2019 Estimated Cost | 2021 Revised Cost | 2021 Cost |
|-----------------------------|----------------------------------|------------------------------------|----------------------------------|----------------------|
| Farmers' Market Improve | \$ - | \$ 250,000 | \$ 276,600 | \$ 287,002 |
| Arch, Engr. & Environmental | <u>-</u> | <u>-</u> | <u>53,127</u> | <u>53,127</u> |
| Total | <u>\$ -</u> | <u>\$ 250,000</u> | <u>\$ 329,727</u> | <u>\$ 340,129</u> |

Project Funding:

| | | | | |
|----------------------------|-------------|-------------------|-------------------|-------------------|
| Downtown Grant Prog. (DRI) | \$ - | \$ 250,000 | \$ 302,067 | \$ 303,127 |
| General Fund | <u>-</u> | <u>-</u> | <u>27,660</u> | <u>37,002</u> |
| Total | <u>\$ -</u> | <u>\$ 250,000</u> | <u>\$ 329,727</u> | <u>\$ 340,129</u> |

Now therefore,

BE IT RESOLVED, by the Common Council of the City of Plattsburgh, New York, this 20th day of May 2021, as follows:

- 1) That, the amount of Three Hundred Forty Thousand One Hundred Twenty-nine and 00/100 (\$340,129.00) Dollars is hereby appropriated for the capital project **2019 Farmers' Market Improvements (H5110.73)** for the revised cost of the project items listed above and is hereby authorized to be expended for such purpose.
- 2) That, the amount of Three Hundred Three Thousand One Hundred Twenty-seven and 00/100 (\$303,127.00) Dollars of such appropriation will be provided by an advance from the General Fund, but that such advance is to be repaid to the General Fund from funding under the Downtown Grant Program (DGP) segment of the Downtown Revitalization Initiative (DRI) grant sponsored by the New York State Department of State.
- 3) That, the amount of Thirty-seven Thousand Two and 00/100 (\$37,002.00) Dollars of such appropriation will be provided from the General Fund.
- 4) That, this resolution takes effect immediately.

7.111 APPROVAL OF AMERICAN RED CROSS LICENSED TRAINING PROVIDER AGREEMENT

WHEREAS, safe operation of the City beach requires trained lifeguard personnel; and

WHEREAS, the American Red Cross provides training materials, courses, and trainers for lifeguards.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Director of Community Development to sign a Licensed Training Provider Agreement with the American Red Cross to facilitate training of lifeguard personnel for the City beach.

7.112 APPROVING AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR THE DURKEE LOT MIXED-USE DEVELOPMENT PORTION OF DOWNTOWN AREA IMPROVEMENT PROJECTS

WHEREAS, the City of Plattsburgh revitalization efforts will involve several downtown area improvement projects known as the Downtown Area Improvement Projects (DAIP); and

WHEREAS, the City of Plattsburgh Common Council determined to conduct comprehensive review of the DAIP through preparation of a Generic Environmental Impact Statement (GEIS) pursuant to the State Environmental Quality Review Act (SEQRA) and Section 617.10 of Title 6 of the New York Compilation of Codes, Rules and Regulations; and

WHEREAS, the Common Council, as duly designated Lead Agency pursuant to SEQRA, conducted a thorough SEQRA review of the DAIP, including conducting scoping, preparing Draft and Final Generic Environmental Impact Statements (EIS), conducting a Public Hearing and adopting a SEQRA Findings Statement; and

WHEREAS, the Findings Statement determined, among other things, that given the demonstrated public need and benefit of the DAIP, its lack of significant adverse environmental impacts and its avoidance of such impacts by project design, location and mitigation, the decision to proceed with the Project as proposed gave due consideration to and represented a reasonable and proper balancing of environmental considerations with social, economic and other relevant considerations; and

WHEREAS, the Findings Statement further determined and certified that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the DAIP avoids or minimizes adverse environmental impacts to the maximum extent practicable and incorporates as conditions to the Board's decision those mitigation measures that were identified as practicable; and

