

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
FEBRUARY 4, 2008**

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

	<u>Present</u>	<u>Absent</u>
MEMBERS: Bernard C. Bassett, Supervisor	X	
Martin D. Mannix, 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	

RESOLUTION NO. 08-62 Approve Minutes of the Previous Meeting

Motion by:	Gerard A. Renadette	Seconded by:	Sheila A. Brockway
Carried by:	Ayes 5	Nays	0

RESOLVED, that the minutes of January 14, 2008 the previous meeting be approved and the reading of the minutes be dispensed with.

PUBLIC RECOGNITION

Present: See Attached

Comments: None

Committee Reports
See Attached

RESOLUTION NO. 08-63 Abstract 2A

Motion by:	Sheila A. Brockway	Seconded by:	Gerard A. Renadette
Carried by:	Ayes 5	Nays	0

RESOLVED, that the abstract of audited claims **No2A. (73232-73344)** And **(80001-80228)** in the **amount** of (\$ **3,001,746.53**), be received as reviewed by the Audit Committee and the Supervisor is hereby authorized to pay said abstracts.

RESOLUTION NO. 08-64 Receive Supervisor's Financial Report

Motion by:	Gerard A. Renadette	Seconded by:	Sheila A. Brockway
Carried by:	Ayes 5	Nays	0

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

RESOLUTION NO. 08-65 Monthly Report /Annual Report W/WW

Motion by:	Sheila A. Brockway	Seconded by:	Thomas E. Wood
Carried by:	Ayes 5	Nays	0

RESOLVED, to receive and place on file an annual report for 2007 and the January 2008 monthly report from David Comfort of the Water and Wastewater Department.

Discussion: Councilor Wood commented on the amount of work the department has done.

RESOLUTION NO. 08-66

Highway Superintendent Monthly Report

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

Seconded by: Gerard A. Renadette
Nays 0

RESOLVED, to receive and place on file a report from Fred Lavene Superintendent of Highways, for January 2008.

RESOLUTION NO. 08-67

Stuart H. Brody/ Labor Attorney

Motion by: Gerard A. Renadette
Carried by: Ayes 5

Seconded by: Martin D. Mannix
Nays 0

WHEREAS, the Town of Plattsburgh (“Town” herein), retained Stuart H. Brody, Esq. (“Mr. Brody” herein) of Essex, New York as attorney to represent the Town in its labor relations with Teamsters Local 687, International Brotherhood of Teamsters, AFL-CIO (“Teamsters 687” herein) for the collective bargaining between the Town and employees represented by Teamsters 687, as well as Clerical and Administrative employees; and

WHEREAS, at the request of the Town Supervisor, Mr. Brody has submitted to the Town a renewal contract to assist the Town in the administration of its current collective bargaining agreements for Town employees, as set forth in the proposed agreement; therefore be it

RESOLVED, that the Town Board approve said Agreement in its entirety for the term, which will commence retroactive to January 1, 2008 and end on December 31, 2009; and be it further

RESOLVED, that the Supervisor be authorized to sign said Agreement and to make disbursements from the General Fund of the Town for said services.

Discussion: Yes

RESOLUTION NO. 08-68

Champlain Center North Settlement

Motion by: Martin D. Mannix
Carried by: Ayes 4

Seconded by: Sheila A. Brockway
Nays 0
Abstained: Thomas E. Wood

WHEREAS, the Town of Plattsburgh, Clinton County and the Beekmantown School District have completed proceedings in the Supreme Court pursuant to Article 7 of the Real Property Tax Law to review the Town of Plattsburgh’s (“Town”) assessments of certain real property identified on each of the 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007 Town final Assessment Rolls as Parcel No.: 206.4-2-1.2 being the real property mentioned and described in the Petitions filed; and

WHEREAS, to avoid the costs of further litigation and any further interest charges, the parties have reached an agreement for compromise and settlement of all proceedings and have come to agreement as indicated by the Stipulation and Consent Order for settlement filed in the Clinton County Clerk’s Office on January 11, 2008; now, therefore be it

RESOLVED, that the Supervisor is authorized to comply with the Stipulation and Consent Order by

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making total refund payment in the amount of eighty four thousand forty five dollars, \$84,045.00 made payable to Gilberti Stinziano Heintz & Smith, P.C., 555 East Genesee Street, Syracuse, New York 13202-2159, attorneys for Petitioner, and be it further

RESOLVED, that the Ambulance, Lighting, Sewer and Water Districts impacted by said Stipulation shall make payment, as indicated by the attached payment schedule, from their reserve fund balance; be it further

RESOLVED, that, in order to comply with the timeliness of the Consent Order, the Town of Plattsburgh will make payment for District 3 Fire Department and bill said District in the amount of \$29,478.91 as payment in full and reimbursement to the Town's General Fund.

