

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
SEPTEMBER 5, 2006**

The meeting was called to order at 7:00 p.m. by the presiding officer at the Town Hall on the Banker Road.

MEMBERS:	<u>Present</u>	<u>Absent</u>
Bernard C. Bassett, Supervisor	X	
John F. St.Germain, Councilperson	X	
Thomas E. Wood, Councilperson	X	
Sheila A. Brockway, Councilperson	X	
Paul D. Lamoy, Councilperson	X	
Amy L. Duquette, Town Clerk	X	
James J. Coffey, Town Attorney	7:43	

RESOLUTION NO. 06-253
Meeting

Receive Minutes of Previous

Motion by: Sheila A. Brockway
Carried by: Ayes 5

Seconded by: Paul D. Lamoy
Nays 0

RESOLVED, that the minutes of the previous meeting(s) be approved and the reading of the minutes be dispensed with.

Discussion: Yes

PUBLIC RECOGNITION

Present: See Attached

PUBLIC COMMENT: Judy Brunell wanted to publicly apologize to Jerry Menard for wrongly accusing him of putting up private property signs. Debbie Blake expressed her concerns about four resolutions that were passed after the last meeting at the Executive Session. Mrs. Blake stated that she was told that there would be no more business after the Executive Session and everyone was dismissed. Supervisor Bassett explained to Mrs. Blake that there was not a dismissal and to the best of the Boards knowledge there was not going to be any further business that night. Supervisor Bassett added that it was a courtesy to let the people know whether there is any anticipated action after an Executive Session. Mr. Bassett also clarified that everyone is welcome to stay until the Board comes out of Executive session at any meeting.

RESOLUTION NO. 06-254

Receive Report from Codes and Zoning

Motion by: Paul D. Lamoy
Carried by: Ayes 5

Seconded by: Thomas E. Wood
Nays 0

RESOLVED, to receive and place on file a report from Don Lee Codes and Zoning officer for August 2006.

Discussion: yes

RESOLUTION NO.06-255

Receive Water /Wastewater Report

Motion by: Paul D. Lamoy
Carried by: Ayes 5

Seconded by: John F. St Germain
Nays 0

RESOLVED, to receive and place on file a report from David Comfort of the Water and Wastewater Department for, August 2006.

Discussion: Mr. Comfort discussed irthnet becoming available, the board agreed to training and a resolution would be needed if we enter into an agreement.

RESOLUTION NO.06-256

Abstract 8A

Motion by: Sheila A. Brockway
Carried by: Ayes 5

Seconded by: Paul D. Lamoy
Nays 0

RESOLVED, that the abstract of audited claims **No. 8A** in the amount of (\$825,604.98), be received as reviewed by the Audit Committee and the Supervisor is hereby authorized to pay said abstracts.

Discussion: Councilor St Germain is concerned regarding money taken from the Highway Fund and put into the General Fund. Attorney Coffey spoke with the Association of Towns Attorney Lori Mithens and this is what is considered an inter department loan and it is acceptable.

RESOLUTION NO. 06-257
Project

NYS Canal Corp. Grant

Motion by: Paul D. Lamoy
Carried by: Ayes 5

Seconded by: Thomas E. Wood
Nays 0

WHEREAS, the New York State Canal Corporation is soliciting projects to implement Governor George E. Pataki's vision for an Erie Canal Greenway, first proposed by the Governor in May 2005, and

WHEREAS, the December 2005 report released by the New York State Canal Corporation Interagency Task Force, entitled "*Report on the Future of New York State Canals*", recommended a voluntary, collaborative strategy for providing assistance to communities along all four canals of the New York State Canal System through a canal-wide "greenway" program, and

WHEREAS, funding for a grant program to implement the vision of the Governor and the recommendations of the Task Force was approved in the 2006-2007 New York State Budget, and \$6 million is available under four grant categories; and now, therefore be it

RESOLVED, that the Town of Plattsburgh supports the creation of a voluntary Erie Canal Greenway, as proposed by the Governor and recommended in the *Report* by the Interagency

Task Force, based upon six (6) principles, including: (1) waterfront public access; (2) tourism; (3) recreational development; (4) natural and cultural resource protection; (5) local and regional planning; and (6) economic revitalization; and also, be it

RESOLVED, that the Town of Plattsburgh supports the submission of an application for funding from the New York State Canal Corporation through the Erie Canal Greenway Grant Program in the amount of \$149,900 for the project entitled, "Champlain Parkland Development".