WHEREAS, approval from the Common Council is now needed for an Amended and Restated Development Agreement between the City of Plattsburgh and Prime Plattsburgh, LLC, which is required to enable the Durkee Lot Mixed-Use Development to proceed;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1.** The Common Council has reviewed the proposed Amended and Restated Development Agreement and finds that it constitutes an integral component of the Durkee Lot Mixed-Use Development portion of the DAIP which was thoroughly reviewed under SEQRA.
- 2.** The potential environmental impacts of the Amended and Restated Development Agreement were adequately addressed as an essential component of the Durkee Lot

Mixed-Use Development portion of the DAIP in the GEIS, the Statement of Findings, and the Amendment to the Statement of Findings and the proposed Amended and Restated Development Agreement is not likely to result in any new or different environmental impacts than those previously considered during SEQRA review of the DAIP. Therefore, no further SEQRA review is necessary.

3. The Common Council authorizes and directs the Mayor to execute the Amended and Restated Development Agreement and further 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.

7.113 APPROVING PARKING OPERATING AGREEMENT FOR DURKEE LOT MIXED-USE DEVELOPMENT PORTION OF DOWNTOWN AREA IMPROVEMENT PROJECTS

WHEREAS, the City of Plattsburgh revitalization efforts will involve several downtown area improvement projects known as the Downtown Area Improvement Projects (DAIP); and

WHEREAS, the City of Plattsburgh Common Council determined to conduct comprehensive review of the DAIP through preparation of a Generic Environmental Impact Statement (GEIS) pursuant to the State Environmental Quality Review Act (SEQRA) and Section 617.10 of Title 6 of the New York Compilation of Codes, Rules and Regulations; and

WHEREAS, the Common Council, as duly designated Lead Agency pursuant to SEQRA, conducted a thorough SEQRA review of the DAIP, including conducting scoping, preparing Draft and Final Generic Environmental Impact Statements (EIS), conducting a Public Hearing and adopting a SEQRA Findings Statement; and

WHEREAS, the Findings Statement determined, among other things, that given the demonstrated public need and benefit of the DAIP, its lack of significant adverse environmental impacts and its avoidance of such impacts by project design, location and mitigation, the decision to proceed with the Project as proposed gave due consideration to and represented a reasonable and proper balancing of environmental considerations with social, economic and other relevant considerations; and

WHEREAS, the Findings Statement further determined and certified that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the DAIP avoids or minimizes adverse environmental impacts to the maximum extent practicable and incorporates as conditions to the Board's decision those mitigation measures that were identified as practicable; and

WHEREAS, approval from the Common Council is now needed for a Parking Operating Agreement between the City of Plattsburgh and Prime Plattsburgh, LLC, which is required to enable the Durkee Lot Mixed-Use Development to proceed;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1.** The Common Council has reviewed the proposed Parking Operating Agreement and finds that it constitutes an integral component of the Durkee Lot Mixed-Use Development portion of the DAIP which was thoroughly reviewed under SEQRA.
- 2.** The potential environmental impacts of the Parking Operating Agreement were adequately addressed as an essential component of the Durkee Lot Mixed-Use Development portion of the DAIP in the GEIS, the Statement of Findings, and the Amendment to the Statement of Findings and the proposed Parking Operating Agreement is not likely to result in any new or different environmental impacts than those previously considered during SEQRA review of the DAIP. Therefore, no further SEQRA review is necessary.

3. The Common Council authorizes and directs the Mayor to execute the Parking Operating Agreement and further 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.

7.114 AWARD OF GRANT WRITING AND GRANT ADMINISTRATION SERVICES AGREEMENT

WHEREAS, the City issued a Request for Proposals on April 1, 2021 for grant writing and/or grant administration services; and

WHEREAS, eight (8) proposals were received in response to the RFP; and

WHEREAS, a proposal review committee has completed an exhaustive evaluation of the received proposals including an initial round of independent review and subsequent interviews with multiple firms in accordance with the terms of the RFP.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to sign a three (3) year agreement for grant writing and grant administration services with Barton & Loguidice in an amount not to exceed \$56,580 per year of the agreement. Funding for these services is to be provided by the General Fund.

