

RESOLUTION 11/16/2023

7.205 AUTHORIZE CERTIFICATE OF WITHDRAWAL FROM FORECLOSURE OF A CITY OF PLATTSBURGH (CITY) PROPERTY TAX LIEN - 206 US OVAL

WHEREAS, the Common Council (Council) of the City has determined there may be significant risk to the City through assuming liabilities from acquiring title to the property identified as parcel ID 221.16-1-17.161, 206 US Oval, Plattsburgh, NY (parcel); and

WHEREAS, the Council has determined the parcel should be withdrawn from foreclosure proceedings initiated in 2023 for 2022 and prior year delinquent property tax liens; and

WHEREAS, pursuant to RPTL Section 1138, a municipality may withdraw certain parcels from foreclosure where authorized by a Council resolution and a Certificate of Withdrawal from Foreclosure filed with the County Clerk; and

WHEREAS, the Council desires to withdraw the property from foreclosure proceedings of delinquent liens filed against the parcel and until such time as the Council determines the parcel should be reinstated to the property tax foreclosure proceedings;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council, by copy of this resolution, authorizes the City Chamberlain, as tax enforcing officer of the City, to deliver a Certificate of Withdrawal from Foreclosure for the aforementioned parcel to both the County Clerk and the County Director of Real Property Services in order to receive an exemption from foreclosure for the reasons noted above.

RESOLUTION 11/16/2023

7.206 AUTHORIZE CANCELLATION OF A CITY OF PLATTSBURGH (CITY) PROPERTY TAX LIEN - 206 US OVAL

WHEREAS, the Common Council (Council) of the City has determined there is no practical method to enforce the collection of future property taxes against parcel ID 221.16-1-17.161, 206 US Oval, Plattsburgh, NY (parcel); and

WHEREAS, the Council has determined the parcel has been withdrawn from foreclosure proceedings again for actions initiated in 2023 for all 2022 and prior year delinquent property tax liens; and

WHEREAS, pursuant to RPTL Section 1138, a municipality may withdraw certain parcels from taxation where authorized by a Council resolution and a Certificate of Prospective Cancellation filed with the assessor; and

WHEREAS, the Council desires to cancel the property tax lien on the parcel and make the parcel eligible for exemption from taxation, ad valorem levies and special assessments until such time as the Council determines the parcel should be restored to the property tax roll;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council, by copy of this resolution, authorizes the City Chamberlain, as tax enforcing officer of the City, to deliver a Certificate of Prospective Cancellation for the parcel to both the City Assessor and the County Director of Real Property Services in order to receive an exemption from taxation, ad valorem levies and special assessments for the parcel.

RESOLUTION 11/16/2023

7.217 AUTHORIZE ADDITION OF REEVES LANE IS A CITY ROAD

Whereas, Reeves Lane is an existing road located entirely on City of Plattsburgh property, open to public usage: and

Whereas, the City of Plattsburgh desire to add Reeves Lane as part of its road systems; and

Whereas, the City of Plattsburgh agrees to all maintenance and repair responsibility for this roadway;

Therefore, be it resolved, that the City of Plattsburgh Common Council, at their Regular meeting held on November 16, 2023 hereby approves the addition of Reeves Lane into its official road system, being described as follows.

- A) Beginning at the existing southerly bounds of Rugar Street, thence proceeding in a general southerly direction, as it winds and turns, to a point at an existing chain link fence line gate
- B) The length of the road being 0.95 miles, more or less
- C) The width of the road right of way, throughout its entirety, shall be fifty (50) feet

RESOLUTION 11/16/2023

7.218 AUTHORIZE 2024 REFUSE RATE ADJUSTMENTS

WHEREAS, it is provided by Ordinance entitled “An Ordinance Regulating the Collection, Removal and Disposal of Refuse in the City of Plattsburgh, NY and Fixing Charges for the Use of services and Penalties for Violation Thereof” that the fees to be charged thereunder be fixed by resolution of the Common Council of the City of Plattsburgh, New York,

Now therefore, be it Resolved that effective with the first bills rendered on or after February 1, 2024 the following fees for services rendered pursuant to said Ordinance be and the same are hereby adopted:

SINGLE FAMILY DWELLINGS:

\$31.85 per month per family unit (*includes duplex dwellings and townhouses) limit of one 96 gallon tote.

