

**RESOLUTION 2.1 – 11/10/2021**

**RESOLUTION TITLE: Authorize Budget Transfer – General Fund Rec Complex Transfer**

By: Richard Marks, City Chamberlain

**WHEREAS**, the 2021 Rec Complex Fund budget has an accumulated deficit of \$289,000 through the end of 2020; and

**WHEREAS**, the City Chamberlain is requesting to appropriate from the General Fund unassigned fund balance for the accumulated deficit in the Rec Complex Fund for the fiscal year end of 2020;

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

Increase: General Fund – Transfer Rec Complex	19151000-9000	\$289,000.00
Decrease: General Fund – Unassigned Fund Balance	1-0599	\$289,000.00
Increase: Rec Complex Fund – Unassigned Fund Balance	2-0599	\$289,000.00
Increase: Rec Complex Fund – Inter-fund Revenues General	00002228-2810	\$289,000.00

To provide for eliminating the 2020 accumulated deficit in the Rec Complex Fund mainly from the operating deficit of \$239,000 that occurred during the 2020 fiscal year. The budget adjustment increases the General Fund Budget for 2021 by \$289,000.00 for transfers to the Rec Complex Fund and the Rec Complex Fund budget for estimated revenues will increase in 2021 by \$289,000.00 thereby eliminating the current deficit cash position covered by the General Fund and establishing a break-even position in the fund balance segment of the Rec Complex balance sheet.

Approved by the **FINANCE & COMMUNITY DEVELOPMENT COMMITTEE** at its meeting on **November 10, 2021**.

“Yes”

“No”

Absent

**RESOLUTION 2.2 – 11/10/2021**

**RESOLUTION TITLE: Authorizing Health Care Plan renewals for the fiscal year 2022 with Highmark BlueShield of Northeastern New York (Highmark) with corresponding renewal of participant stop-loss insurance.**

By: Richard Marks, City Chamberlain

**WHEREAS**, the City of Plattsburgh (City) provides health care coverage for its employees; and

**WHEREAS**, the annual renewal and open enrollment periods for health care plans are pending for December of 2021; and

**WHEREAS**, the health insurance administration fees and stop-loss insurance policy require contract acceptance and signature before plan renewals can take place; and

**WHEREAS**, the City’s health care benefits consultants, Burnham Benefit Advisors, recommend renewal of the health insurance administration fees and stop-loss insurance policy with Highmark with a projected 2.8% average annual cost increase for 2022;

**NOW, THEREFORE, BE IT RESOLVED**, the Common Council authorizes the Mayor to sign the renewal agreements with Highmark to continue the health care plan coverage for the City employees at the projected rate increase of 2.8% for the fiscal year 2022.

Approved by the **FINANCE & COMMUNITY DEVELOPMENT COMMITTEE** at its meeting on **November 10, 2021**.

“Yes”

“No”

Absent

**RESOLUTION 2.3 – 11/10/2021**

**RESOLUTION TITLE: AUTHORIZE REAL PROPERTY TAX WRITE-OFF -  
PARCEL 207.12-2-40**

By: Richard Marks, City Chamberlain

**WHEREAS**, the following resolution was adopted on November 18<sup>th</sup>, 2021; and

**WHEREAS**, the Clinton County Real Property Office has advised the City that there was a clerical error in calculating the 2021 City and County Real Property Taxes for parcel 207.12-2-40; and

**WHEREAS**, the County Director of Real Property is requesting that based on the clerical error in calculating the 2021 real property taxes leading to an assessment reduction from \$281,300 to \$28,600 for the subject property, that the City reduce the 2021 property tax invoice to Lake City 115 Realty Co. LLC, from \$4,753.01 to \$483.25 requiring a combined write-off of City and County property taxes receivable of \$4,269.76, or \$2,873.40 and \$1,396.36, respectively, for City property taxes and County property taxes;

**NOW, THEREFORE, BE IT RESOLVED, the Common Council Authorizes the write-off of real property taxes receivable, as follows:**

RESOLVED, that pursuant to Section 550 of the Real Property Tax Law, as referenced in a letter to the City dated March 15<sup>th</sup>, 2021, from the Director of Real Property of Clinton County, that there was a clerical error in calculating the 2021 real property taxes leading to an assessment reduction from \$281,300 to \$28,600 for the property identified as parcel 207.12-2-40, and;

FURTHER RESOLVED, that the City of Plattsburgh City Chamberlain (“Chamberlain”) is hereby directed to reduce the 2021 property tax invoice to Lake City 115 Realty Co. LLC, from \$4,753.01 to \$483.25, and;

FURTHER RESOLVED, that the Chamberlain shall send an adjusted property tax invoice for a total of \$483.25 to Lake City 115 Realty Co. LLC and account for the reduction in property taxes receivable through a combined write-off of City and County property taxes receivable of \$4,269.76, or \$2,873.40 and \$1,396.36, respectively, for City property taxes and County property taxes.