7.115 AWARD OF ALCOHOLIC BEVERAGE CONCESSION AT CITY BEACH

WHEREAS, the City issued a Request for Proposals on April 6, 2021 seeking a vendor to operate an alcoholic beverage concession at the City beach; and

WHEREAS, the proposal submitted in response to the RFP by Illuzzi Enterprises Inc. was deemed to best align with the interests of the City.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to execute a license agreement with Illuzzi Enterprises Inc. to operate a bar and prepackaged snack shop in Section A of the vendor building at the City of Plattsburgh Municipal Beach; and

BE IT FURTHER RESOLVED, the Common Council finds that this space is not needed for a public purpose during the proposed license agreement term of two years and five months, that the license fee will not be more than \$5,000 per year, that sufficient notice of availability of the property under license has been provided to the public, and that this license will be subject to presentation of sufficient proof of insurance, licensing, and compliance with New York State Liquor Authority regulations is applicable.

**7.116 AWARD OF FOOD AND NON-ALCOHOLIC BEVERAGE CONCESSION
AT CITY BEACH**

WHEREAS, the City issued a Request for Proposals on April 6, 2021 seeking a vendor to operate a food and non-alcoholic beverage concession at the City beach; and

WHEREAS, the proposal submitted in response to the RFP by Richard and Michelle Gottschall was deemed to best align with the interests of the City.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to execute a license agreement with Michelle Gottschall to operate a food and non-alcoholic beverage shop in Section E of the vendor building at the City of Plattsburgh Municipal Beach; and

BE IT FURTHER RESOLVED, the Common Council finds that this space is not needed for a public purpose during the proposed license agreement term of five months, that the license fee will not be more than \$5,000 per year, that sufficient notice of availability of the property under license has been provided to the public, and that this license will be subject to presentation of sufficient proof of insurance and licensing.

7.117 AWARD OF BEACH SUPPLIES CONCESSION AT CITY BEACH

WHEREAS, the City issued a Request for Proposals on April 6, 2021 seeking a vendor to operate a beach supplies concession at the City beach; and

WHEREAS, the proposal submitted in response to the RFP by Richard and Michelle Gottschall was deemed to best align with the interests of the City.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to execute a license agreement with Michelle Gottschall to operate a beach supplies shop in Section D of the vendor building at the City of Plattsburgh Municipal Beach; and

BE IT FURTHER RESOLVED, the Common Council finds that this space is not needed for a public purpose during the proposed license agreement term of five months, that the license fee will not be more than \$5,000 per year, that sufficient notice of availability of the property under license has been provided to the public, and that this license will be subject to presentation of sufficient proof of insurance and licensing.

7.118 AUTHORIZE FIRE DEPARTMENT TRAVEL REQUEST JUNE 3-4, 2021

Request to execute CPAT certification and attend graduation for three recruits from June 3-4, 2021 at the Academy of Fire Science in Montour Falls, NY. The total cost will not exceed \$300.

7.119 APPROVAL OF LEASE OF CITY RECREATION CENTER BY PLATTSBURGH YMCA

WHEREAS, the City of Plattsburgh's Recreation Center has been closed since March of 2020 due to restrictions associated with the COVID-19 pandemic and associated budget reductions in the City's Recreation Complex fund; and

WHEREAS, the City does intend to resume active management of the Recreation Center; and

WHEREAS, the City issued a Request for Proposals (RFP) in September 2020 seeking a qualified operator to enter into a lease agreement for the use of the Recreation Center with the intention of providing continued public access to many of the same indoor sports and fitness programs hosted at the Recreation Center prior to its closure in the spring of 2020; and

WHEREAS, the YMCA of Plattsburgh (YMCA) submitted a proposal which was deemed by the City to be the proposal which most closely aligned with the City's goals as detailed in the RFP; and

WHEREAS, on October 8, 2020, the Common Council authorized the City's Director of Community Development to enter into discussions with the YMCA to draft an agreement for that organization's operation and management of the Recreation Center that would be subject to final approval by the Common Council.

