

At 5:02 pm: Motion to enter Executive Session to discuss the tax cases listed as 7A and 7B on tonight's agenda and to discuss a personnel issue about a specific individual's appointment.

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

ADJOURNED: 5:30 pm

Mayor Calnon added that while in executive session two allowable topics that were unplanned came up. They also discussed potential litigation on 15 Couch Street and the ongoing litigation with the Retirees Association.

No Action was taken on any executive session topic.

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

December 1, 2016

5:30 P.M.

MINUTES

Present: Mayor James Calnon, Councilors Rachelle 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 November 17, 2016 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Kasper; Seconded by Councilor O'Connell
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 November 23, 2016 in the amount of **\$ 535,962.64** and November 30, 2016 in the amount of **\$ 104,065.88** 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 Dowdle; Seconded by Councilor Armstrong

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 November 17- 30, 2016
- Report from the Building Inspector's office November 14- 25, 2016
- Report of Public Hearing held by the Zoning Board of Appeals on November 21, 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 November 25, 2016 in the amount of \$ 1,072,767.93 and December 2, 2016 in the amount of \$ 442,708.26 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 Kasper; Seconded by Councilor Armstrong
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL:

Gary Brandstetter, President of the Retirees Association spoke about the Initial item he and Bruce Bordeau drafted. He indicated they meant to include legal fees dollar amount which is \$120,000.

7. OTHER ITEMS:

A. RESOLUTION AUTHORIZING SETTLEMENT OF PENDING ARTICLE 7 REAL PROPERTY ASSESSMENT CASES FILED BY CARROL'S CORPORATION

WHEREAS, Carrol's Corporation ("Petitioner"), filed Article 7 Real Property Assessment Review Petitions against the City in years 2012 through 2016 challenging the assessment on its property located

at 303 Cornelia Street in the City of Plattsburgh, more specifically identified by its Tax Map Number: 207.17-2-17; and

WHEREAS, it appears to be in the best interests of the City to avoid the costs that would result if the litigation continues and goes to Trial; and

WHEREAS, terms of a proposed settlement have been negotiated with Petitioner and the Assessor supports settling on the proposed terms, and

WHEREAS, the Plattsburgh City School District is not a party to these cases and it has no role in settling them;

NOW, THEREFORE, BE IT RESOLVED, that the City of Plattsburgh Common Council hereby approves the proposed settlement of the real property assessment cases filed by Carrol's Corporation for the years 2012 through 2016 for its property at 303 Cornelia Street in the City of Plattsburgh, having Tax Map Number: 207.17-2-17, as follows:

- 1) The assessments shall be revised as follows:

Year	Current Assessment	Revised Assessment	Reduction
2012	\$830,200	\$730,000	\$100,200
2013	\$830,200	\$730,000	\$100,200
2014	\$830,200	\$730,000	\$100,200
2015	\$830,200	\$730,000	\$100,200
2016	\$830,200	\$730,000	\$100,200

and,

- 2) The City shall pay tax refunds to Petitioner based on the assessment reductions, but no interest shall be payable on such refunds if they are paid within ninety (90) days of the City's receipt from Petitioner of a filed Stipulation of Settlement and Order and a Demand for Payment, and
- 3) Real Property Tax Law Section 727, which would otherwise usually "freeze" the final assessment on the property at \$730,000 on the assessment rolls for 2017, 2018 and 2019 shall not apply to this settlement because the structure on the property upon which a portion of the revised assessments was based has been demolished and replaced, and

BE IT FURTHER, RESOLVED, that approval of this Settlement Agreement is contingent upon the City's Special Counsel, Miller, Mannix, Schachner & Hafner, LLC, reviewing and approving the terms of the final Stipulation of Settlement and Order; and

BE IT FURTHER, RESOLVED, that the Common Council further authorizes and directs the City

Mayor and/or its Special Counsel to execute settlement documents and take any additional steps necessary to effectuate the proposed settlement in accordance with the terms of this Resolution.

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

B. RESOLUTION AUTHORIZING SETTLEMENT OF PENDING ARTICLE 7 REAL PROPERTY ASSESSMENT CASES FILED BY RITE AID CORPORATION

WHEREAS, Rite Aid Corporation (“Petitioner”), filed Article 7 Real Property Assessment Review Petitions against the City in years 2012 through 2016 challenging the assessment on its property located at 357 Cornelia Street in the City of Plattsburgh, more specifically identified by its Tax Map Number: 207.17-2-2.1; and

WHEREAS, it appears to be in the best interests of the City to avoid the costs that would result if the litigation continues and goes to Trial; and

WHEREAS, terms of a proposed settlement have been negotiated with Petitioner and the Assessor supports settling on the proposed terms, and