Optional bi-weekly pick-up at \$18.25 per month with a limit of one 96 gallon tote.

*((\$4.00 per extra bag outside tote)

MULTIPLE FAMILY DWELLINGS:

3 to 5 Apartments \$77.35 per month

6 to 7 Apartments \$151.35 per month

8 to 10 Apartments \$200.50 per month

Over 10 Apartments \$27.00 per Apartment per month

COMMERCIAL BUSINESSES (WITHOUT DUMPSTERS)

Bagged garbage in 96 Gallon tote

\$36.15 per month for once a week pickup

\$63.85 per month for twice a week pickup

Each bag or container over 96 gallon tote limit \$4.00 per bag

BILLING PROCEDURE RESIDENTIAL AND COMMERCIAL WITHOUT DUMPSTERS:

All residential and commercial customers will be billed once a month, in arrears, for services rendered the previous month. No credit or adjustment will be made in a monthly billing if the customer did not use the service during part of the month. Service may be suspended for one or more calendar months if the customer notifies the Finance Department by telephone or in writing by the 15 of the month preceding the month that service is to be suspended.

SPECIAL PICKUP CHARGES:

The following charges apply to the collection of all refuse that is required to be separated from organic trash and dumped at a separate location in the Clinton County Landfill. This material includes tree branches, limbs, bagged leaves, yard waste, construction or demolition debris, metal, mattresses and carpeting. (As per schedule below)

City refuse customer – Small Load \$30.00

Large Load \$80.25

Non-City refuse Customer Small Load \$35.00

Large Load \$85.25

Any unlisted service at an hourly labor and equipment charge to be determined in advance of providing service.

RESOLUTION 11/16/2023

7.219 AUTHORIZE BUDGET ADJUSTMENTS – GENERAL, SEWER AND WATER FUNDS - TEMPORARY PAYROLL DPW

It is being requested to adjust the 2023 General Sewer and Water Fund Budgets, as follows:

Increase: General Fund – Street Maint. Contract Services	15110000-4430	\$ 8,000.00
Decrease: General Fund – Street Maint. Temporary Payroll	15110000-1300	\$ 8,000.00

Increase: Sewer Fund – Sanitary Sewer Contract Services	58120000-4430	\$ 8,000.00
Decrease: Sewer Fund – Sanitary Sewer Temporary Payroll	58120000-1300	\$ 8,000.00

Increase: Water Fund – Trans. & Dist. Contract Services	48340000-4430	\$ 8,000.00
Increase: Water Fund – Trans. & Dist. Temporary Payroll	48340000-1300	\$ 8,000.00

To provide appropriations through transferring budgeted cost from the General, Sewer and Water Funds from the temporary payroll accounts to contract services accounts to continue to fund the temporary clerical position in the DPW office. The budget transfers provide for the increase in contract services in the three funds and the corresponding decrease in temporary payroll in the three funds thereby ensuring there is no change to the 2023 budgets for all three funds.

RESOLUTION 11/16/2023

7.220 AUTHORIZE CHANGE ORDER M1 - WRRF DISINFECTION AND ODOR CONTROL

WHEREAS, The City of Plattsburgh has been performing WRRF Disinfection and Odor Control upgrades using WIIA funding, and;

WHEREAS, Some of the ductwork was changed to expedite material procurement and reduce cost;

NOW, THEREFORE, BE IT RESOLVED, The Common Council authorizes the execution of all necessary documents to execute Pipeline Mechanical Change Order M1 in the amount of (\$27,644) credit.

