

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

June 16, 2016

5:30 P.M.

MINUTES

Present: Mayor James Calnon, Councilors Rachele Armstrong (W1), Mike Kelly (W2), Dale Dowdle (W3), Paul O’Connell (W4), Becky Kasper (W5), Joshua Kretser (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on June 2, 2016 are approved and placed on file among the public records of the City Clerk’s Office.

By Councilor Kelly; Seconded by Councilor Kasper

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the weeks ending June 8, 2016 in the amount of \$ 427,813.00 and June 15, 2016 in the amount of \$ 191,907.24 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Armstrong; Seconded by Councilor O’Connell

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the weeks of June 2 - 15, 2016
- Report from the Building Inspector’s office June 13, 2016
- Statement from the City Clerk’s Office of all monies received during the month May 2016 in the total amount of \$10,423.71
- Report from the Parking Violations Bureau for May 2016

RESOLVED: That the reports as listed are hereby ordered received and placed on file among the public records of the City Clerk’s Office.

By Councilor Kretser; Seconded by Councilor Dowdle

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the weeks ending June 10, 2016 in the amount of \$ **1,844,909.66** and June 17, 2016 in the amount of \$ **784,315.94** are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Kelly; Seconded by Councilor Dowdle
Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL:

Kimberly Cummins and Emma Stewart from Reality Check read book and spoke about Tobacco marketing.

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves the Clinton County Canine Club to use portions of the south side of US Oval for dog training classes every Monday from 6/20 through 8/22 from 5:30pm – 8pm

By Councilor Armstrong; Seconded by Councilor O’Connell
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to increase the Corporation Counsel budget line item of Fees for Services by \$52,000 by appropriating \$52,000 of General Fund Unassigned Fund Balance to cover unbudgeted expenses for the remainder of 2016.

By Councilor Kretser; Seconded by Councilor Kasper
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves PMLD Bid No 2016-5-1 “Protective Relay System Testing” be awarded to HMT in the Total amount of \$142,500.

By Councilor Kasper; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves North Country Co-op “Asbestos & LBP Abatement” be awarded to NRC for the total amount of \$23,360.

By Councilor Kasper; Seconded by Councilor Armstrong

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves the Adopt-A-Spot Program to grant Gizzy Spencer’s request to plant trees on the US Oval.

By Councilor Kretser; Seconded by Councilor Kasper

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves Conroy Organics to operate/manage and authority to serve beer subject to the NYS Liquor Authority permitting for the Israel Green Tavern for the 2016 Battle of Plattsburgh Commemoration. A Certificate of Insurance is required.

By Councilor Armstrong; Seconded by Councilor Kelly

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

G. RESOLVED: In accordance with the request therefore the Common Council approves an agreement with Ron Santor as the 2016 Zone 9 Police Academy Director for the total cost of \$15,000. There is no increase in cost from 2015.

By Councilor Dowdle; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

H. RESOLVED: In accordance with the request therefore the Common Council approves Karen Derusha of the Clinton County Health Department to hold a Longest Day of Play activity at South Acres Park on Friday June 24, 2016 from 9am – 1pm.

By Councilor Kelly; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

I. RESOLVED: In accordance with the request therefore the Common Council approves a Memorandum of Agreement between NYS Division of Homeland Security and Emergency Services Office of Fire Prevention and Control and the City of Plattsburgh Fire Department for Temporary Loan of Fire Suppression Foam Equipment.

WHEREAS, on January 28, 2014, Governor Andrew Cuomo issued Executive Order 125 directive State agencies to conduct a review of safety procedures and emergency response preparedness related to the shipments of volatile crude from the Bakken Oil fields in North Dakota and other sources; and

WHEREAS, the State has formed the New York State Foam Task Force (Task Force), which is a state and local partnership, to support and supplement existing local foam capabilities to assure that trained personnel and the appropriate equipment is available at strategic locations throughout the State based on risk;

WHEREAS, as a result of the review, DHSES has acquired a quantity of foam trailers, equipment and supplies, and pre-positioned such equipment at strategic locations with participating agencies that herein agree to support the efforts of the Task Force;

WHEREAS, this Agreement establishes the responsibilities, guidelines and procedures for the assignment, deployment and use of the equipment to the Participating Agency by DHSES;

WHEREAS, the Participating Agency acknowledges receipt of said equipment;

NOW, THEREFORE, in consideration of the promises set forth herein, be it known that a DHSES hereby grants a temporary revocable permit to Participating Agency to use the Equipment designated in Section 3, and the Parties agree to the terms and conditions of agreement. No. X200009. The entire text of which has been distributed to and read by the members of the Common Council, is hereby

enacted without the reading thereof and a copy of said agreement is made part of the minutes of this meeting.

By Councilor Kretser; Seconded by Councilor O’Connell

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

J. RESOLVED: In accordance with the request therefore the Common Council approves the Building Inspector to refund \$50.00 to Dennis Taylor for Building Permit # 1733 (4801 US Avenue) because he has decided not to pursue the project.