Discussion: Councilor St Germain added that this particular grant couldn't be used to purchase land. Councilor St Germain is in favor of this grant.

RESOLUTION NO. 06-258

Conference In Orlando Florida

Motion by: Thomas E. Wood
Carried by: Ayes 5

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, Town of Plattsburgh Code Enforcement Officials are required to maintain their training, knowledge and skills relative to code enforcement and information concerning new codes; and

WHEREAS, it is in the best interest of the Town to remain current and informed concerning changes in regulation and procedure; and

WHEREAS it is important for New York State to have representation on the International Council to represent the State and the impact on Town policy and procedures that are governed by the International Codes Council policy; and

WHEREAS the New York State Building Officials Council (NYSBOC) and the Northern Adirondack Code Enforcement Officers Association (NACEOA) will pay for Mr. Lee's expenses to attend and represent our region as Vice-president of the organization and a voting member for the NYS Council and the Town of Plattsburgh; therefore be it

RESOLVED that Donald F. Lee, Codes Enforcement Officer, be allowed to attend the International Codes Conference held from September 18 – September 22, 2006 in Orlando Florida.

Discussion: Councilor Wood pointed out that he thinks it is wonderful that Don lee is willing to go Orlando to represent the Town. Supervisor Bassett attending this conference in Orlando is a great opportunity.

RESOLUTION NO. 06-259
Compliance

Homeland Security NIMS

Motion by: Paul D. Lamoy
Carried by: Ayes 5

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, In Homeland Security Presidential Directive (HSPD) –5 the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary that all federal, state, local and tribal emergency management emergencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, local, and tribal organizations, utilize standardized terminology, standardized organizational structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communication, facilities and resources will improve the state’s ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations training programs; and

WHEREAS, the National Commission of Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; now, therefore, be it

RESOLVED, that the Town of Plattsburgh mandate the National Incident Management System be utilized for all incident management in the Town of Plattsburgh.

Discussion: Yes

Resolution No. 06-260

Creating a Position: R M C

Motion by: Paul D. Lamoy
Carried by: Ayes 5

Seconded by: Thomas E. Wood
Nays 0

WHEREAS, in a letter to the Town Board dated June 5, 2006 Town Clerk made request to the Town Board for help to enable her to maintain the responsibilities of her office relative to filing, maintaining and updating vault records, and other day to day needs; there for be it

RESOLVED, that the Town Board of the Town of Plattsburgh create the position of Records Management Clerk to help with records inventory etc. according to the attached job description; and be it further

RESOLVED, that funding for the position of Records Management Clerk shall be taken from A1430.1500 to enable the Records Management Clerk to work 10 hours per week at a rate of \$9.00 per hour until December 31, 2006.

Discussion: The discussion was that it was not necessary to create a new position for records management clerk and extending the deputy clerk hours would achieve the goal.

MOTION TO AMMEND RESOULTION

Motion by: John F. St Germain
Carried by: Ayes 5

Seconded by: Sheila A. Brockway
Nays 0

Resolution No. 06-260

Extend Deputy Clerk Hours

WHEREAS, in a letter to the Town Board dated June 5, 2006 Town Clerk made request to the Town Board for help to enable her to maintain the responsibilities of her office relative to filing, maintaining and updating vault records, and other day to day needs; there for be it

RESOLVED, that the Town Board of the Town of Plattsburgh extend the Deputy Clerks hours by 10 hours a week.

RESOLVED, that funding for the extended hours shall be taken from A1430.1500 to enable the Deputy Clerk to work 10 hours per week at a rate of \$9.00 per hour until December 31, 2006.