Discussion: Supervisor Bassett pointed out that 2008 was removed; it was in the previous document, he noted that by removing 2008 there was a slight change .

RESOLUTION NO. 08-69

Employee Assistance Service (EAS)

Motion by: Martin D. Mannix
Carried by: Ayes 4

Seconded by: Sheila A. Brockway
Nays 1 Thomas E. Wood

WHEREAS, the Town of Plattsburgh ("Town" herein) has had an annual contract with the Behavior Services North Inc., doing business as Employee Assistance Services ("Agency" herein), whereby Agency provides informational services to the Town as an employer and, among other services, provides counseling to employees of the Town; and

WHEREAS, Agency will submit to the Town its Town of Plattsburgh Employee Assistance Services Annual Report from January 1, 2008 to December 31, 2008 upon completion in January 2009; and

WHEREAS, the Town Board has provided, within the General Fund of the Town of Plattsburgh 2008 budget, the sum of \$25.00 per annum per covered employee for the renewal of its one-year contract with Agency; and

WHEREAS, Agency has submitted a proposed contract dated as of the first day of January 2008 for a one-year renewal of the annual contract between Agency and Town for the sum of \$25.00 per annum to be paid by Town to Agency upon execution of said contract by the Town; and

WHEREAS, the Town attorney has approved as to form the one-year contract submitted by the Agency; now, therefore, it is

RESOLVED, that the one-year renewal contract submitted by Agency is and the same hereby is approved and the Supervisor be and he hereby is authorized to execute the same for the Town for the year 2008.

Discussion: Yes

RESOLUTION NO. 08-70

DDS Worksite Agreement

Motion by: Gerard A. Renadette

Seconded by: Sheila A. Brockway

WHEREAS, Clinton County Department of Social Services has submitted to the Supervisor of the Town of Plattsburgh ("Sponsor" herein) an Agreement whereby the Town agrees to provide for the

Discussion: Yes

RESOLUTION NO. 08-73

**Cadyville- Morrisonville Water Line
Payment**

Motion by: Martin D. Mannix
Carried by: Ayes 5

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, Jan N. Chauvin has submitted request for payment, request #1, for Work done from June 01, 2007 to November 9, 2007 for Cadyville-Morrisonville Water Line Connection; and

WHEREAS, Laberge Group has reviewed and verified said work; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to make Payment No.1 for Voucher dated January 18,2008 in the amount of \$1,736.43 as periodic Estimate No .1 payment to Edward Garrow & Sons, Inc.; and, it is further

RESOLVED, that said payment is to be made payable to Ed Garrow and Sons Inc. 982 Military Turnpike, Plattsburgh, New York, from the Cadyville-Morrisonville Water Line Connection Water District Improvement Capital Project.

Discussion: Supervisor Bassett mentioned the request for an extension due to some issues with DOT and getting a permit to work in their right of way.

RESOLUTION NO. 08-74

**Morrisonville Well Control System
Advertisement For Bids**

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

Seconded by: Martin D. Mannix
Nays 0

WHEREAS, the Town Board has previously authorized the improvements required for the Morrisonville Chlorination and Well Development projects; and

WHEREAS, the consulting Engineers, Laberge Engineering & Consulting Group Ltd. is preparing RFP's for the remaining materials, equipment, machinery, and apparatus to facilitate completion of these projects; therefore be it

RESOLVED, that the Town Clerk is hereby authorized to advertise for bids for the project entitled **Morrisonville Well Control System** and that said advertisement shall be placed in the official paper of the Town as soon as possible.

Discussion: Councilor Wood reflected on conversations with Dave Comfort regarding the variable pumps and monitoring system. Councilor Wood spoke on behalf of Dave by stating money would be saved in the long run.

