

**TOWN OF PLATTSBURGH
TOWN BOARD SEMI – MONTHLY MEETING
SEPTEMBER 18, 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	X	

RESOLUTION NO. 06-264**Approve Minutes of the Previous Meeting**

Motion by: Paul D. Lamoy
Carried by: Ayes 4

Seconded by: Sheila A. Brockway
Nays 0

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

PUBLIC RECOGNITION

Present: See Attached

Comments: See Attached

RESOLUTION NO. 06-265**Receive Supervisor's Financial Report**

Motion by: John F. St Germain
Carried by: Ayes 4

Seconded by: Sheila A. Brockway
Nays 0

RESOLVED, to receive and place on file the Supervisor's Financial Report for the month of August 2006.

RESOLUTION NO. 06-266**Receive Report from Water and Wastewater**

Motion by: Paul D. Lamoy
Carried by: Ayes 4

Seconded by: Sheila A. Brockway
Nays 0

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

Discussion: Councilor St Germain questioned if any of the applications contained in the report for Waster or Sewer Service were funded by grants. Dave Comfort Water /Waste Water Director replied no there are no HUD funded permits on this report.

RESOLUTION NO. 06--267

Abstract 9A

Motion by: John F. St Germain
Carried by: Ayes 4

Seconded by: Sheila A. Brockway
Nays 0

RESOLVED, that the abstract of audited claims **No9A**. in the amount of (\$486,654.18), be received as reviewed by the Audit Committee and the Supervisor is hereby authorized to pay said abstracts.

RESOLUTION NO. 06--268

P/T Employees Hourly Wage Increase

Motion by: Paul D. Lamoy
Carried by: Ayes 3

Seconded by: Sheila A. Brockway
Nays 1 John F. St Germain

WHEREAS, the Town of Plattsburgh has in the past adjusted salaries for part time employees following the process of negotiations with other Town employees; and

WHEREAS, the Town has settled contracts with other employees retroactively extending their contracts with certain amendments until December 31, 2006;

NOW, THEREFORE, BE IT RESOLVED that all part time employees currently working for the Town Of Plattsburgh have their hourly rate increased by 3.5% retroactive to January 1, 2006.

NOW, THEREFORE, BE IT RESOLVED that Supervisor authorize the Budget Officer to transfer funds from contingency to allow for sufficient monies to enable the negotiated salary increased to be paid for the remainder of the 2006 Town Budget with retroactivity to January 1, 2006.

MOTION TO AMMEND RESOLUTION TO DELETE EMPLOYEES CURRENTLY WORKING.

Resolution No. 06-268

P/T Employees Hourly Wage Increase

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

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, the Town of Plattsburgh has in the past adjusted salaries for part time employees following the process of negotiations with other Town employees; and

WHEREAS, the Town has settled contracts with other employees retroactively extending their contracts with certain amendments until December 31, 2006;

NOW, THEREFORE, BE IT RESOLVED that all part time employees of the Town Of Plattsburgh have their hourly rate increased by 3.5% retroactive to January 1, 2006.

NOW, THEREFORE, BE IT RESOLVED that Supervisor authorize the Budget Officer to transfer funds from contingency to allow for sufficient monies to enable the negotiated salary increased to be paid for the remainder of the 2006 Town Budget with retroactivity to January 1, 2006.

RESOLUTION NO. 06-269

Request To Attend Accounting School

Motion by: Paul D. Lamoy
Carried by: Ayes 4

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, Town of Plattsburgh Principal Account Clerk is required to maintain skills and knowledge necessary to perform her duties and responsibilities; and

WHEREAS, the Basic Accounting School will provide information for governmental accounting, bookkeeping and accounting procedures; therefore be it

RESOLVED that Diane Miller, Principal Account Clerk, be allowed to attend the Advanced Accounting School in Lake Placid on October 17th, 18th and 19th 2006.