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the Mayor to execute a lease agreement with YMCA of Plattsburgh, Inc. for the use and operation of the City's Recreation Center located at 52 US Oval in exchange for a lease payment of \$1 per month plus a share of any profits generated.

BE IT FURTHER RESOLVED, the Common Council finds that this space is not needed for a public purpose during the proposed license agreement term of 12 months, that the lease payments will not exceed \$5,000 per year, that sufficient notice of availability of the property under lease has been provided to the public, and that this lease will be subject to presentation of sufficient proof of insurance, licensing, and approval of the Clinton County Health Department (CCHD) as to any improvements necessary to satisfy CCHD that the Recreation Center can be operated safely and in accordance with restrictions imposed by the COVID-19 pandemic.

7.120 Authorize Budget Transfer for General Fund Police Animal Control Fees

BY: Richard Marks

WHEREAS, the 2021 General Fund budget does not makes appropriations for animal control fees in the police department; and

WHEREAS, the police are asking to provide for appropriations for 2021 pursuant to the contracts approved by the Common Council for the care and handling of stray dogs;

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

| | | |
|---|---------------|-------------|
| Increase: General Fund – Animal Control Fees for Services | 13510000-4440 | \$13,000.00 |
| Increase: General Fund – Appropriated Fund Balance | 1-0590 | \$13,000.00 |

To provide appropriations for the car and handling of stray dogs pursuant to two contracts approved by the Common Council for the 2021 budget year. The budget adjustment provides for the increase in appropriations and the increase in appropriated fund balance for these unbudgeted services which will increase the total General Fund budget by \$13,000.00 for 2021.

7.121 AUTHORIZE BUDGET TRANSFER FOR LEGAL FEES (ZONING BOARD OF APPEALS)

WHEREAS, the following resolution was adopted on May 20th, 2021; and

WHEREAS, the 2021 General Fund budget does not make appropriations for the Zoning Department legal fees incurred by the Zoning Board chairman; and

WHEREAS, the City Chamberlain is requesting to appropriate for the unbudgeted costs through an additional General Fund transfer to fund the Zoning Department Contract Services for the additional costs for the 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 – Zoning Contract Services | 18010000-4430 | \$12,000.00 |
| Increase: General Fund – Appropriated Fund Balance | 1-0599 | \$12,000.00 |

To provide for unbudgeted appropriations in the Zoning Department in the General Fund for legal fees incurred from December of 2020 through January 2021 by the Zoning Board Chairman engaging an outside counsel for legal opinions and reviews related to questions regarding the Durkee St. development under the City’s DRI Funding project. The budget adjustment increases the General Fund budget by \$12,000 for appropriations in 2021 in the Zoning Department Contract Services and is provided for by appropriating \$12,000 of the unappropriated fund balance in the General Fund.

7.122 APPROVING CIVIC/COMMUNITY SPACE AGREEMENT FOR DURKEE LOT MIXED-USE DEVELOPMENT PORTION OF DOWNTOWN AREA IMPROVEMENT PROJECTS

WHEREAS, the City of Plattsburgh revitalization efforts will involve several downtown area improvement projects known as the Downtown Area Improvement Projects (DAIP); and

WHEREAS, the City of Plattsburgh Common Council determined to conduct comprehensive review of the DAIP through preparation of a Generic Environmental Impact Statement (GEIS) pursuant to the State Environmental Quality Review Act (SEQRA) and Section 617.10 of Title 6 of the New York Compilation of Codes, Rules and Regulations; and