WHEREAS, the Plattsburgh City School District is not a party to these cases and it has no role in settling them;

NOW, THEREFORE, BE IT

RESOLVED, that the City of Plattsburgh Common Council hereby approves the proposed settlement of the real property assessment cases filed by Rite Aid Corporation for the years 2012 through 2016 for its property at 357 Cornelia Street in the City of Plattsburgh, having Tax Map Number: 207.17-2-2.1, as follows:

- 1) The assessments shall be revised as follows:

Year	Current Assessment	Revised Assessment	Reduction
2012	\$3,204,900	\$3,125,000	\$79,900
2013	\$3,204,900	\$3,125,000	\$79,900
2014	\$3,204,900	\$3,125,000	\$79,900
2015	\$3,204,900	\$3,125,000	\$79,900
2016	\$3,204,900	\$3,125,000	\$79,900

and,

- 2) The City shall pay tax refunds to Petitioner based on the assessment reductions, but no interest shall be payable on such refunds if they are paid within ninety (90) days of the City’s receipt from Petitioner of a filed Stipulation of Settlement and Order and a Demand for Payment, and
- 3) Real Property Tax Law Section 727 will apply and will fix or “freeze” the final assessment on the property at \$3,125,000 on the assessment rolls for 2017, 2018 and 2019 unless one of the exceptions to Section 727 applies (e.g.: demolition, destruction by fire, construction of a new building, etc.) and

BE IT FURTHER, RESOLVED, that approval of this Settlement Agreement is contingent upon the City’s Special Counsel, Miller, Mannix, Schachner & Hafner, LLC, reviewing and approving the terms of the final Stipulation of Settlement and Order; and

BE IT FURTHER, RESOLVED, that the Common Council further authorizes and directs the City Mayor and/or its Special Counsel to execute settlement documents and take any additional steps necessary to effectuate the proposed settlement in accordance with the terms of this Resolution.

By Councilor Kretser; Seconded by Councilor Dowdle

Discussion: Yes

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 the street access fee to be waived for NYSDOT Plattsburgh Office to complete the Governor’s Railroad Safety Initiative Pilot Study Project at the Margaret Street rail crossing

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

D. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign contract with Ronnie Santor to hold a course in Police Supervision at the Police Department from January 9-27, 2017 at a cost of \$1,500 which will be reimbursed by attendee’s tuition.

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

E. RESOLVED: In accordance with the request therefore the Common Council approves the Lake Champlain Chapter of American Military Retirees Association to hold the Annual Wreaths Across America Ceremony on December 12, 2016 at 12p.m. at the Old Post Cemetery they are requesting to use electricity.

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

F. RESOLVED: In accordance with the request therefore the Common Council approves continuing Contract # 2014-1 “Laboratory Services for Water Pollution Control Plant” with Adirondack Environmental Services for the laboratory portion and Endyne, Inc for BOD/CBOD analysis portion for an estimated total price of \$126,000.

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 continuing Contract #2015-18 “Sodium Hypochlorite for Water Pollution Control Plant and Water Filtration Plant” with Surpass Chemical Company, Inc for an estimated total price of \$78,984.

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

H. RESOLVED: In accordance with the request therefore the Common Council approves Water Pollution Control Plant to advertise for bids for Contract #2016-14 “Sodium Thiosulfate for Water

Pollution Control Plant.”

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 Water Pollution Control Plant to advertise for bids for Contract #2016-15“Liquid Alum for Water Pollution Control Plant.”

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

J. RESOLVED: In accordance with the request therefore, the Common Council accepts as a gift from Mayor James Calnon the semi-circular conference table, composed of oak, in 7 sections, 22 feet in length (hereafter "Council Table"), on condition that the Council Table be used for the regular business of the Council and in the event the Council Table is no longer used for the regular business of the Council, the Council Table shall be returned to James Calnon or his designee.

By Councilor Kasper; Seconded by Councilor Armstrong

Discussion:

Council members thanked Mayor Calnon for the table.

Councilor Armstrong thanked Mayor Calnon for the renovations he made in the Mayor’s office

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 Change order #1 to Contract # 2016-06/07 “2016 City Street Paving – Sandra Ave/ Fort Brown Drive” in the total amount of \$23,341.94. There is sufficient funding in Capital projects H5110.57, H5110.50 and H5110.53.

By Councilor Kasper; Seconded by Councilor O'Connell
Discussion: Yes
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

L. Introduced: Local Law P-7 of 2016: A local law authorizing the Common Council to adopt a 2017 tax levy in excess of the limit established by NYS General Municipal Law Section 3-c.

By Mayor Calnon

Public Hearing Date set by Mayor: Thursday, December 15, 2016 at 5pm in the Common Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

M. RESOLVED: In accordance with the request therefore the Common Council approves MLD to advertise for bids for PMLD Bid No. 2016-12-1 "Wooden Utility Poles." Bid Opening Date: January 10, 2017 at 11:00 am.