Discussion: Yes

RESOLUTION NO. 06-270

Request To Attend Accounting School

Motion by: Paul D. Lamoy
Carried by: Ayes 4

Seconded by: John F. St Germain
Nays 0

WHEREAS, Town of Plattsburgh Account Clerk is required to maintain skills and knowledge necessary to perform her duties and responsibilities; and

WHEREAS, the Basic Accounting School will provide information for governmental accounting, bookkeeping and accounting procedures; therefore be it

RESOLVED that Nikki Martin, Account Clerk, be allowed to attend the Advanced Accounting School in Lake Placid on October 17th, 18th and 19th 2006.

Discussion: Yes

RESOLUTION NO. 06-271

Request To Attend Assessors Conference

Motion by: John F. St Germain
Carried by: Ayes 3

Seconded by: Sheila A. Brockway
Nays 1 Paul D. Lamoy

WHEREAS, Town of Plattsburgh Assessor is required to maintain certification; and

WHEREAS, the cost for participation at the 2006 NYSAA Seminar On Assessment will be mostly reimbursed by the State; and

RESOLVED that Effa Sullivan, Assessor, be allowed to attend the NYSAA Seminar On Assessment Administration held from September 17 – September 20, 2006 in Lake Placid New York.

Discussion: Councilor Lamoy questioned why the assessor could not travel back and forth from Lake Placid for the conference. Councilor Lamoy also feels that regardless if the state is reimbursing the Town for the training it is still Tax Payers dollars. Councilor Brockway questioned if this necessary training could have been completed in New York City.

RESOLUTION NO. 06-272

Fund Transfer For G/ O Employees 2006Contract

Motion by: Paul D. Lamoy
Carried by: Ayes 4

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, on August 28, 2006 the Town of Plattsburgh and its general office employees entered into an agreement regarding salary of the general office employees' for 2006; and

WHEREAS, said contract includes retroactively from January 1, 2006 until December 31, 2006;

NOW, THEREFORE, BE IT RESOLVED that Supervisor authorize the Budget Officer to transfer funds from contingency to allow for sufficient monies to enable the negotiated salary increases to be paid for the remainder of the 2006 Town Budget with retroactivity to January 1, 2006.

Discussion: Yes

RESOLUTION NO. 06-273

Fund Transfer For A/ O Employees 2006 Contract

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

Seconded by: Paul D. Lamoy
Nays 0

WHEREAS, on August 28, 2006 the Town of Plattsburgh and its Administration employees entered into an agreement regarding salary of the Administration employees' for 2006; and

WHEREAS, said contract includes retroactively from January 1, 2006 until December 31, 2006;

NOW, THEREFORE, BE IT RESOLVED that Supervisor authorize the Budget Officer to transfer funds from contingency funds to allow for sufficient monies to enable the negotiated salary increases to be paid for the remainder of the 2006 Town Budget with retroactivity to January 1, 2006.

RESOLUTION NO. 06-274

Fund Transfer For Teamster Local 687

T/B SEMI-MONTHLY

SEPTEMBER 18, 2006

Motion by: Paul D. Lamoy

Seconded by: Sheila A. Brockway

Carried by: Ayes 4

Nays 0

WHEREAS, the Town of Plattsburgh and Teamsters Local 687, which is the recognized Bargaining Unit for certain employees of the Town of Plattsburgh, entered into a contract on August 28, 2006 regarding salary for 2006; and

WHEREAS, said contract includes retroactively from January 1, 2006 until December 31, 2006;

NOW, THEREFORE, BE IT RESOLVED that Supervisor authorize the Budget Officer to transfer funds from the contingency fund to allow for sufficient monies to enable the negotiated salary increases to be paid for the remainder of the 2006 Town Budget with retroactivity to January 1, 2006.