RESOLUTION 11/16/2023

7.221 AUTHORIZE AWARD - ADDITIONAL DEVELOPMENT OF PRODUCTION WELL #1

WHEREAS, Production Well No. 1 has been installed and pump tested; and

WHEREAS, The City's hydrogeologist has recommended additional development to maximize the yield;

NOW, THEREFORE, BE IT RESOLVED, The Common Council Agree to authorize the additional development work and the execution of all necessary documents to award and execute the work:

Contractor:	Layne Christensen Co. in Schoharie NY
Service:	Additional Development Work for Production Well No. 1
Contract Amount:	\$42,950

Funding to be from Capital Project H8320.79.

RESOLUTION 11/16/2023

7.222 AUTHORIZE RENEWAL OF THE CITY'S GASB 75 SERVICE AGREEMENT

WHEREAS, the City has the requirement to provide actuarial analysis and valuation of the City's employees post-retirement health care (OPEB) costs and the Burke Group has been performing those OPEB services for the City on an annual basis; and

WHEREAS, the Burke Group has requested to renew the GASB 75 Service Agreement with the City for a five year term beginning with the valuation services for the year ended December 31st, 2023, with no cost increases for the entire five year term,

NOW, THEREFORE, BE IT RESOLVED, that the Common Council authorizes the City Chamberlain to sign for the renewal of the City's GASB 75 Service Agreement with the Burke Group effective October 24th, 2023, for the five year period from December 31st, 2023 through December 31st, 2027, for an annual interim valuation fee cost of \$3,000.00 for periods ending December 31st 2023, 2025 and 2027, and for an annual full valuation cost of \$7,250.00 for the periods ending December 31st, 2024 and 2026, for a total five year cost of \$23,500.00.

RESOLUTION 11/16/2023

7.223 AUTHORIZE BUDGET ADJUSTMENTS – SEWER FUND CAPITAL RESERVE

WHEREAS, the 2023 Sewer Fund budget has not made appropriations for the cost of the transfer to increase the funding to the Sewer Capital Reserve; and

WHEREAS, the Environmental Services Manager is requesting to make a transfer to the capital reserve in 2023 of \$1,750,000 from the surplus cash accumulating in the Sewer Fund operating cash account;

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

Increase: Sewer Fund – Appropriated Fund Balance	5-0599	\$1,750,000.00
Increase: Sewer Fund – Transfer to Capital Reserve	5-9560000-9000	\$1,750,000.00

To establish the funding source for the Sewer Fund capital projects planned for 2023 and forward to the extent available for transfer from the Sewer Fund unappropriated fund balance.

RESOLUTION 11/16/2023

7.224 AUTHORIZING MLD TO AWARD UNDER STATE/COUNTY CONTRACT

BE IT RESOLVED: In accordance with the request therefore the Common Council approves MLD to award a PMLD contract under State/County Contract for two Model Year 2024 Ford F-150 Lightning EV Pick-up Trucks through Van Bortel Ford Fleet Sales, East Rochester, NY in the amount of \$104,943.30.

RESOLUTION 11/16/2023

7.225 APPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF PLATTSBURGH AND LOCAL 788 NEW YORK COUNCIL 66 AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO.

MEMORANDUM OF AGREEMENT

Between the City of Plattsburgh and Local 788 New York Council 66 American Federation of State, County, and Municipal Employees, AFL-CIO.

WHEREAS, the above-named entities are parties to a Collective Bargaining Agreement effective July 1, 2018 to June 30, 2024; and

WHEREAS, the Collective Bargaining Agreement provides a disciplinary process which has been agreed to by the parties to the Collective Bargaining Agreement as a process to replace the disciplinary process set out in Civil Service Law § 75.

WHEREAS, the City and Union have come to an Agreement that the language of the Collective Bargaining Agreement protects the rights of the City and City employees to due process in any disciplinary matter, and includes the right to a binding hearing before an arbitration.

IT IS THEREFORE AGREED AS FOLLOWS:

1. Where there is contractual language that covers the removal or disciplinary matters of a City employee, the Collective Bargaining Agreement provisions regarding discipline will be applied, without resort to NY Civil Service Law § 75.
2. This Memorandum of Agreement will set forth a binding precedent between the parties.

