



Plattsburgh, New York

Scott Lawliss
Fire Chief

Plattsburgh Fire Department
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Plattsburgh, NY 12901
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MEMO

TO: Mayor Colin L. Read
Members of the Common Council

FROM: Fire Chief, Scott Lawliss

DATE: February 19, 2019

RE: Fire and Ambulance Responses

For this week's period: Tuesday, February 12, 2019 to Monday, February 18, 2019
our Department has responded to the following:

| | |
|---------------------------|--|
| Fire Calls | <u>19</u> |
| | 1 building fire |
| | 1 alarm activation with investigation |
| | 1 smoke/odor removal |
| | 1 hazmat release investigation |
| | 7 EMS assist initiated patient care |
| | 3 MVA with patient care and hazardous mitigation |
| | 2 hazardous conditions |
| | 1 snowblower fire with hazardous mitigation |
| | 1 electrical wiring issue with investigation |
| | 1 service call with mitigation |
| Ambulance Calls | 75 |
| Mutual Aid by CVPH | 17 |

Plattsburgh Sustainability Committee
Meeting #4, Minutes
February 5, 2019

In attendance

Adam Mehan, Laura Cochran, Katie Heintz, Jacob Patnode, Peg McCartney, Councilor Armstrong

Guests/Consultants

Alexandria Elliot, SUNY Environmental Science Major, Laura Bergman, President Climate Reality Project, Jamie Rogers, Energy Circuit Rider, ANCA (Adirondack North Country Alliance),

Old Business

- The committee agreed to divide into two subcommittees
 - **Group 1** will be devoted to local conservation and waste reduction issues.
 - The committee as a whole had agreed that the public needs to be educated before enacting legislation that supports our community's environmental sustainability. The following campaign grows out of this thinking.
 - "Waste Not, Want Not" is a campaign designed to recruit local food vendors who will agree to supply plastic items such as straws, stirrers, bags, styrofoam containers, and utensils only on demand.
 - This evening Group 1 worked on finalizing the document which will be provided to local vendors during recruitment. The idea of having a campaign kick-off event to which downtown food vendors will be invited was discussed. At this event, the rationale for the campaign would be presented and vendors would have an opportunity to ask questions.
 - Group members plan to develop content for the kick-off campaign and a script that members can use to reach vendors who are not able to attend the kick-off event.
 - This group will meet separately to progress with their work before the next meeting of the whole.
 - **Group 2** will be devoted to promoting City participation in the NYS Climate Smart program (DEC) and the Clean Energy Communities Program (NYSERDA).
 - As a first step, his group It will make a case for City participation, which involves adopting a pledge in the form of a resolution. Toward this end, Group 2 will review the Climate Smart program and recommend possible actions from its list of "Certification Action Checklist."
 - It should be noted that Dr. Lauren Eastwood worked on an audit of the City's greenhouse gas emissions about a year ago. Unable to attend tonight's meeting she sent the following report. According to Dr. Eastwood, the audit, "Didn't get too far. Students were working on walkability surveys . . . and had trouble gathering the kind of data that would be needed in order to assess carbon neutrality." Further, she said, "The

Climate Smart Program sets up specific areas that would actually provide a more useful framework than we [had worked] with.”

- Jamie Rogers said that he would be happy to work with us to achieve these goals. He is especially interested in helping the City to switch to LED lights (street lights, municipal buildings, and private households). He said that the IEEP (Independent Energy Efficiency Program) could help the city to buy these lights at a reduced rate.
- Alexandria Elliot is particularly interested in how City participation in the Clean Energy Communities Program might provide options that would assist the city in staying within its hydro quota.
- Group 2 will meet separately to work on this business before the meeting of the whole.

New Business

- Peg McCartney expressed concern about carcinogens and radiation level increasing as a result of Verizon’s 5G rewiring program. She is also concerned about how Verizon is removing and “trimming” trees. In her view, the City should address the environmental impact of this activity.

Next Meeting: Tuesday, February 26, 5:00 PM, City Hall

Plattsburgh Sustainability Committee
Subcommittee Meeting Minutes
Week of February 11, 2019

Group 1

- Revised "Waste Not, Want Not" pamphlet
- Met with In Tandem about the logo (participating vendors can display these in their establishment).
 - Damian Battinelli said he can have a rough draft in about a week or so. Laura will us know when she gets that.
- The pamphlet will be more time consuming and costly to do,. Raising some money was discussed.
- Jobs were assigned
 - Adam will be working on a script for the reach-out campaign
 - Michelle is working on a poster and possible vinyl sticker design to provide for restaurants/ businesses that will be participating with theWNWN campaign.
 - Laura will work on invitations for the WNWN roll-out event that we will be having for downtown restaurants. Set a tentative date for March 25th,
 - Others will be going over the revised pamphlet so we can finalize it at our next meeting.
- Discussed having a clean-up day around the city on Earth Day, April 22nd.