RESOLUTION NO. 06-261

AUTHORIZING AGREEMENT TO ACCEPT OWNERSHIP OF THE CUMBERLAND HEAD ROAD FROM CLINTON COUNTY

Motion by: John F. St. Germain
Carried by: Ayes 5

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, the County of Clinton sponsored a project to construct the Commodore Thomas McDonough Highway from State Route 9 through the center of the Cumberland Head peninsula which provides direct access to the Lake Champlain Transportation Company’s ferry terminal, and as part of the sponsorship, the County borne all costs associated with the construction of said roadway; and

WHEREAS, the Town of Plattsburgh is one of the partners involved in the project from the initial implementation of the preliminary design phase through the promulgation of the final design; and

WHEREAS, the Town of Plattsburgh recognizes that there is a definite benefit to the residents of the Town residing on the Cumberland Head peninsula as well as to the traveling public due to the improved safety conditions, an opportunity for recreational expansion and the opportunity for additional residential development to take place, and in light of these benefits, the Town agrees to accept ownership of the perimeter road around the peninsula; and

WHEREAS, a survey of the perimeter road was conducted on March 21, 2006 with representatives of both the Town of Plattsburgh and the County of Clinton and resulted in an agreement between the highway superintendents of the respective municipalities as to an itemized list that needed to be accomplished prior to the transfer of said roadway; and

WHEREAS, County highway department crews completed all items of work as agreed to by the respective parties and the County Highway Superintendent and the Town Highway Superintendent have conducted an inspection of these items and agree that all phases of work have been satisfactorily completed; now, therefore be it,

RESOLVED, that the Town Board hereby agrees to accept ownership of the Cumberland Head Road from Fiske Corners (intersection of Firehouse Lane and the Cumberland Head Road) and continuing 6.08 ± miles around the perimeter of the peninsula and terminating at The intersection of the Commodore Thomas McDonough Highway and the Cumberland Head Road which will encompass both the east and west legs of the Cumberland Head Road; and be it further,

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute all necessary documents to accept said road.

Discussion: yes

RESOLUTION NO.06-262

BOND RESOLUTION, AUTHORIZING THE ISSUANCE OF UP TO \$200,000 TO FINANCE THE COSTS OF ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO TOWN HALL.

Motion by: John F. St Germain
Carried by: Ayes 5

Seconded by: Thomas E. Wood
Nays 0

WHEREAS, the Town Board of the Town of Plattsburgh (the “Town”), a municipal corporation of the State of New York, located in the County of Clinton, hereby determines that it is in the public interest of the Town to authorize the financing of the costs of the acquisition, construction and reconstruction of improvements to Town Hall, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$200,000, in accordance with the Local Finance Law; now, therefore be it

RESOLVED, by the Town Board of the Town of Plattsburgh, County of Clinton, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Town, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$200,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition, construction and reconstruction of improvements to Town Hall, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land

necessary therefore and any preliminary and incidental costs related thereto (collectively, the "Project").

Section 2. The Town Board has ascertained and hereby states that (a) the estimated maximum costs of the Project are not to exceed \$200,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Town Board plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds; (d) the maturity of such serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs in connection with the Project for which the proceeds of any obligations authorized herein are to be applied to reimburse the Town, the Town Board took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, as described in subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law (such building being of "Class A" construction as that term is defined in Section 11.00 of the Local Finance Law) and that the period of probable usefulness of the Project is twenty-five (25) years. The serial bonds authorized herein shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of issuance of such serial bonds, or (b) the date of issuance of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town. The Town Supervisor is hereby authorized to execute on behalf of the Town all serial bonds issued pursuant to this bond resolution, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Town Clerk is hereby authorized to impress the seal of the Town (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Town Supervisor.

Section 5. The faith and credit of the Town are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution, as the same shall become due.

Section 6. When this bond resolution takes effect, the Town Clerk shall cause the same to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in Press Republican, a newspaper having a general circulation in the Town. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Town is not authorized to expend money, or the provisions of law, which should have been complied with at the date of the publication of this bond resolution, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after

the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the Town Board shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated there under by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Town Board will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Town Board that the Project will not have a significant effect on the environment.

Section 8. The Town hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The Town covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the Town, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Town to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Town to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond resolution, or any other provisions hereof, until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Town made in connection with the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution by the Town Board.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Town agrees, in accordance with, and as an obligated person with respect to such obligations under, Rule 15c2-12 (the “Rule”) promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the Town’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Town Supervisor is authorized and directed to sign and deliver, in the name and on behalf of the Town, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the Town Clerk, which shall constitute the continuing disclosure agreement made by the Town for the benefit of holders and beneficial owners of such obligations authorized herein in

accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Town and that are approved by the Town Supervisor on behalf of the Town, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the Town's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Town would be required to incur to perform thereunder. The Town Supervisor is further authorized and directed to establish procedures in order to ensure compliance by the Town with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Town Supervisor shall consult with, as appropriate, the Town Attorney and bond counsel or other qualified independent special counsel to the Town and shall be entitled to rely upon any legal advice provided by the Town Attorney or such bond counsel or other qualified independent special counsel of the Town in determining whether a filing should be made.