RESOLUTION NO. 08-75

Naming of Private Driveway Solar Way

Motion by: Martin D. Mannix
Carried by: Ayes 4

Seconded by: Sheila A. Brockway
Nays 1 Thomas E. Wood

WHEREAS, The Town of Plattsburgh has received a letter from Fred Lavene Town of Plattsburgh Highway Superintendent in regard to the request of Curt Snyder to name a private drive and

WHEREAS, the name request would be Solar Way, a private drive off Kimberly Lane Subdivision in Town of Plattsburgh; therefore, be it;

RESOLVED, that the Town Board of the Town of Plattsburgh hereby accepts the name request from Fred Lavene and will contact the Clinton County Emergency Preparedness Office and the Clinton County Planning Board relative to the Solar Way as a Town of Plattsburgh approved road name; and be it further,

RESOLVED, that the Town of Plattsburgh by acceptance of this request assumes no obligation for maintenance or signage for Solar Way. And be it further

RESOLVED, that the Town of Plattsburgh by acceptance of this request assumes no obligation for maintenance or signage for Solar Way.

Discussion: Supervisor Bassett said that with this being a private way there is no responsibility or obligation for the town. Supervisor Bassett spoke with Mr. Day and given that this is a .2 mi. road there is always some concern that in the event of an emergency, if a building is set back on a street it can be difficult to identify. Mr. Day said it works better for them if there is a marker or street name. Councilor Wood feels we should not be naming private driveways and said there are too many names and signs for people to look for.

RESOLUTION NO. 08-76

Unused Vacation Time

Motion by: Gerard A. Renadette
Carried by: Ayes 5

Seconded by: Martin D. Mannix
Nays 0

WHEREAS, Phil Corell, Bookkeeper for the Town of Plattsburgh, has discovered that two employees have excess vacation time beyond what the new contract permits them to carry over to 2008 and,

WHEREAS, Sharon King has thirty hours (30) and Marsha Wynne has fifteen (15) hours in excess from 2007; and

WHEREAS, changes in with the new wording for the new General Employee contract does not allow them carry these hours into 2008; therefore be it

RESOLVED, that Sharon King and Marsha Wynne be allowed to carry over excess time from 2007 to 2008.

Discussion: Councilor Brockway said due to them being allowed to carry over the hours in the past and not realizing this time they would not, she feels we should allow it. Councilor Mannix said the contract was passed with a retroactive clause in it, which they would have been caught in.

RESOLUTION NO. 08-77

Letter of Resignation - Linda Bourgeois

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

Seconded by:
Nays 0

RESOLVED, to receive and place on file a letter of resignation from Linda Bourgeois regarding her appointment to the Town of Plattsburgh Assessment Review Board effective January 7, 2008 and it is further

RESOLVED, that the Town Board of the Town of Plattsburgh does hereby wish to thank her for her service and wish her well with her further endeavors.

RESOLUTION NO. 08-78

Reappointment - Ted Luck

Motion by: Gerard A. Renadette
Carried by: Ayes 5

Seconded by: Martin D. Mannix
Nays 0

WHEREAS, Mr. Ted Luck’s term as member of the Board Of Assessment Review expired on September 30, 2007 and he is desirous of continuing to serve on the Board, therefore be it;

RESOLVED, that the Town Board of the Town of Plattsburgh does hereby reappoint Ted Luck to a five year term to the Board Of Assessment Review for a term to expire on September 30, 2012.

Discussion: Yes

RESOLUTION NO. 08-79

Codes and Zoning Alternate Member

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

Seconded by: Thomas E. Wood
Nays 0

WHEREAS, a vacancy exist as an alternate member on Zoning Board of Appeals; and,

WHEREAS, Diane Drollette is willing to serve, and Mr. Wally Day Chairman of the Zoning Board concurs with this action and it is recommended that the Town Board consider appointing Diane Drollette as an alternate; therefore be it,

RESOLVED, that the Town Board of the Town of Plattsburgh does hereby appoint Diane Drollette, residing in the Town of Plattsburgh, to the Town of Plattsburgh Zoning Board of Appeals, as an Alternate Member of said board with a term to expire December 31, 2009.

Discussion: Councilor Renadette welcomes Diane back to the Board.