Group 2

Clarified our purpose: educate, inspire, motivate the Council to make the Climate Smart pledge. This is an essential step because

- Fighting climate change:
 - protects resources and saves money;
 - will keep young people in the area;
 - is consistent with our identity as an educational/future-oriented community.

To persuade the Council the subcommittee will

- Demonstrate what other communities are doing.
- Using the Climate Smart Action Checklist, show what we can build upon, what we're already doing.
- Consult with CEC Coordinator cec@nyserta.ny.gov
- Consult with representatives from Saranac Lake and Potsdam regarding their experience in and work toward the program.
- Enlist the support of PHS Green Committee (Amy Sholtis, Adam Mehan) and other community groups (Climate Reality Project 350.org).
- Organize a community event to urge Council adoption of the Climate Smart Pledge on Earth Day, April 22, 2019. Ask for City sponsorship of this event. If the committee needs to sponsor, apply through the Clerk's office.
- The program might include:
 - Climate Smart program overview (committee)
 - Student speaker(s)
 - Speaker from Saranac Lake
 - Community speakers (Patty Blanchard, Julia Devine?)
 - Dramatic or musical presentation (Jeff Cochran?)
 - Opportunity for community feedback

Other tasks

- Rachelle will write up a Press Release draft to present the whole committee at its February 26th meeting.

CITY OF PLATTSBURGH, NEW YORK
Community Development
41 City Hall Place
Plattsburgh, New York 12901

TRAFFIC ZONE DESIGNATION No. 964

Date: February 20, 2019

In accordance with Article 39, Section 1640(15), of the New York State Vehicle and Traffic Law, the following traffic control zone is hereby established and/or amended.

ESTABLISH, A PRE-PAID PERMIT PARKING SYSTEM in which non-commercial vehicles with a valid, conspicuously displayed City Parking Permit, may park in any time-limit on-street parking spot, which allows parking for 60 minutes or more, between the hours of 8:00 a.m. and 8:00 p.m. Such City Parking Permit shall be valid for the date issued.

City Parking Permits will cost \$3 per daily permit, and may be purchased through the Finance Department in a format and via procedures established by the Office of Community Development. Each City Parking Permit shall include the valid date and the license plate number of the vehicle.

City Parking Permits do not exempt the permit holder from any parking restrictions other than 60 minutes or more on-street parking time restrictions. Permit holders must obey the signage for all other restrictions, including a snow-emergency parking ban.

City Parking Permits are not transferrable.

The Public Works Department will provide the necessary signing in accordance with the NYS Manual of Uniform Traffic Control Devices for the establishment of the above traffic zone.

All traffic zone designations previously established that are inconsistent with this traffic zone designation are hereby repelled and superseded by this traffic zone designation. All traffic zones established for other purposes that are consistent with this traffic zone designation shall remain in effect.

Eva Schweber
City Planner

Copy to:
City Clerk

City Court
Corporation Counsel
Police Department
Traffic Street File
Public Works Dept.



MUNICIPAL LIGHTING DEPARTMENT
(A Municipally Owned and Operated Power System)
Plattsburgh, New York

William J. Treacy, P.E.
Manager

6 Miller Street
Plattsburgh, NY 12901
P: (518)-563-2200
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www.cityofplattsburgh-ny.gov

February 19, 2019

To: Mayor Colin Read;

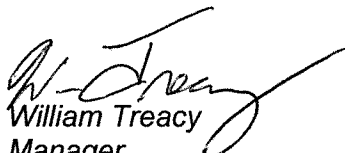
Subject: Resolution approving Amendment to NYMPA Agreement

The Management of the Plattsburgh Municipal Lighting Department request the following resolution be added to the Common Council agenda for this week:

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

If you have any questions, please contact me. Thank you for your attention to this matter.

Respectfully Submitted,


William Treacy
Manager

- Atch(3) 1. The Proposed Amendment in Red.
2. Article XI of the Agreement
3. FAQ on the Amendment
4. Resolution to NYMPA*

CC: Councilor McFarlin, PMLD Liaison

Directors that the municipality will become a Member of the Agency.

