

1. Agenda

Documents:

[AGENDA 02-28-19.PDF](#)

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

February 28, 2019

**5:30 P.M.**

**AGENDA**

**Pledge of Allegiance**

(RC)

**Present:** Mayor Colin Read, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Elizabeth Gibbs (W3), Peter Ensel (W4), Patrick McFarlin (W5), Jeff Moore (W6)

**Absent:**

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**MAYOR'S COMMENTS:**

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** That the Minutes of the Regular Meeting of the Common Council held on February 21, 2019 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_  
(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending February 27, 2019 in the amount of \$\_\_\_\_\_ 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 \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_  
(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:**

- Report of Fire and Ambulance Responses for the week of February 19-25, 2019
- Minutes from the Finance and Budget Committee held on February 21, 2019
- Report from the Parking Violations Bureau for January 2019

● **COUNCILOR/DEPARTMENT CHAIR COMMITTEE REPORTS:**

**Governance, Strategy, and City Operations-** Chair Councilor Armstrong

**City Infrastructure** – Chair Councilor Moore

**Finance and Budget** – Chair Councilor Kelly

**Public Safety** – Chair Councilor Gibbs

**Plattsburgh Public Library** – Chair Councilor Ensel

**MLD - MLD Board President** Councilor McFarlin

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

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

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**4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None**

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**5. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills Audited by the Common Council for the week ending March 1, 2019 in the amount of \$\_\_\_\_\_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 \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

(All in Favor/opposed)

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

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**6. PERSONS ADDRESSING COUNCIL ON AGENDA ITEMS ONLY:**

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**7. OTHER ITEMS:**

**Motion to remove Item 7A from the table**

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

**A. WHEREAS,** pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law of the State of New York and the statutory powers vested in the Common Council of the City of Plattsburgh (“Common Council”) to regulate and control land use and to protect the health, safety and welfare of its residents, pursuant to Local Law P-3 of 2018, which was adopted on March 15, 2018, the Common Council declared an eighteen (18) month moratorium on all applications or proceedings for applications, for the issuance of approvals or permits for the commercial cryptocurrency mining operations in the City of Plattsburgh (“City”); and

WHEREAS, pursuant to Local Law P-3 of 2018, the aforementioned moratorium may be terminated earlier than eighteen (18) months if the Common Council determines by resolution that the purpose of the local law have been fulfilled;

WHEREAS, the City formed a cryptocurrency zoning committee to study the matter; and

WHEREAS, on March 19, 2018, the New York State Public Service Commission adopted an Order Approving Tariff Amendments with Modifications (“Rider-A”) impacting High Density Load Customers to mitigate/minimize any utility surcharges experienced by residential customers as a result of incremental purchase power costs; and

WHEREAS, on October 25, 2018, the Common Council adopted Local Law P-6 of 2018, which established zoning regulations, fire suppression requirements, heat controls, noise limits, and nuisance abatement provisions for commercial cryptocurrency mining operations in the City.

NOW THEREFORE IT IS HEREBY RESOLVED that the Common Council determines that the purpose of the Commercial Cryptocurrency Mining Operation Moratorium established by Local Law P-3 of 2018 have been fulfilled and the Moratorium is hereby terminated, effective the date this resolution is approved.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**B. ADOPTION OF LOCAL LAW P-2 OF 2019:** A local law renaming, amending and restating in its entirety Chapter 241, Section 5 of the City Code of the City of Plattsburgh.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

§ 241-5 REGULATING THE USE OF TOBACCO PRODUCTS UPON PUBLIC PROPERTY

1. Definitions. The term "Public Property" means public buildings and adjacent grounds, streets, sidewalks, parks, and other publicly owned property, including vehicles owned by the City of Plattsburgh. The term "Tobacco Product" means cigarette, cigar, pipe tobacco, snuff, chewing tobacco, electronic nicotine delivery system (e-cigarettes, vaping, hookahs) in which tobacco or electronically delivered nicotine is the main ingredient that are intended for human consumption or use.