WHEREAS, the Common Council, as duly designated Lead Agency pursuant to SEQRA, conducted a thorough SEQRA review of the DAIP, including conducting scoping, preparing Draft and Final Generic Environmental Impact Statements (EIS), conducting a Public Hearing and adopting a SEQRA Findings Statement; and

WHEREAS, the Findings Statement determined, among other things, that given the demonstrated public need and benefit of the DAIP, its lack of significant adverse environmental impacts and its avoidance of such impacts by project design, location and mitigation, the decision to proceed with the Project as proposed gave due consideration to and represented a reasonable and proper balancing of environmental considerations with social, economic and other relevant considerations; and

WHEREAS, the Findings Statement further determined and certified that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the DAIP avoids or minimizes adverse environmental impacts to the maximum extent practicable and incorporates as conditions to the Board's decision those mitigation measures that were identified as practicable; and

WHEREAS, approval from the Common Council is now needed for a Civic/Community Space Agreement between the City of Plattsburgh and Prime Plattsburgh, LLC, which is required to enable the Durkee Lot Mixed-Use Development to proceed;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 3.** The Common Council has reviewed the proposed Civic/Community Space Agreement and finds that it constitutes an integral component of the Durkee

Lot Mixed-Use Development portion of the DAIP which was thoroughly reviewed under SEQRA.

4. The potential environmental impacts of the Civic/Community Space Agreement were adequately addressed as an essential component of the Durkee Lot Mixed-Use Development portion of the DAIP in the GEIS, the Statement of Findings, and the Amendment to the Statement of Findings and the proposed Civic/Community Space Agreement is not likely to result in any new or different environmental impacts than those previously considered during SEQRA review of the DAIP. Therefore, no further SEQRA review is necessary.
5. The Common Council authorizes and directs the Mayor to execute the Civic/Community Space Agreement and further authorizes 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.

7.123 APPROVING REAL PROPERTY PURCHASE AND SALE AGREEMENT FOR DURKEE LOT MIXED-USE DEVELOPMENT PORTION OF DOWNTOWN AREA IMPROVEMENT PROJECTS

WHEREAS, the City of Plattsburgh revitalization efforts will involve several downtown area improvement projects known as the Downtown Area Improvement Projects (DAIP); and

WHEREAS, the City of Plattsburgh Common Council determined to conduct comprehensive review of the DAIP through preparation of a Generic Environmental Impact Statement (GEIS) pursuant to the State Environmental Quality Review Act (SEQRA) and Section 617.10 of Title 6 of the New York Compilation of Codes, Rules and Regulations; and

WHEREAS, the Common Council, as duly designated Lead Agency pursuant to SEQRA, conducted a thorough SEQRA review of the DAIP, including conducting scoping, preparing Draft and Final Generic Environmental Impact Statements (EIS), conducting a Public Hearing and adopting a SEQRA Findings Statement; and

WHEREAS, the Findings Statement determined, among other things, that given the demonstrated public need and benefit of the DAIP, its lack of significant adverse environmental impacts and its avoidance of such impacts by project design, location and mitigation, the decision to proceed with the Project as proposed gave due consideration to and represented a reasonable and proper balancing of environmental considerations with social, economic and other relevant considerations; and

WHEREAS, the Findings Statement further determined and certified that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the DAIP avoids or minimizes adverse environmental impacts to the maximum extent practicable and incorporates as conditions to the Board's decision those mitigation measures that were identified as practicable; and

WHEREAS, approval from the Common Council is now needed for a Real Property Purchase and Sale Agreement between the City of Plattsburgh and Prime Plattsburgh, LLC, which is required to enable the Durkee Lot Mixed-Use Development (DLMUD) to proceed;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council has reviewed the proposed Real Property Purchase Agreement and finds that it constitutes an integral component of the DLMUD portion of the DAIP which was thoroughly reviewed under SEQRA.