Section 4. **Withdrawal.**

Any Member may withdraw from the Agency upon the giving of notice of withdrawal by the appropriate administrative body of the utility, prior to the first day of January in any year, and such withdrawal shall become effective upon the second succeeding thirty-first day of December after such first day of January. Such notice of withdrawal shall be given in writing to the President and to the Secretary of the Agency. Notwithstanding the foregoing, withdrawal shall not be effective until~~only after the Agency has been in existence for, at minimum, three (3) years from the date first above written, and then only upon the~~

~~following conditions:~~ (i) the Member or its

Representative shall have filed with the Board of Directors a certified copy of a resolution by the Member's local governing body expressing its intention to withdraw; and (ii) the withdrawing Member shall have paid, or made arrangements satisfactory to the Board of Directors to pay, to the Agency its pro rata portion of any outstanding financial obligation of the Agency at the time of the Member's withdrawal, including any financial obligation of the Agency pursuant to any and all power and energy supply contracts, related transmission arrangements and any and all other agreements entered into by the Agency. At minimum, the Member shall pay for any and all power and energy that the Member has agreed to purchase pursuant to any power and energy supply contract, regardless of whether the Member takes such power or not. Upon the fulfillment of these conditions, the municipality will be deemed to no longer be a Member of the Agency.

Atch 1

It is hereby agreed and acknowledged that it will be impossible to measure in money the damage that would be suffered if a Member fails to comply with this Section and that in the event of any such failure, the Agency will be irreparably damaged and will not have an adequate remedy at law. The Agency shall, therefore, be entitled to injunctive relief without bond, in addition to any other remedy to which it may be entitled in law or in equity (including specific performance), to enforce such obligations, and if any action should be brought in equity to enforce any of the provisions of this Section, no Member shall raise the defense that there is an adequate remedy at law.

IV. BOARD OF DIRECTORS.

section 1. **Power and Duties.**

The powers of the Agency shall be exercised by the Board of Directors, in which shall be vested all of the powers conferred on the Agency by the Laws of New York State and by this

the Representatives for their approval with the annual operating budget.

Any Member voting against the proposed annual operating budget and which does not wish to be assessed must submit notice of withdrawal from the Agency within sixty (60) days of the date of adoption of the annual operating budget by the Representatives, in accordance with the procedure set forth in Article III of this Agreement.

Any such withdrawing Member shall not be liable for the proposed assessment, but shall be liable for any obligations incurred prior to the assessment to which it objects, including any pro rata portion of its obligations pursuant to any power and energy supply contract, transmission agreement or pro forma tariff or other agreement entered into by the Agency on its behalf whether or not the Member takes such power, energy or other services. If any member submits notice of withdrawals from the Agency within sixty (60) days of the adoption of the annual operating budget, the Board of Directors shall propose another annual operating budget within sixty (60) days after the Member's withdrawal which shall be approved and assessed as set forth above. Notwithstanding the foregoing, no Member shall withdraw within three (3) years of the date first above written.

Any amendment to the annual operating budget shall be proposed by the Board of Directors and approved by the Representatives in the same manner as the adoption of the annual operating budget.

Section 3. Special Projects.

Special projects of the Agency, or projects among fewer than all Members of the Agency, may be financed by separate assessments, rates or charges upon those Members primarily benefitted by those projects. Any such arrangement must be proposed by the Board of Directors and approved by the Representatives, as provided for other decisions requiring approval by the Representatives as set forth herein.

XI. AMENDMENTS TO THIS AGREEMENT AND THE BYLAWS.

This Agreement may only be amended at a regular or special meeting of the Representatives for which notice stating the purpose shall be given to each Representative and any such amendment shall only become effective when (a) approved by two-thirds of all of the Representatives, and (b) approved and concurred in by municipal and governing body resolutions of two-thirds of all of the Members.

The Bylaws may only be amended by the affirmative vote of a majority of the Representatives present and voting at an annual or special meeting.

XII. FEDERAL TAX STATUS.

The Board of Directors are hereby authorized, if the Board of Directors so determines, to file for status as a 501(c)12) municipal entity under the Federal Internal Revenue Code, as it may be amended from time-to-time, to effectuate the purposes of this Agreement.