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

N. RESOLVED: In accordance with the request therefore the Common Council approves MLD to advertise for bids for PMLD Bid No. 2016-12-2 "A/E Design Proposal." Proposal due Date: December 20, 2016 by 2:00 pm.

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

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from Councilor O'Connell:

WHEREAS: This Council enacted a Resolution on October 8, 2015 stating that: “RESOLVED: That the City change the method of delivery of Health Insurance Benefits for Medicare Eligible Retirees from the Self-Funded Traditional Plan to a Premium-based Humana Medicare Plan that mirrors the benefits of the Traditional Plan;”

WHEREAS: This Council enacted a Resolution on February 18, 2016 stating that: “RESOLVED: that the City shall no longer provide health insurance benefits through the self-funded Traditional Plan to medicare eligible retirees and such medicare eligible retirees shall be provided with health insurance as set forth in the Evidence of Coverage, posted on the City of Plattsburgh website, through the Humana Insurance Company, and its affiliates and it is further resolved that this resolution shall supersede the resolution passed by the Common Council at a special meeting on October 8, 2015 involving the same subject matter;”

WHEREAS: This Council enacted these Resolutions under the belief that health insurance coverage under the Medicare Advantage PPO Plan from Humana (the “Humana Plan”) was better than or equal to health insurance coverage under the self-funded Traditional Blue Plan (the “Blue Plan”) and that the collective bargaining agreements governing the City of Plattsburgh’s retired employees permitted the transfer to the Humana Plan;

WHEREAS: After its implementation, coverage under the Humana Plan proved not to be better than or equal to the Blue Plan and as such, such transfer was not permitted by the collective bargaining agreements governing the City of Plattsburgh’s retired employees;

WHEREAS: The Humana Plan will no longer be available after December 31, 2016;

WHEREAS: The City has continued to actively litigate the matter entitled *Plattsburgh City Retirees’ Association et al. v. City of Plattsburgh*, Index No. 2015-1625, in the New York State Supreme Court, County of Clinton, and pay legal fees in the defense of that action; it is hereby

RESOLVED; That this Council no longer supports the City’s litigation of *Plattsburgh City Retirees’ Association et al. v. City of Plattsburgh*, Index No. 2015-1625;

RESOLVED: that the City pay all attorneys’ fees incurred by the Plaintiffs in that lawsuit in an amount not to exceed the amount currently paid by the Plattsburgh City Retirees’ Association to Hinman Straub P.C., and release all claims to the undertaking posted by the Plaintiffs with the Clinton County Office of the County Clerk in consideration of Plaintiffs filing a voluntary discontinuance of that lawsuit; and

RESOLVED: That the City shall provide health insurance benefits through the Blue Plan to Medicare-eligible retirees of the City.

10. NEW BUSINESS:

Councilor O'Connell said he was glad to hear bi-weekly payroll is done. He also wanted to explain why he put initial item on. On Tuesday he met with 2 members of the Retiree Association and they asked him to put on for initial. He thought it was a fair thing to do. He thinks something has to be done and so he said yes he will bring it up.

Councilor Kretser thank you to Chief Lawliss and Fire Department for their help with the Holiday tree lights.

Councilor Kasper indicated they were having a budget session after this meeting on Police and Recreation and the public is invited to attend.

11. CLOSING PUBLIC COMMENTS:

Gary Brandstetter, President of the Retirees Association asked for clarification of the process will there be any more discussion or anything done with our proposal tonight.

Mayor Calnon explained that the Common Council rules are that in order for items to be placed on the agenda it must be received in the Mayor's office by noon on Tuesday so there is time to get information out to the councilors so they have time to consider before they actually enter the room. Since this came in after noon on Tuesday Councilor O'Connell asked for this to be on for initial consideration. Which means, again according to the council rules adopted each year, if there is a pressing need to have it done today (urgent street access) then we invoke Rule 4 of those rules allows us to move it that evening. Otherwise it is advance notice of something that is slated to appear on the next agenda.

Councilor O'Connell said and rule 4 probably wouldn't have had any support.

Mayor Calnon explained the rules do say it really is about when there is a time crunch. And we also publish the agenda 24 hours in advance because we want everyone to have a chance to see what is on there.

Carol Klepper spoke about 15 Couch Street, submitted photos in to minutes, asked Council to force the landlord to clean up property, remove staircases, porches, etc. Also, spoke about Champlain Monument; stairs in disrepair, sea wall is being eroded away.

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

MEETING ADJOURNED: 6:04pm



12/1/10 Submitted into Minutes
By Carol Klepper.



















