

**TOWN OF PLATTSBURGH  
TOWN BOARD WORKSESSION  
OCTOBER 22, 2007**

During the regularly scheduled work session the meeting was called to order at 6:50 pm and resolutions 07-254, 07-262 and 07-263 were brought to the table for further discussing and action as noted by the minutes.

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

**PUBLIC RECOGNITION**

**Present:** See Attached

**MOTION TO FORMALLY OPEN THE MEETING AT 6:50 PM.**

<b>Motion by:</b> Thomas E. Wood		<b>Seconded by:</b> John F. St Germain	
<b>Carried by:</b> Ayes 5		<b>Nays</b> 0	

<u><b>RESOLUTION NO. 07-254</b></u>	<u><b>Receive Supervisor's Financial Report</b></u>
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<b>Motion by:</b> Thomas E. Wood		<b>Seconded by:</b> Sheila A. Brockway	
<b>Carried by:</b> Ayes 5		<b>Nays</b> 0	

**RESOLVED**, to receive and place on file the Supervisor's Financial Report for the month of September 2007.

**RESOLUTION NO. 07-262**

**Zoning Ordinance for the Town of  
Plattsburgh**

<b>Motion by:</b> Sheila A. Brockway		<b>Seconded by:</b> Gerard A. Renadette	
<b>Carried by:</b> Ayes 5		<b>Nays</b> 0	

**WHEREAS**, the Town Board received from the Planning Board of the Town of Plattsburgh its recommendation that a public hearing be held to consider the advisability of amending certain provisions and articles of the of the Zoning Ordinance of the Town of Plattsburgh as more particularity described in the proposed amendments; and

**WHEREAS**, the Town Board thereafter duly called a public hearing for the consideration of the aforesaid amendment and gave due notice thereof as required by law; and

**WHEREAS**, said public hearing was held by this Town Board at the Town Hall at 151 Banker Road, Plattsburgh, New York, on the 2nd day of July, 2007, at 6:45 o'clock P.M. of said day; at which time the proposed amendments and proposed long form SEQR materials we available, and

**WHEREAS**, adjoining Towns and the Clinton County Planning Board have been provided with a copy of proposed zoning ordinance and no comments have been received, therefore.

**WHEREAS**, the Town Board has previously declared the project to be an unlisted action and conducted its review of the application pursuant to the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, said Part 617 of the Environmental Conservation Law provides for an involved agency to review any action for the purpose of determining the effect of said action on the environment; and

**WHEREAS**, said determination of the effect of said action on the environment will be necessary to determine whether a Draft Environmental Impact Statement (DEIS) is required; and

**WHEREAS**, the Town Board is considered an involved agency in accordance with State Laws for the purpose of assessing the effect of this "Project" on the environment and whether or not said effect is significant enough to warrant the preparation of a Draft Environmental Impact Statement (DEIS); and

**WHEREAS**, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, and.

**WHEREAS**, it is the opinion of the members of the Town Board that the best interests of the Town Plattsburgh will be served by the adoption of said amendments,

**NOW THEREFORE BE IT IS, RESOLVED**, that the Town Board of the Town of Plattsburgh after review of the said proposed amendments to the zoning ordinance, review and consideration of comments made at the public hearing on the project, the completed EAF long form, and related materials, accordingly the Town Board issues the attached negative declaration under SEQRA for the, determining that the 'Project' will NOT have a significant effect on the environment, and the preparation of a DEIS is NOT required; and, be it further

**RESOLVED**, that the Town Board of the Town of Plattsburgh does hereby authorize and direct the Supervisor to complete and have prepared and to execute a "Notice of No Significant Environmental Impact" (NEGATIVE DECLARATION) for this 'Project' and, be it further

**RESOLVED**, that the "Notice of No Significant Environmental Impact" (NEGATIVE DECLARATION), and all related material shall be maintained on file at the Town Bali Offices of the Town Board and available for Public Inspection, and, the reasons for the decision are stated in the attached negative declaration, and be it further

**RESOLVED**, that the Zoning Ordinance of the Town of Plattsburgh be and the same hereby is amended so that Ordinance shall read as follows: see summary of changes attached:

**RESOLVED**, that said amendment and change shall take effect immediately; and

**RESOLVED**, that said amendment be entered in the minutes of the meeting of the Town Board of the Town of Plattsburgh, held on the 15th day of October, 2007, and that a certified copy thereof be published in the **PRESS REPUBLICAN** newspaper and that affidavits of publication be later filed with the Town Clerk.