Approved by the **FINANCE & COMMUNITY DEVELOPMENT COMMITTEE** at its meeting on **November 10, 2021.**

“Yes”

“No”

Absent

### **RESOLUTION 3.1 – 11/10/2021**

#### **RESOLUTION TITLE: ADOPTING FINDINGS, RESOLUTIONS AND ORDER OF CITY OF PLATTSBURGH PURSUANT TO ARTICLE 17 OF THE NEW YORK GENERAL MUNICIPAL LAW REGARDING THE PROPOSED ANNEXATION OF PROPERTY LOCATED ON LEMAY DRIVE.**

WHEREAS, pursuant to "The Plattsburgh Compact Between the City and the Town" dated as of April 16, 2021 (the "Compact"), the City of Plattsburgh Common Council, and the Town of Plattsburgh Town Board made a commitment to resolve the conflicts of past administrations, and to focus on mutually beneficial solutions, shared goals, and regional successes to establish a strong foundational bedrock that will last far into the future, by adopting a specific framework to accomplish numerous goals, including: the resolution of all pending litigation between the municipalities; a binding path to resourcefully and efficiently adjusting the boundaries of the City of Plattsburgh ("the City") and the Town of Plattsburgh (the "Town") so that both municipalities mutually benefit; a joint planning initiative for areas where the communities intersect; and a joint infrastructure initiative, which includes the water and waste- water systems and the Plattsburgh Organics Recycling Plant; and

WHEREAS, pursuant to that certain Settlement Agreement dated as of April 16, 2021 between the City and Town (the "Settlement Agreement"); the parties agreed to a binding Settlement Agreement in which the City and Town agreed, in consideration of each component of the Settlement Agreement, to mutually discontinue certain litigation between the parties, and the City and Town agreed to commit to, among other things, commence and facilitate the legal process allowing the Town and City to expeditiously review a Clinton County derived Petition for Annexation so that the Town adjusts its boundaries to include the County-owned parcel located at 15/27 LeMay Drive (Tax Map No. 233.6-1-2.1); and

WHEREAS, pursuant to a Petition submitted by the County of Clinton made pursuant to Article 17 of the New York General Municipal Law (the "Municipal Annexation Law"), which Petition having been filed with the City on or about September 9, 2021 (the "LeMay Drive Annexation Request"), as owner of certain real property in the City consisting of an approximately 18.05 acre parcel of uninhabited land at 15/27 LeMay Drive , identified as Clinton County Tax Map Parcel No. 233.6-1-2.1 (the "Property"), for the annexation of the Property to the Town (the "LeMay Drive Annexation"); and

WHEREAS, by Notice dated September 22, 2021, a Notice of Joint Hearing on the Matter of Annexation of certain Territory from the City of Plattsburgh to the Town of Plattsburgh (the "Notice") was made to members of the public via a publication in the Press Republican, with a

copy of such Notice sent: to City of Plattsburgh Central School District, Peru Central School District, and to the South Plattsburgh Fire Department; and

WHEREAS, the Notice stated, in part, that the members of the governing board of the Town and City shall conduct a joint meeting on October 21, 2021 to receive evidence and information concerning the Lemay Drive Annexation; and

WHEREAS, a joint hearing and meeting of the governing Boards of the Town and City having been held on October 21, 2021, in accordance with the Municipal Annexation Law; and

WHEREAS, the City is hereby making its own findings, determination, resolution and Order with respect to the LeMay Drive Annexation Request.

#### FINDINGS

A. The Property is uninhabited and contiguous to the municipal boundaries of the Town, allowing for annexation pursuant to the Municipal Annexation Law.

B. The LeMay Drive Annexation Request was commenced via a Petition submitted by the County to the City on or about September 9, 2021.

C. The Town and the City published a Notice of Joint Hearing on the Matter of Annexation of certain Territory from the City of Plattsburgh to the Town of Plattsburgh, dated September 22, 2021, and also mailed a copy of said Notice to the City of Plattsburgh Central School District, Peru Central School District, and to the South Plattsburgh Fire Department.

D. A Joint Hearing and public meeting was held at the City on October 21, 2021, in which the Town Board and the Common Council met to consider, in part, the LeMay Drive Annexation Request. Comments were received from a member of the public in attendance at the public meeting. Officials of both the City and Town offered comment as well. The Joint Hearing was transcribed and live-streamed.