RESOLUTION 11/16/2023

**7.226 MAYORAL APPOINTMENT - PLATTSBURGH HOUSING AUTHORITY
BOARD OF COMMISSIONERS**

THE MAYOR HANDS DOWN THE APPOINTMENT OF COMMISSIONER OF THE
PLATTSBURGH HOUSING AUTHORITY BOARD TO KT TEANEY EFFECTIVE
NOVEMBER 17, 2023 TO APRIL 5, 2025.

RESOLUTION 11/16/2023

7.227 AUTHORIZING HOLIDAY DISPLAYS IN TRINITY PARK

RESOLVED: In accordance with the request therefore the Common Council approves a public forum be made available commencing December 1, 2023 for a period of 60 days at Trinity Park providing free, equal and unrestricted access for holiday displays. The maximum size is 10 x 10, and requests must be filed with the City Clerk's office in advance. A \$20 fee for electricity and Certificate of Insurance are required.

RESOLUTION 11/16/2023

7.228 SEQRA NEGATIVE DECLARATION FOLLOWING LEAD AGENCY NOTICE AND REFERRAL OF PROPOSED LOCAL LAW P-4 OF 2023 TO AMEND AND RESTATE IN ITS ENTIRETY CHAPTER 176 “FLOOD DAMAGE PREVENTION”, INCLUDING THE EAF PART 1, TO INVOLVED AGENCIES, INTERESTED AGENCIES, AND THE CLINTON COUNTY PLANNING BOARD PURSUANT TO GML-239-M

WHEREAS, in accordance with the New York State Environmental Quality Review regulations (SEQR), and GML-239M, the Common Council of the City of Plattsburgh announced its intent to serve as Lead Agency on or about October 19, 2023, to conduct an environmental review of a Type I, Capital Action ahead of adopting a local law to amend and restate in its entirety Chapter 176 “Flood Damage Prevention”; and

WHEREAS, the Common Council circulated its intent to serve as Lead Agency on or about October 23, 2023, with requisite environmental assessment forms, to other involved and/or interested agencies to review the draft local law and has not received any objections thereto; and

WHEREAS, the Common Council, in its capacity as Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above; and

WHEREAS, the Common Council has considered the environmental assessment forms, project description, including any comments received from the Involved Agencies, and the proposed Part 2 and 3 and proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED, that the Common Council, as the established Lead Agency for the local law, which is a Type I action under SEQRA per 6 NYCRR Part 617.4(b)(1) and as required for funding purposes, declares that, based on the record which has been prepared, including a review and completion of Part 2 of the Full EAF, a Negative Declaration is hereby adopted for the Comprehensive Plan as it will result in no major adverse environmental impacts. The filing of this Negative Declaration is hereby ordered in accordance with 6 NYCRR Part 617.11 and this resolution will take effect immediately.

RESOLUTION 11/16/2023

7.229 ADOPTION OF LOCAL LAW P-4 OF 2023: A local law to amend and restate in its entirety Chapter 176 “Flood Damage Prevention” of the City Code of the City of Plattsburgh as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36

Whereas, the LOCAL LAW P-4 OF 2023 was developed in accordance with NYSDEC guidance; and

Whereas, the LOCAL LAW P-4 OF 2023 was reviewed and approved by NYSDEC ahead of its proposed adoption; and

Whereas, the LOCAL LAW P-4 OF 2023 has completed the appropriate SEQRA process and shared the results with NYS Department of State; and

Whereas, the LOCAL LAW P-4 OF 2023 has been referred to the County for review and recommendation; and

Whereas, pursuant to Section 28-a of the General City Law, and after a proper notice was given, a public hearing was held on November 2, 2023 for the purpose of hearing final public comments on LOCAL LAW P-4 OF 2023 ahead of its proposed adoption; and

Whereas, there has been no negative public comment or objections noted to the proposed LOCAL LAW P-4 OF 2023

Whereas, the Mayor and Common Council have determined that approving the LOCAL LAW P-4 OF 2023 will be in the best interest of the residents of the City of Plattsburgh, and worthy of implementation; now

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