**RESOLVED**, that the amendments shall be effective upon publication in accordance with section 265 of the Town Law.

**RESOLUTION NO. 07-263****Morrisonville Chlorinator Serial Bond**

**Motion by: Thomas E. Wood**  
**Carried by: Ayes 4**

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

**BOND RESOLUTION, DATED October 22, 2007, AUTHORIZING THE ISSUANCE OF \$320,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE TOWN OF PLATTSBURGH, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE MORRISONVILLE CHLORINATOR, IN THE TOWN OF PLATTSBURGH, CLINTON COUNTY, NEW YORK.**

**WHEREAS**, the Town Board of the Town of Plattsburgh (the "Town") called a public hearing on June 18, 2007 pursuant to the provisions of Section 202-b of the Town Law, and such hearing was duly noticed and duly held; and

**WHEREAS**, on July 2, 2007 the Town Board held such public hearing as required by law and on the date hereof made findings and determinations and now desires to authorize the financing in part of the improvements to the Morrisville chlorinator in and for the Town of Plattsburgh Consolidated Water District (the "District") through the issuance of obligations of the Town to provide funds for such improvement at a total cost of no more than \$320,000 including preliminary costs, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Plattsburgh, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Town of Plattsburgh, New York, in an aggregate principal amount not to exceed \$320,000 pursuant to the Local Finance Law, in order to finance the cost of the acquisition, construction and reconstruction of improvements to the Morrisonville Chlorinator of the District in said Town, including the acquisition of equipment, machinery, apparatus, land and rights-in-land necessary therefor, including preliminary costs (the "Project").

Section 2. The Town Board of the Town has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$320,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Town Board of the Town plans to finance the costs of the Project from \$320,000 proceeds of the serial bonds or bond anticipation notes authorized herein; and (d) the amount

of serial bonds authorized herein shall be reduced *pro tanto* to the extent of moneys received or to be received from federal or State of New York agencies or other third party sources.

Section 3. It is hereby determined that the Project is a specific object or purpose described in subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. 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 and an annual appropriation shall be made for the payment of such principal and interest as the same shall be due, and an amount sufficient therefor shall be levied, assessed and collected from the several lots and parcels of land within the District at the same time and in the same manner as other Town charges.

Section 5. Subject to the terms and conditions of this bond resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00, 56.00 and 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this bond resolution and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes authorized by this bond resolution, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, including renewal notes, is 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, including renewal notes, issued in anticipation of the issuance of such serial bonds, and the Town Clerk of the Town is hereby authorized to affix the seal of the Town to all such serial bonds and all such bond anticipation notes, including renewal notes issued in anticipation of the issuance of such serial bonds, and the Town Clerk is hereby authorized to affix the seal of the Town to all such serial bonds, and all such bond anticipation notes including renewal notes, and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the facsimile signature of the Town Supervisor. Such serial bonds, if, as and when issued

may be authenticated by the countersignature of a fiscal agent of the Town or by the appropriate designated officer of the Town pursuant to Section 70.00 of the Local Finance Law, as amended.

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 Plattsburgh Press Republican, a newspaper having a general circulation in the Town. The validity of the serial bonds authorized by this bond resolution and of bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this bond resolution are 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.

Section 7. Prior to the issuance of obligations authorized by this bond resolution, the Town Board of the Town shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder 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 of the Town will re-adopt, amend or modify this bond resolution prior to the issuance of obligations authorized to be issued herein upon the advice of bond counsel. It is hereby determined by the Town Board of the Town that the Project will not have a significant effect on the environment.

Section 8. The Town intends to issue the obligations authorized by this bond resolution to finance the costs of the Project. The Town covenants for the benefit of the holders of the obligations authorized herein 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 facilities financed with the proceeds of such obligations 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 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 any facilities 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 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 the bonds or any other provisions hereof until the date which is 60 days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized to herein may be applied to reimburse expenditures or commitments of the Town made for such purpose on or after a date which is not more than 60 days prior to the date of adoption of this bond resolution by the Town. The Town expects to expend general funds or other available moneys for the purposes which should be reimbursed from the proceeds of such obligations.

Section 9. For the benefit of the holders and beneficial owners from time to time of the bonds and bond anticipation notes authorized pursuant to this bond resolution (the "obligations"), the Town agrees, in accordance with and as an obligated person with respect to the obligations, under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), 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 the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this 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

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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. The Town Supervisor acting in the name and on behalf of the Town, shall be entitled to rely upon any legal advice provided by the Town Attorney or such bond counsel or other special counsel in determining whether a filing should be made.

Section 10. This bond resolution shall take effect immediately upon its adoption by the Town Board of the Town.

**DISCUSSION: Supervisor Bassett reviewed the history of the account. Councilor St Germain is still concerned with the bond. Councilor Renadette spoke with Diane Miller and the Association of Towns and the bond is legal to do.**

**ADJOURNMENT**

<b>Motion by:</b>	<b>Gerard A. Renadette</b>	<b>Seconded by:</b>	<b>John F. St Germain</b>
<b>Carried by:</b>	<b>Ayes 5</b>	<b>Nays 0</b>	

**RESOLVED**, that this Town Board Meeting be adjourned at 7:17 PM.

**Respectfully Submitted,**

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**Bernard Bassett, Town Supervisor**