Atch 2

NEW YORK MUNICIPAL POWER AGENCY

6652 Hammersmith Drive, East Syracuse, New York, 13057

Phone: 315/453-1761 Fax: 315/453-7849

www.nympa.org email: info@nympa.org

FREQUENTLY ASKED QUESTIONS CONCERNING THE PROPOSED AMENDMENT TO THE NYMPA AGREEMENT

1. WHAT IS THE NYMPA AGREEMENT?

Starting in approximately 1995, the members of the MEUA began seriously contemplating "going partial," and creating a joint action agency to get out from under the regulatory thumb of NYPA and supply their own supplemental power. The NYMPA AGREEMENT was drafted to create the Agency, and allow the members to assume more control of their own affairs. The AGREEMENT bound the members to each other to act together. It was approved by the delegates of each member in 1996. The individual municipal members executed the Agreement at various times over the course of the year.

2. WHAT ARE THE BY-LAWS?

Right after the AGREEMENT was adopted a committee got to work on the By-Laws. It was at the same time and by the same people. Like any By-Laws, the intention was to provide more specificity, to outline duties of officers, etc. The By-Laws were written in 1996, while the AGREEMENT approval process was underway, and adopted in February 1997. The provision of the By-Laws that we are addressing here is ART I, Section 2 regarding withdrawal of a member from the Agency. Ken Stabb of Boonville was on the committee and remembers its work well. Mark Cordeiro was also involved at the time.

3. WHAT DOES THE PROPOSED AMENDMENT ACCOMPLISH?

The proposed amendment is pretty simple. It takes the language right from ART I, Section 2 of the By-Laws regarding member withdrawal, and puts it right into the AGREEMENT itself. We have also added a sentence that the courts can enforce the withdrawal notice provision section to eliminate the risk of any ambiguity.

Atch 3

4. WHY DO WE HAVE TO AMEND THE AGREEMENT NOW?

In the on-going litigation, Massena has argued that the By-Laws regarding withdrawal notice provision (the same ART I, Section 2) is invalid because, they claim, it somehow conflicts with the language in the AGREEMENT. They argue this even though they specifically vowed to follow the By-Laws when they joined the Agency (they were a late joining municipality—they did not join the Agency at first). Indeed, they argued this even though at the membership meeting in April 2011, Andy McMahon, a member of the NYMPA Board from Massena, sponsored a resolution confirming the two-year notice period for withdrawal. Unfortunately, in the ongoing litigation, the judge did not understand how the provisions work together. While no decision has been made, the matter is now in dispute. The trouble is this: If members can leave without the two-year waiting period, then we cannot hedge like we always have. The whole point to this amendment is that we want to get that ability back.

5. WHY IS IT IMPORTANT TO HEDGE SO FAR IN ADVANCE?

A hedge is a contract we enter to secure future pricing. We hedge anywhere from 35 to 2 months in advance. We enter the hedging contracts, usually incrementally and not all at once, when future prices look good. Entering into hedges as much as 35 months ahead of time has been a central feature of the success of the Agency in mastering volatile prices. Remember the polar vortex of January 2014? The hedges we had in place for that month alone paid us over \$6MM. That was a direct savings to all of our customers. Those hedges were entered into 15, 6, and 2 months ahead. Right now, given the uncertainty created by Massena's tactics, we cannot enter into new hedges for next year or 2021. We may be missing opportunities right now to get good prices for next winter. In order to deal in good faith with each other and with the counterparties with whom we execute these power swaps (the hedges), we want to eliminate that uncertainty. We want the opportunity to start covering next year as soon as possible.

6. HOW DOES YOUR MUNICIPALITY GO ABOUT ADOPTING THE AMENDMENT?

We have provided a model resolution for your community to adopt the amendment. By the way, you can go ahead and do that now, you need not wait for the meeting. Time is of the essence. So, please have the resolution adopted as soon as possible. Have the secretary of the Board certify a copy and mail it, or scan it and email it, to the NYMPA office as soon as possible. Please also call the office, and let Tony know as soon as you have adopted the resolution. Please also keep Tony informed of the process as it unfolds.

7. WHY IS TIME OF THE ESSENCE?

Until this amendment is adopted, we cannot enter power swaps—our “hedges”—for the future. Of greatest concern right now is the ability to hedge for the winter of 2020 and 2021. We would like to get back to our practice of protecting the membership from price volatility as soon as possible.

RESOLUTION

At a meeting of the _____ (governing body of Member), held on
_____ (DATE), at _____ (TIME), held at
_____ (ADDRESS),

The following resolution was offered by _____, seconded by _____,
and adopted.

BE IT RESOLVED, that _____ (Member) hereby approves and concurs in the
attached Amendment to the NEW YORK MUNICIPAL POWER AGENCY AGREEMENT, pursuant
to Article XI thereof.

This Resolution will take effect immediately.

Signature

Print Name

Title

Date