Section 10. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Town Board and the expiration of the period prescribed in the Town Law during which petitions for a permissive referendum may be submitted and filed with the Town Clerk.

RESOLUTION NO. 06-263
2006 Lots 71-82

Phillip A. Green, Sr. Subdivision

Motion by: Paul D. Lamoy
Carried by: Ayes 5

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, the Town of Plattsburgh Planning Board has reviewed and approved the Phillip A. Green, Sr. Subdivision 2006 Lots 71-82; and

WHEREAS, the Phillip A. Green, Sr. Subdivision 2006 Lots 71-82 has submitted a deed for conveyance of improvements to the Town representing approximately eight hundred fifty feet plus or minus (850 +/-) of new public road and related water, sanitary sewer, street lighting and storm drainage improvements; and

WHEREAS, the Town Superintendent of Highways, Recreation Director, Water and Wastewater Director and Planning and Engineering Assistant have conducted and/or supervised on-site inspection of the constructed improvements and submitted a letter dated September 1, 2006 recommending the acceptance and dedication of said improvements and new road extension; and

WHEREAS, the applicant shall prepare a final warranty deed to the Town of Plattsburgh for the new road extension and other improvements constructed in the subdivision conveying an 850 ft. ± extension of new road identified as Foxfire Drive on the subdivision plan and which road name has been verified with 911 Emergency Services and the US Postal Service; now therefore

RESOLVED, to receive and place on file a letter dated September 1, 2006 from the Town Planning and Engineering Assistant, Highway Superintendent, Water and Waste Water Facilities Director and Recreation Director; and it is further

RESOLVED, that the Town Board of the Town of Plattsburgh does hereby, upon the final warranty deed being acceptable to the Town Planning Attorney, dedicate 850± ft. of gravel road identified as Foxfire Drive extension as a Public Town Road subject to the applicants complying with the Town’s Subdivision Paving Policy adopted February 27, 2006 and as amended by Town Board resolution 06-132 on April 3, 2006; and be it further

RESOLVED, that the Town Board of the Town of Plattsburgh does authorize the Town Planning Attorney to review the said deed and upon his review and acceptance, authorize the recording of the final warranty deed in the Clinton County Clerk’s Office which conveys approximately eight hundred fifty plus or minus feet (850 +/-) of new road with public water line, sanitary sewer, street lights and other related improvements as shown on the subdivision final plans of the Phillip A. Green, Sr. Subdivision 2006 Lots 71 – 82; and be it further

RESOLVED, that the developer be required to deposit a one-year warranty deposit for the road dedication in the amount of \$1,700 (850 ft @ \$2.00 per ft. = \$1,700); and be it further.

RESOLVED, that the Town Board does hereby release and abandon the previously accepted 50 ft. wide temporary drainage easement for the Phillip A. Green, Sr. Subdivision 1998 dedication and the temporary turn-a-round easement on Lot 68, both of which are no longer necessary to be retained by the Town of Plattsburgh and does hereby direct the Town Planning Attorney to prepare any necessary documentation to execute the same.

MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS NEGOTIATIONS WITH THE CITY AT 8:30 PM.

Motion by: Paul D. Lamoy
Carried by: Ayes 5

Seconded by: Sheila A. Brockway
Nays 0

MOTION TO COME OUT OF EXECUTIVE SESSION AT 9:30 PM.

Motion by: Paul D. Lamoy
Carried by: Ayes 5

Seconded by: Sheila A. Brockway
Nays 0

ADJOURNMENT

Motion by: Paul D. Lamoy
Carried by: Ayes 5

Seconded by: Thomas E. Wood
Nays 0

RESOLVED, that this Town Board Meeting be adjourned at 9:35 PM.

Respectfully Submitted,

Amy Duquette, Town Clerk