RESOLUTION NO. 06-275

Oil/Water Separator Cleaning

Motion by: John F. St Germain

Seconded by: Sheila A. Brockway

Carried by: Ayes 5

Nays 0

WHEREAS, it is required that the Town remains in compliance with State and Federal regulation and DOT guidelines concerning the maintenance and operation of the Town's Oil/Water Separator, and the proper operation of said equipment is necessary to meet the Town's operational needs; and

WHEREAS, the Oil/Water Separator had not been cleaned and maintained in several years causing an excess of sludge and solids to build over that period of time leading to an increase in the scope of the job beyond the original proposal quote; and

WHEREAS, Mr. Brault made several phone calls to solicit bids for the proposed service identifying OP-TECH as the only available agency able to provide the required maintenance; therefore, be it

RESOLVED that the Supervisor is authorized to make payment to OP-TECH, P.O. Box 200385, Pittsburgh, PA 15251-0385, in the amount of \$10,733.00 as full payment for Invoice 40691 as payment for the cleaning, sludge removal and decontamination of vehicles as per the attached invoice; and be it further

RESOLVED that the Supervisor be authorized to transfer \$10,000.00 from A1620.2000 Equipment/Capital Outlay to A1620.4510 Building Repair Service to appropriate the necessary funds to make said payment to OP-TECH.

RESOLUTION NO. 06-276

**To Set A Public Hearing Concerning
211 Wallace Hill Road**

Motion by: Paul D. Lamoy

Seconded by: Sheila A. Brockway

Carried by: Ayes 4

Nays 0

WHEREAS, the Town Board has received a written unsafe building report from Steven Imhoff, Code Enforcement Official, dated May 11, 2006; and

WHEREAS, Mr. Imhoff has informed the Town Board that, after several attempts to contact the owner requesting the owner to repair and make safe the building, there has been no progress made and the subject property is and has been in a state of disrepair for years and that Orders to Remedy have been served on the owner but there has been no effort to bring the property into compliance and the owner and other family members have not responded; and

WHEREAS, the report and findings by Mr. Imhoff, together with and including photographs taken on March 30, 2006 that demonstrate the unhealthy and unsafe condition consisting of trash, garbage, debris and deteriorated structure and with Board approval, Resolution 06-195, Mr. Imhoff has issued an order for repair and complete compliance stating that work must commence within 30 days of said notice and must be completed within 60 days of the date of the notice, in accordance with Local Law No. 1 of the Year 1983; and

WHEREAS, the owner has failed to comply with said notice, the Town Board, in accordance with Section 9 of above stated Local Law, shall provide for the demolition and removal of the structure within 90 days of the date of said notice; now, therefore it is

RESOLVED, that the Town Board, after due consideration of the report and recommendation, finds the same warrants ordering the structure be demolished and removed in the time frame, as recommended by Mr. Imhoff; and it is further

RESOLVED, that a public hearing will be held on said ORDER on September 25, 2006 at 6:50 PM, prevailing time at the Town Hall, 151 Banker Road in the Town of Plattsburgh, Clinton County, New York; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to have said Public Hearing Notice published in the local Press-Republican as required by Town Law; and it is further

RESOLVED, that the attached notice be served upon owner or such persons as their interest may appear, and filed all in the manner as provided by Local Law No. 1 of the Year 1983.

MOTION TO AMMEND RESOLUION TO REFLECT DATE AND TIME CHANGE.

Resolution No. 06-276

**To Set A Public Hearing Concerning
211 Wallace Hill Road**

Motion by: Bernard C. Bassett
Carried by Ayes 4

Seconded by: Paul D. Lamoy
Nays 0

WHEREAS, the Town Board has received a written unsafe building report from Steven Imhoff, Code Enforcement Official, dated May 11, 2006; and

WHEREAS, Mr. Imhoff has informed the Town Board that, after several attempts to contact the owner requesting the owner to repair and make safe the building, there has been no progress made and the subject property is and has been in a state of disrepair for years and that Orders to Remedy have been served on the owner but there has been no effort to bring the property into compliance and the owner and other family members have not responded; and