2. The potential environmental impacts of the Real Property Purchase Agreement were adequately addressed as an essential component of the DLMUD portion of the DAIP in the GEIS, the Statement of Findings, and the Amendment to the Statement of Findings and the proposed Real Property Purchase Agreement is not likely to result in any new or different environmental impacts than those previously considered during SEQRA review of the DAIP. Therefore, no further SEQRA review is necessary.
3. The subject property to be conveyed per the Purchase and Sale Agreement property is not a park, recreation or other property that is inalienable under the New York Constitution.
4. In light of the additional on and off-street parking capacity in the downtown area, and as noted throughout the aforementioned environmental review, which included an extensive analysis of parking, the subject property is surplus property in that it is not needed for a public purpose, now or in the foreseeable future.
5. The consideration to be paid by the purchaser is fair and reasonable and the transfer does not constitute an unconstitutional gift of public property. In determining whether the consideration is fair and reasonable, the Common Council has considered the following: (1) the costs savings the City will realize by not having to maintain the property; and (2) the value of improvements and maintenance to the property made by the person to whom the property is conveyed, or his predecessor in title. While the subject property currently generates no property tax revenue for the City, the completed DLMUD will generate over \$800,000 in property tax revenue for the City over a period of 21 years per a payment in lieu of tax agreement (PILOT) approved by the Clinton County Industrial Development Agency in March of 2021. The DLMUD is also likely to generate over \$20,000,000 in private sector investment on the subject property and will significantly increase the supply of available housing in the City's downtown area. The addition of over 10,000 square feet of commercial space on the subject property will bolster the City's status as a regional economic hub and lead to increased sales tax revenue for the City. The inclusion of 92 publicly available parking spaces within the DLMUD will reduce the need for the City to provide additional public parking capacity elsewhere at taxpayer expense.
6. The Common Council authorizes and directs the Mayor to execute the Real Property Purchase Agreement in a form acceptable to the City's Attorney

and further authorizes 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, including execution and delivery of the deed and other customary conveyance documents upon satisfaction of the closing conditions set forth therein and in related agreements.

[NOTE: Per Chapter 24-3(D) of the City's code, a 3/4 majority vote of all of the members of the Common Council (i.e. 5 affirmative votes regardless of the number of Council members present) is required for the disposal of real property owned by the City.]

7.124 APPROVING EASEMENT AGREEMENT FOR DURKEE LOT MIXED-USE DEVELOPMENT PORTION OF DOWNTOWN AREA IMPROVEMENT PROJECTS

WHEREAS, the City of Plattsburgh revitalization efforts will involve several downtown area improvement projects known as the Downtown Area Improvement Projects (DAIP); and

WHEREAS, the City of Plattsburgh Common Council determined to conduct comprehensive review of the DAIP through preparation of a Generic Environmental Impact Statement (GEIS) pursuant to the State Environmental Quality Review Act (SEQRA) and Section 617.10 of Title 6 of the New York Compilation of Codes, Rules and Regulations; and

WHEREAS, the Common Council, as duly designated Lead Agency pursuant to SEQRA, conducted a thorough SEQRA review of the DAIP, including conducting scoping, preparing Draft and Final Generic Environmental Impact Statements (EIS), conducting a Public Hearing and adopting a SEQRA Findings Statement; and

WHEREAS, the Findings Statement determined, among other things, that given the demonstrated public need and benefit of the DAIP, its lack of significant adverse environmental impacts and its avoidance of such impacts by project design, location and mitigation, the decision to proceed with the Project as proposed gave due consideration to and represented a reasonable and proper balancing of environmental considerations with social, economic and other relevant considerations; and

WHEREAS, the Findings Statement further determined and certified that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the DAIP avoids or minimizes adverse environmental impacts to the maximum extent practicable and incorporates as conditions to the Board's decision those mitigation measures that were identified as practicable; and

WHEREAS, approval from the Common Council is now needed for an Easement Agreement between the City of Plattsburgh and Prime Plattsburgh, LLC, which is required to enable the Durkee Lot Mixed-Use Development to proceed;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council has reviewed the proposed Easement Agreement and finds that it constitutes an integral component of the Durkee Lot Mixed-Use Development portion of the DAIP which was thoroughly reviewed under SEQRA.