By Councilor Kelly; Seconded by Councilor Kasper

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

K. RESOLVED: In accordance with the request therefore the Common Council approves DaleAnn Wolter to hold the “Walk to Remember” at Melissa Penfield Park on Saturday August 6, 2016 or Sunday August 7, 2016 from 10am-1pm.

By Councilor O’Connell; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

L. RESOLVED: In accordance with the request therefore the Common Council approves Fuller Excavating to close Rugar Street between Broad Street and Sanborn Avenue, for removal and replacement of existing high temperature hot water and potable water utility mains. The anticipated road closure is requested for approximately 3 weeks beginning July 11, 2016 and ending on July 29, 2016.

By Councilor Kelly; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

M. RESOLVED: In accordance with the request therefore the Common Council approves the Fire Chief to have the HGACBuy Inter-local Contract for Cooperative Purchasing approved between the Houston-Galveston Area Council (H-GAC) and the City of Plattsburgh in order to use the buying service to acquire an ambulance at the Texas Inter-local Cooperation Act approved purchase price, representing a state contract price, thereby eliminating the need for a public offering bid by the City of Plattsburgh. It is further requested that Mayor be allowed to sign the H-GAC buying agreement effective as of the date of this meeting to complete the application process for the City to participate in the buying program.

By Councilor Kretser; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

N. RESOLVED: In accordance with the request therefore the Common Council approves Plattsburgh Brewing Company to operate/manage beer tent subject to the NYS Liquor Authority permitting for July 4, 2016, July 8-9, 2016 as part of 4th of July & Mayor’s Cup Festivities. A Certificate of Insurance is required.

By Councilor Kretser; Seconded by Councilor Armstrong

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

O. RESOLVED: In accordance with the request therefore the Common Council approves North Country Co-op “Walk in Cooler” be awarded to J Hogan Refrigeration and Mechanical for the total amount of \$54,990.

By Councilor Armstrong; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

P. Whereas, The City of Plattsburgh is committed to securing funding to enhance and support affordable and mixed income housing, and,

Whereas, The Plattsburgh Housing Authority has been successful, and fulfills a core community need in our City, and,

Whereas, The Plattsburgh Housing Authority and the City of Plattsburgh have collaborated

in the past, and,

Whereas, The Plattsburgh Housing Authority seeks to improve its facilities in order to continue to provide quality housing to its residents, and,

Whereas, Funds are available through the 2016 New York State Consolidated Funding Application through the Community Development Block Grant through the Office of Community Renewal (OCR) under the direction of the Housing Trust Fund Corporation (HTFC), and,

Whereas, The City of Plattsburgh is aware of its role as the grant administrator for the CDBG program and understands, and is committed to providing the oversight to execute the grant according to the timeline outlined in the application, and,

RESOLVED: City of Plattsburgh Director of Community Development is hereby authorized and directed to apply for, a grant from OCR for Community Development Block Grant for financial assistance for the City of Plattsburgh.

By Councilor Kretser; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

Q. WHEREAS, Pilgrim Transportation of New York, Inc. proposes to build two adjoining pipelines to transport 200,000 barrels per day (bpd) of crude oil and the same rate of refined petroleum products in opposite directions between Albany, NY and Linden, NJ; and

WHEREAS, the crude oil line would carry oil extracted from the Bakken shale formation by hydraulic fracturing then delivered to Albany NY by railroad via Plattsburgh and other communities in New York State; and,

WHEREAS, the recent fiery derailment in Mosier OR of an oil unit train with modern cars and within “safety” guidelines makes clear that conventional safety measures do not mean real security in transportation; and,

WHEREAS, the increase of crude by rail to Albany needed for the pipeline to move oil as projected at 200,000 bpd would require almost a fourfold increase over the 2016 level to date; and,

WHEREAS, Pilgrim’s Use and Occupancy Application indicates the danger associated with rail transportation of oil, *“Second, the Project will provide the safest mode of transport for crude oil and petroleum-based products, thereby reducing both the frequency and volume of oil spills associated with the current surface modes of transport.”*;

NOW THEREFORE, BE IT RESOLVED that the City of Plattsburgh demands that all communities that have crude oil shipments supplying the Port of Albany by surface modes of

transport be considered Interested Agencies in all Environmental and Regulatory reviews of the project;

BE IT FURTHER RESOLVED that, this resolution shall be forwarded to the NYS Thruway Authority, the NYS Department of Conservation, the NYS Department of Transportation, the Federal Highway Administration, Governor Cuomo, Senator Schumer, Senator Gillibrand, Senator Betty Little, Assemblywoman Janet Duprey.

By Councilor Kretser; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves one Police Department employee to attend “General Latent Print & Evidence Processing Class” in Tilton, NH from June 27-30, 2016. The total cost will not exceed \$1,083.07 and will be expensed out of the Asset Forfeiture fund.

By Councilor Dowdle; Seconded by Councilor Kasper

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves two Police Department employees to attend “Two Day Interview and Interrogation Course including Miranda” in Yorkshire, NY from August 14 - 17, 2016. The total cost will not exceed \$783.03 and will be expensed out of the Asset Forfeiture fund.