WHEREAS, the report and findings by Mr. Imhoff, together with and including photographs taken on March 30, 2006 that demonstrate the unhealthy and unsafe condition consisting of trash, garbage, debris and deteriorated structure and with Board approval, Resolution 06-195, Mr. Imhoff has issued an order for repair and complete compliance stating that work must commence within 30 days of said notice and must be completed within 60 days of the date of the notice, in accordance with Local Law No. 1 of the Year 1983; and

WHEREAS, the owner has failed to comply with said notice, the Town Board, in accordance with Section 9 of above stated Local Law, shall provide for the demolition and removal of the structure within 90 days of the date of said notice; now, therefore it is

RESOLVED, that the Town Board, after due consideration of the report and recommendation, finds the same warrants ordering the structure be demolished and removed in the time frame, as recommended by Mr. Imhoff; and it is further

RESOLVED, that a public hearing will be held on said ORDER on October 2, 2006 at 6:50 PM, prevailing time at the Town Hall, 151 Banker Road in the Town of Plattsburgh, Clinton County, New York; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to have said Public Hearing Notice published in the local Press-Republican as required by Town Law; and it is further

RESOLVED, that the attached notice be served upon owner or such persons as their interest may appear, and filed all in the manner as provided by Local Law No. 1 of the Year 1983.

Discussion: Councilor St Germain feels tearing down the house is a drastic measure. Councilor St Germain feels the houses could be repaired. Mr. Imhoff reassured Councilor St Germain that the houses in question are beyond repair. Mr. Imhoff also added that because the Town is aware of the situation, the Town could be held responsible if anyone gets into these dwellings and gets injured.

Resolution No. 06-277

**To Set A Public Hearing Concerning
5 Valley Drive**

**MOTION TO AMMENDED RESOLUTION TO REFLECT DATE AND TIME
CHANGE.**

Motion by: Paul D. Lamoy
Carried by: Ayes 4

Seconded by: John F. St Germain
Nays 0

WHEREAS, the Town Board has received a written unsafe building report from Steven Imhoff, Code Enforcement Official, dated May 11, 2006; and

WHEREAS, Mr. Imhoff has informed the Town Board that the owner is deceased and the subject property is and has been in a state of disrepair for years. Orders to Remedy have been served on the attorney for the estate, Michael Cohn and all surviving relatives, but there has been no effort to bring the property into compliance. Mr. Cohn, representing the estate, and Green

Tree Credit, mortgage holder, have been in contact with Mr. Imhoff and will not take action to remedy the situation; and

WHEREAS, the report and findings by Mr. Imhoff, together with and including photographs taken on July 6, 2006 demonstrate the unhealthy and unsafe condition consisting of trash, garbage, debris and a deteriorated structure and with Board approval, Resolution 06-196, Mr. Imhoff has issued an order for repair and complete compliance stating that work must commence within 30 days of said notice and must be completed within 60 days of the date of the notice, in accordance with Local Law No. 1 of the Year 1983; and

WHEREAS, the the attorney representing the estate and the mortgage holder have failed to comply with said notice, the Town Board, in accordance with Section 9 of above-stated Local Law, shall board-up the structure to make it safe and maintain said property within 90 days of the date of said notice; now, therefore it is

RESOLVED, that the Town Board, after due consideration of the report and recommendation, finds the same that warrants ordering the structure be boarded and maintained in the time frame, as recommended by Mr. Imhoff; and it is further

RESOLVED, that a public hearing will be held on said ORDER on October 2, 2006 at 6:45 PM, prevailing time at the Town Hall, 151 Banker Road in the Town of Plattsburgh, Clinton County, New York; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to have said Public Hearing Notice published in the local Press-Republican as required by Town Law; and it is further

RESOLVED, that the attached notice be served upon owner or such persons as their interest may appear, and filed all in the manner as provided by Local Law No. 1 of the Year 1983.

AMMENDED RESOLUTION TO REFLECT DATE AND TIME CHANGE.