2. The potential environmental impacts of the Easement Agreement were adequately addressed as an essential component of the Durkee Lot Mixed-Use Development portion of the DAIP in the GEIS, the Statement of Findings, and the Amendment to the Statement of Findings and the proposed Easement Agreement is not likely to result in any new or different environmental impacts than those previously considered during SEQRA review of the DAIP. Therefore, no further SEQRA review is necessary.
3. Upon conveyance by the City of Plattsburgh to Prime Plattsburgh, LLC of the "Project Site" as described in the Amended and Restated Development Agreement entered into by and between the City of Plattsburgh and Prime Plattsburgh, LLC on or about May 21, 2021, the Common Council authorizes and directs the Mayor to execute the Easement Agreement in a form acceptable to the City's Attorney and further authorizes 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.

7.125 APPROVING GUARANTY OF COMPLETION FOR DURKEE LOT MIXED-USE DEVELOPMENT PORTION OF DOWNTOWN AREA IMPROVEMENT PROJECTS

WHEREAS, the City of Plattsburgh revitalization efforts will involve several downtown area improvement projects known as the Downtown Area Improvement Projects (DAIP); and

WHEREAS, the City of Plattsburgh Common Council determined to conduct comprehensive review of the DAIP through preparation of a Generic Environmental Impact Statement (GEIS) pursuant to the State Environmental Quality Review Act (SEQRA) and Section 617.10 of Title 6 of the New York Compilation of Codes, Rules and Regulations; and

WHEREAS, the Common Council, as duly designated Lead Agency pursuant to SEQRA, conducted a thorough SEQRA review of the DAIP, including conducting scoping, preparing Draft and Final Generic Environmental Impact Statements (EIS), conducting a Public Hearing and adopting a SEQRA Findings Statement; and

WHEREAS, the Findings Statement determined, among other things, that given the demonstrated public need and benefit of the DAIP, its lack of significant adverse environmental impacts and its avoidance of such impacts by project design, location and mitigation, the decision to proceed with the Project as proposed gave due consideration to and represented a reasonable and proper balancing of environmental considerations with social, economic and other relevant considerations; and

WHEREAS, the Findings Statement further determined and certified that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the DAIP avoids or minimizes adverse environmental impacts to the maximum extent practicable and incorporates as conditions to the Board's decision those mitigation measures that were identified as practicable; and

WHEREAS, approval from the Common Council is now needed for a Guaranty of Completion between the City of Plattsburgh and Prime Management, LLC, which is required to enable the Durkee Lot Mixed-Use Development to proceed;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Common Council has reviewed the proposed Guaranty of Completion and finds that it constitutes an integral component of the Durkee Lot Mixed-Use Development portion of the DAIP which was thoroughly reviewed under SEQRA.

2. The potential environmental impacts of the Guaranty of Completion were adequately addressed as an essential component of the Durkee Lot Mixed-Use Development portion of the DAIP in the GEIS, the Statement of Findings, and the Amendment to the Statement of Findings and the proposed Guaranty of Completion is not likely to result in any new or different environmental impacts than those previously considered during SEQRA review of the DAIP. Therefore, no further SEQRA review is necessary.
3. Upon conveyance by the City of Plattsburgh to Prime Plattsburgh, LLC of the "Project Site" as described in the Amended and Restated Development Agreement entered into by and between the City of Plattsburgh and Prime Plattsburgh, LLC on or about May 21, 2021, the Common Council authorizes and directs the Mayor to accept, in a form acceptable to the City's attorney, the Guaranty of Completion upon its execution by Prime Management, LLC and further authorizes 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.

7.126 Appointment of Curt Gervich Planning Board

**THE MAYOR HANDS DOWN THE APPOINTMENT OF CURT GERVICH AS A
REGULAR MEMBER OF THE PLANNING BOARD EFFECTIVE MAY 21, 2021
EXPIRING JULY 26, 2023.**