F. The County of Clinton Legislature, as the lead agency for the unlisted, uncoordinated environmental review of this action, and in accordance with Article 8 of the New York State Environmental Conservation Law - the State environmental Quality Review Act ("SEQR"), reviewed the potential adverse environmental effects, if any, related to the LeMay Drive Annexation and on or about September 8, 2021, the County of Clinton Legislature adopted a negative determination of environmental significance ("Negative Declaration") in accordance with SEQRA for the LeMay Drive Annexation.

G. In considering whether to consent to the LeMay Drive Annexation Request, the City is required to determine whether the proposed annexation is in the over-all public interest and whether the annexation petition complies with the Municipal Annexation Law. In light of the foregoing, and all of the information duly provided and considered, the Common Council of the City hereby makes specific findings and hereby determines that the LeMay Drive Annexation Request complies with the Municipal Annexation Law and that that LeMay Drive Annexation is

in the overall public interest. The City hereby determines that the LeMay Drive Annexation is in the overall public interest based on the following:

1. The Property is owned by the County of Clinton and adjoins the Town's municipal boundaries and is serviced, at least partially, by public highways located within the Town.
2. The Property is serviced by Town Water and Town Sewer Infrastructure.
3. Electrical service is currently provided to the Property by New York State Electric and Gas ("NYSEG") and not the City's Municipal Lighting Department.
4. Because the Property is currently owned by the County, which is a political subdivision of New York State, there is no current adverse tax impact to the City if the property is removed from the City.
5. If annexed, the Town's volunteer fire department and emergency services departments and the New York State Police and Clinton County Sheriff's Department would be able to readily provide emergency services, including police, fire and EMS services to the Property.
6. The Property is not currently part of a cohesive community within the City. Rather, the Property is adjoining the Plattsburgh International Airport, which is largely located within the Town.
7. The LeMay Drive Annexation will not result in baroque or unnatural boundaries.
8. The Petition, and subsequent proceedings, conform to and comply with the Municipal Annexation Law. That is, the County of Clinton is the fee simple owner of the parcel to be annexed, the Petition is properly signed and the Chairperson of the Legislature's signature authenticated by a witness. The Petition contains the necessary depictions of the parcel as exhibits, including the existing parcel, the existing corporate boundaries, and the new corporate boundaries in the event the annexation is approved. It also includes a sufficient description of the annexation territory. In addition, the Petition has as an attachment the certification of majority ownership by the City Assessor confirming that the Petition is signed by the owner of a majority in assessed valuation of the real property in the annexation territory assessed upon the last preceding assessment roll as required by GML 703. In addition, the notice of joint hearing was duly published and mailed and the joint hearing itself was completed in conformance with the Municipal Annexation Law.

Based upon the foregoing and upon careful review and evaluation, it is hereby determined that the potential benefits of the LeMay Drive Annexation as provided herein are likely to outweigh any potential detriments to the City and the Town. The City also finds the approval of the LeMay Drive Annexation, can and very likely will achieve the benefits of annexation while at the same time accomplishing the requisite unity of purpose and facilities to constitute a community and maintaining the core nature of the City and Town.

NOW, THEREFORE, based upon all the foregoing findings, it is hereby:

RESOLVED AND ORDERED, that the County of Clinton’s request for the proposed LeMay Drive Annexation substantially complies with the Municipal Annexation Law; and it is further

RESOLVED AND ORDERED, that the LeMay Drive Annexation is hereby deemed to be in the overall public interest; and it is further

RESOLVED AND ORDERED, that the LeMay Drive Annexation is hereby approved by the City; and it is further

RESOLVED AND ORDERED, that copies of the foregoing findings, resolutions and determinations set forth therein, all of which are hereby incorporated by reference into this Order, together with the Annexation Request, Meeting Notice, written objections, if any, and testimony and minutes of proceedings taken and kept on the matter of the LeMay Drive Annexation be filed in the offices of the clerks of the Town, City and any other affected government.

**DETERMINATION**

For all the reasons described above, we, the Common Council of the City of Plattsburgh, hereby determine that the Petition is sufficient and complies with the General Municipal Law and that Annexation of the Subject Property into the Town of Plattsburgh will be in the overall public interest.

These Findings, Determination and Order shall constitute the Order of the Common Council of the City of Plattsburgh pursuant to Section 711 of the General Municipal Law.

Approved by the **FINANCE & COMMUNITY DEVELOPMENT COMMITTEE** at its meeting on **November 10, 2021**.

- “Yes”
- “No”
- Absent