Resolution No. 06-277

**To Set A Public Hearing Concerning
5 Valley Drive**

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

Seconded by: **Sheila A. Brockway**
Nays **0**

WHEREAS, the Town Board has received a written unsafe building report from Steven Imhoff, Code Enforcement Official, dated May 11, 2006; and

WHEREAS, Mr. Imhoff has informed the Town Board that the owner is deceased and the subject property is and has been in a state of disrepair for years. Orders to Remedy have been served on the attorney for the estate, Michael Cohn and all surviving relatives, but there has been no effort to bring the property into compliance. Mr. Cohn, representing the estate, and Green Tree Credit, mortgage holder, have been in contact with Mr. Imhoff and will not take action to remedy the situation; and

WHEREAS, the report and findings by Mr. Imhoff, together with and including photographs taken on July 6, 2006 demonstrate the unhealthy and unsafe condition consisting of trash, garbage, debris and a deteriorated structure and with Board approval, Resolution 06-196, Mr. Imhoff has issued an order for repair and complete compliance stating that work must commence within 30 days of said notice and must be completed within 60 days of the date of the notice, in accordance with Local Law No. 1 of the Year 1983; and

WHEREAS, the the attorney representing the estate and the mortgage holder have failed to comply with said notice, the Town Board, in accordance with Section 9 of above-stated Local Law, shall board-up the structure to make it safe and maintain said property within 90 days of the date of said notice; now, therefore it is

RESOLVED, that the Town Board, after due consideration of the report and recommendation, finds the same that warrants ordering the structure be boarded and maintained in the time frame, as recommended by Mr. Imhoff; and it is further

RESOLVED, that a public hearing will be held on said ORDER on October 2, 2006 at 6:45 PM, prevailing time at the Town Hall, 151 Banker Road in the Town of Plattsburgh, Clinton County, New York; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to have said Public Hearing Notice published in the local Press-Republican as required by Town Law; and it is further

RESOLVED, that the attached notice be served upon owner or such persons as their interest may appear, and filed all in the manner as provided by Local Law No. 1 of the Year 1983.

RESOLUTION NO. 06-278 **To Set A Public Hearing Concerning 16 Mohican Lane**

Motion by: Paul D. Lamoy
Carried by: Ayes 4

Seconded by: John F. St Germain
Nays 0

WHEREAS, the Town Board has received a written unsafe building report from Steven Imhoff, Code Enforcement Official, dated May 11, 2006; and

WHEREAS, Mr. Imhoff has informed the Town Board the owner is deceased and the subject property is and has been in a state of disrepair for years and that Orders to Remedy have been served but there has been no effort to bring the property into. Mr. Keable, representing the estate, and GMAC, mortgage holder, have been in contact with Mr. Imhoff and will not take action to remedy the situation; and

WHEREAS, the report and findings by Mr. Imhoff, together with and including photographs taken in June of 2006 demonstrate the unhealthy and unsafe condition consisting of trash, garbage, debris and a deteriorated structure, and with Board approval, Resolution 06-194, Mr. Imhoff has issued an order for repair and complete compliance stating work must commence within 30 days of said notice and must be completed within 60 days of the date of the notice, in accordance with Local Law No. 1 of the Year 1983; and

WHEREAS, the attorney representing the estate and the mortgage holder have failed to comply with said notice, the Town Board, in accordance with Section 9 of above-stated Local Law, shall provide for the demolition and/or removal of structure(s) within 90 days of the date of said notice; now, therefore it is

RESOLVED, that the Town Board, after due consideration of the report and recommendation, finds the same that warrants ordering the structure be demolished and removed in the time frame, as recommended by Mr. Imhoff; and it is further

RESOLVED, that a public hearing will be held on said ORDER on September 25, 2006 at 6:50 PM, prevailing time at the Town Hall, 151 Banker Road in the Town of Plattsburgh, Clinton County, New York; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to have said Public Hearing Notice published in the local Press-Republican as required by Town Law; and it is further

RESOLVED, that the attached notice be served upon owner or such persons as their interest may appear, and filed all in the manner as provided by Local Law No. 1 of the Year 1983.