By Councilor Kelly; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION: None

10. NEW BUSINESS:

Councilor Kasper some of the Council recently attended budget training by NYS Comptroller. Would like to take a new approach and start to have a discussion to develop budget policies to use guidelines when the Mayor presents the budget in October and would like to start that discussion next week at our work session and invite Department Heads to be a part of it. I'd like for the public to be aware that this budget discussion is taking place now and for public to become participants and to come and to hear and to see what this budget process really is from the get go.

Councilor Armstrong asked Mayor to review the steps the city was thinking of taking in order to fund replacement of the pipes. What are we doing long term to fix the problem on the south end where the Air Force Base used to be?

Mayor Calnon the pipes that were put in when the Air Force Base was built were concrete essentially. Stress of pressurized water with in them has resulted in a number of failures. Last year we had 3 fail in a day. We've has 2 already this week. IT's really become problematic. We're looking at ways we can start to consider how to replace those with pipes that will have much more serviceability over the next several years. We are looking at whether or not we can apply for Base closure type money from the Federal Government. Our rough estimate is that it is about a \$5.7 million project for us. The Town of Plattsburgh also has some of this pipe. I have had a preliminary discussion with the Town Supervisor about whether or not we should make this a joint application to cleanup all of the ac pipe that is in there at one time. We are also looking at other sources of grant money to help with that and I will pursue those aggressively. In the absence of all of that we've had some discussions, to Councilor Kasper's point, and if one of the polices is to get this stuff out of the ground over the course of the next few years then when we start to put together our budget, particularly our Capital budget, we'll need to figure out what we can do and how quickly we can do it. So we're going to try to get grant money to do it. We're going to try from a couple different sources failing that we'll try to build a long term plan that will hopefully get at the worst places. We've done some things to help stabilize the pressure within the pipes but obviously the continuing brakes are just getting worse.

Councilor Armstrong said just knowing this will alleviate some of the concerns of the property owners.

Councilor Kelly thanked Kimberly Cummins and Emma Stewart for coming to visit us again tonight. Also, noticed Outdoor seating we are offering merchants in center city has been extremely popular. The 15 spaces that we offered this year are all taken. He would recommend that next year we go to 20 parking spaces. The revenue and the good will we receive from those additional spaces is worth far more than what we would get from parking there during summer months. Also, would recommend we somehow convince the merchants to make those areas more attractive.

Councilor Armstrong asked a couple of merchants about how the Downtown Rising was affecting their business. And 2 restaurateurs said that there was a marked increase of their business as a result of Downtown Rising. I think on the whole its positive from what I can surmise.

Mayor Calnon said I have heard from one in particular who told me the other story. One of the things Paul and I discussed was doing a really formal survey asking some very specific questions. Making sure we've got everybody and we've got comprehensive evidence. One of the comments I heard was when they're open its slow because all of the parking spaces are taken and when it opens up its not as good as.... So that's a different problem it's not really because of Downtown Rising it's because of parking. So we are going to take a look at all those issues and come to some conclusions.

Councilor Kelly said one thing we can be proud of is for a few hours on a Friday night there are a lot more people downtown than are at the mall.

Councilor O'Connell said we have an extensive sign law and I don't think we follow it. We have a lot of laws and a lot of codes. I don't think we follow them and they are never enforced. That's a concern of mine. There are signs for jobs all over the place. Don't they follow the same laws, rules and regulations. Should they be up there or not. Signs up on the fences. To me it's an eyesore. IF we don't have some of those laws or codes enforced then we're not doing what we are supposed to do.

Councilor Kasper said we are coming up on the election season and there are set days and rules etc.

Mayor Calnon said the other issue that I brought up in the work session was a request to hold a circus. Steve can you summarize the application.

Recreation Superintendent Steve Peters we received a request from the Shriners who have a circus that they want to bring in to town. Everything we've seen from them indicates they are bringing in performing animals. Which we received a request a couple of months ago, that we didn't bring to you, with performing captive animals and my position was for our community that we would refrain from that hosting those kind of events here. That is the position we took with this request as well.

Councilor Kasper said I am strongly opposed to any exploitation of animals for the purposes of entertainment. Without bias to other animals, elephants are among the 4 species that have passed the self-recognition test joining human beings, lower primates and dolphins. They were not created for our entertainment they have an intrinsic value. And in particular, the fact that elephants in captivity and for the purposes of entertainment is being phased out. There's no last hurrah here we should not participate in that further exploitation. Absolutely not.

Councilor Armstrong said I concur well said.

Mayor Calnon said would you consider a Resolution by this Council affirming the Recreation Superintendent's decision not to allow our facilities to be used in captive animal performances.

By Councilor Kasper; Seconded by Councilor Armstrong
Discussion:

Councilor Dowdle asked if we've hosted in the past.

Mayor Calnon sad we've let them use our facility, yes.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(Councilors Armstrong, Kelly, Dowdle, Kasper and Kretser voted in the affirmative. Councilor O'Connell voted in the negative)

ACTION TAKEN: Adopted

Follow up Action: None

11. CLOSING PUBLIC COMMENTS: None _

Motion to Adjourn by Councilor O’Connell; Seconded by Councilor Kasper
Roll call Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

MEETING ADJOURNED: 6:03 pm