2. It shall be a violation for any person, including any person under the age of eighteen years, to use or possess a tobacco product or electronic nicotine delivery system (e-cigarettes, vaping, hookahs) on public property.

3. Each instance of Smoking or Tobacco Product use in violation of this Law shall constitute a separate violation. An offense may be prosecuted by the issuance of an appearance ticket under §150.20 of the Criminal Procedure Law.

4. A violation of any provision of this Local Law shall constitute a violation, and upon conviction thereof, subject the violator to a fine not to exceed Two Hundred Fifty Dollars (\$250).

5. Any peace officer or code enforcement official may enforce this Law. For the purpose of this Local Law, the term "enforcement officer" shall mean a police officer or code enforcement official.

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

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**C. RESOLVED:** In accordance with the request therefore the Common Council approves that the 'Pre-Demolition Asbestos Survey' contract for the former Glens Falls National Bank building and associated structures be awarded to KAS, Inc. Payment shall be made from the Parking Fund.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**D. RESOLVED:** In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign a Memorandum of Agreement with Clinton County Public Transit (Clinton County Department of Planning) to establish a formal mechanism for payment by Clinton County Public

Transit (CCPT) to the City of Plattsburgh, New York Department of Public Works for the removal of obsolete bus stop signs.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**8. TRAVEL REQUEST:**

**A. RESOLVED:** In accordance with the request therefore the Common Council approves a Police Department employee to attend “2019 Annual State of New York Juvenile Police Officer Conference Training” from August 26-30, 2019 in Lake George, NY. The total cost will not exceed \$1,619 and will be expensed out of the Asset Forfeiture Fund.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**B. RESOLVED:** In accordance with the request therefore the Common Council approves two Police Department employees to attend “NYS Homeland Security and Emergency Services Initial Response to Active Shooters Training” from May 5-7, 2019 in Oriskany, NY. The total cost will not exceed \$290 and will be expensed out of the Asset Forfeiture Fund. The lodging and training will be provided by the Department of Homeland Security.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**C. RESOLVED:** In accordance with the request therefore the Common Council approves a Police Department employee to attend “NYS Homeland Security and Emergency Services FBI Crisis Negotiation Course Training” from April 15-20, 2019 in Oriskany, NY. The total cost will not exceed

\$296.25 and will be expensed out of the Asset Forfeiture Fund. The lodging and training will be provided by the Department of Homeland Security.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**D. RESOLVED:** In accordance with the request therefore the Common Council approves two Police Department employees to attend “NYS Homeland Security and Emergency Services Officer Survival Tactics Training” from May 8-10, 2019 in Oriskany, NY. The total cost will not exceed \$290 and will be expensed out of the Asset Forfeiture Fund. The lodging and training will be provided by the Department of Homeland Security.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**E. RESOLVED:** In accordance with the request therefore the Common Council approves two Fire Fighters to attend “Crude by Rail Emergency Response Training course” March 24-30, 2019 in Pueblo, CO. The NYS FEMA program covers travel, room, board and meals. The total cost is approximately \$400 to pay for travel meals, ferry, parking and baggage fees.

By Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_

Discussion:

Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore

**ACTION TAKEN:** Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_ Tabled \_\_\_\_\_

Follow up Action:

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**9. RESOLUTIONS FOR INITIAL CONSIDERATION: None**

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**10. NEW BUSINESS AND COUNCILOR REPORTS:**



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**11. CLOSING PUBLIC COMMENTS ON ANY TOPIC:**

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Motion to Adjourn by Councilor \_\_\_\_\_; Seconded by Councilor \_\_\_\_\_  
Roll call: Councilors Armstrong, Kelly, Gibbs, Ensel, McFarlin, Moore  
**MEETING ADJOURNED:** \_\_\_\_\_