MOTION TO AMMEND RESOLUTION TO REFLECT DATE AND TIME CHANGE .

Resolution No. 06-278

**To Set A Public Hearing Concerning
16 Mohican Lane**

WHEREAS, the Town Board has received a written unsafe building report from Steven Imhoff, Code Enforcement Official, dated May 11, 2006; and

WHEREAS, Mr. Imhoff has informed the Town Board the owner is deceased and the subject property is and has been in a state of disrepair for years and that Orders to Remedy have been served but there has been no effort to bring the property into. Mr. Keable, representing the estate, and GMAC, mortgage holder, have been in contact with Mr. Imhoff and will not take action to remedy the situation; and

WHEREAS, the report and findings by Mr. Imhoff, together with and including photographs taken in June of 2006 demonstrate the unhealthy and unsafe condition consisting of trash, garbage, debris and a deteriorated structure, and with Board approval, Resolution 06-194, Mr. Imhoff has issued an order for repair and complete compliance stating work must commence within 30 days of said notice and must be completed within 60 days of the date of the notice, in accordance with Local Law No. 1 of the Year 1983; and

WHEREAS, the attorney representing the estate and the mortgage holder have failed to comply with said notice, the Town Board, in accordance with Section 9 of above-stated Local Law, shall provide for the demolition and/or removal of structure(s) within 90 days of the date of said notice; now, therefore it is

RESOLVED, that the Town Board, after due consideration of the report and recommendation, finds the same that warrants ordering the structure be demolished and removed in the time frame, as recommended by Mr. Imhoff; and it is further

RESOLVED, that a public hearing will be held on said ORDER on October 2, 2006 at 6:55 PM, prevailing time at the Town Hall, 151 Banker Road in the Town of Plattsburgh, Clinton County, New York; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to have said Public Hearing Notice published in the local Press-Republican as required by Town Law; and it is further

RESOLVED, that the attached notice be served upon owner or such persons as their interest may appear, and filed all in the manner as provided by Local Law No. 1 of the Year 1983.

RESOLUTION NO. 06-279

3 % Phil Green Subdivision Construction

Motion by: Paul D. Lamoy
Carried by: Ayes 4

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, the Town of Plattsburgh Planning Board has reviewed and approve Philip A. Green, Sr. Subdivision 2004 Lots 58-70 project; and

WHEREAS, in a letter dated September 1, 2006 Mr. Von Bargaen, Planning and Engineering Assistant did recommend for the Town Board to accept and dedicate improvements constructed by Mr. Philip A. Green for said project and the Town Board did accept and dedicate the improvements on September 5, 2006 by resolution no. 06-263; and

WHEREAS, the Planning and Engineering Assistant has recommended that the 3% construction deposit for this project in the amount of \$4,113.00 be refunded by the Town and applied toward the developers obligation of the amended Town Paving Policy for subdivisions with the accrued interest to date being returned directly to Mr. Phillip A. Green, Sr.; now therefore be it

RESOLVED, that the Supervisor is hereby authorized and directed to release the said deposit in the amount of \$4,113.00 plus accrued interest to date; and it is further

RESOLVED, that this deposit be refunded and directed to fulfill the developer's obligation for the outstanding balance due for the amended Town paving policy for reimbursing asphalt material costs and the accrued interest to be refunded directly to the applicant.

RESOLVED, that a certified copy of this resolution be forwarded, by the Planning Department Secretary, with the return of a check to the applicant for the amount of accrued interest to the applicant.

ADJOURNMENT

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

Seconded by: Sheila A. Brockway
Nays 0

RESOLVED, that this Town Board Meeting be adjourned at 8:42 PM.

Respectfully Submitted,

Amy Duquette , Town Clerk