RESOLUTION NO.08-80

RESOLUTION AUTHORIZING CWSRF APPLICATION AND AGREEMENT FOR PROJECT FINANCING NEW YORK CLEAN WATER STATE REVOLVING FUND

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

Seconded by: Thomas E. Wood
Nays 0

WHEREAS, the Town of Plattsburgh herein called the "Applicant", after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as: Champlain Park Pump Station and identified as CWSRF Project Number(s) C5-5503-09-00 herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution

control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989, as amended (the "CWSRF Act") established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY the Town of Plattsburgh Town Board that:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The Supervisor, Bernard C. Bassett is directed and authorized as the official representative of the Applicant to execute and deliver an application for CWSRF assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required.
3. Supervisor Bassett is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both.
4. One (1) certified copy of this Resolution shall be prepared and sent to the **New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997.**
5. This Resolution shall take effect immediately.

Discussion: Supervisor Bassett said the resolution is tailored to meet the requirements for our application to this fund. We have already authorized and had been working toward the decommissioning of the Champlain Park Wastewater Treatment Station, to the tune of 2,000,000.00 saving the 4,000,000.00 to try to repair and move things along. This is an opportunity to get funding at a significant savings. We are in a good position for the 2,000,000.00. As many communities you want to obtain funding before you get deeply involved in a project. This is a project that we knew we had to take on; something had to be done at that plant. The advantage the town has now is that as these funds are available and applicable to projects of this nature, they want to put the money in a project that will be followed through with.

RESOLUTION NO.08-81

**AUTHORIZING THE LABERGE GROUP
TO PROCEED WITH CWSRF
APPLICATION AND AGREEMENT FOR
PROJECT FINANCING**

Motion by:	Gerard A. Renadette	Seconded by:	Thomas E. Wood
Carried by:	Ayes 5	Nays 0	

WHEREAS, the Town of Plattsburgh herein called the "Applicant", after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as: Champlain Park Pump Station and identified as CWSRF Project Number(s) C5-5503-09-00 herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989, as amended (the "CWSRF Act") established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, it is in the best interest of the Town of Plattsburgh to work toward preservation of Lake Champlain Water and the Lake Champlain Basin and to meet the needs of property owners on Cumberland Head, and

WHEREAS, the firm of Laberge Group, 4 Computer Drive West, Albany, New York 12205, duly licensed under the Laws of the State of New York be authorized to prepare and manage the aforesaid Application for financial assistance and all other plans, specifications, contracts, drawings, documents, and other necessary planning and community development work as required and as directed by the Supervisor; therefore be it

RESOLVED, that the Supervisor be authorized to enter into an agreement with the Laberge Group to prepare said Application, on behalf of the Town of Plattsburgh, for a fee not exceed \$6,000.

Discussion: Supervisor Bassett stated there is a need to act on this resolution quickly.

RESOLUTION NO.08-82

White Pines Commons Water Wastewater Escrow Account Payment Request

Motion by:	Gerard A. Renadette	Seconded by:	Sheila A. Brockway
Carried by:	Ayes 5	Nays 0	

WHEREAS, work on the sewer district extension for White Pine Commons is nearing completion and Bruce Garcia, of JCEO, has submitted a letter requesting the Town of Plattsburgh Town Board release a portion of the funds placed into an escrow account as guarantee that Town funding would not be used for said project; and

WHEREAS, David Comfort, Water and Wastewater Director, and Paul Wright, Supervisor, have reviewed said project and, as of January 8, 2008, have acknowledged approval for said payment request as stated in an attached letter from Mr. Comfort; and

WHEREAS, the Escrow Agreement between the Town of Plattsburgh and JCEO placed the sum of \$522,000.00 assigned to the Town for the completion and fulfillment of all costs in relation to construction of the sewer extension including, "...engineering fees, advertising costs, legal expenses and all construction expenses ..."; and

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WHEREAS, an amount equal to ninety percent (90%) of the value of the completed work may be paid from the Account with the Town retaining a two percent (2%) retainage deposit for the period of one year after project completion, now, therefore be it

RESOLVED, that the Supervisor is hereby authorized to release funds from Escrow Account # 325215016503, held by Key Bank, 2 Brinkerhoff Street, Plattsburgh, NY 12901 to the White Pines Common project (JCEO) in the amount of \$400,000.00 for work completed to date.

Discussion: Councilor Renadette commented that he is glad the town will be retaining some of the funds due to restoration work that will need to be completed.

ADJOURNMENT

Motion by:	Gerard A. Renadette	Seconded by:	Sheila A. Brockway
Carried by:	Ayes 5	Nays 0	

RESOLVED, that this Town Board Meeting be adjourned at 7:18 PM.

Respectfully Submitted,

Amy Duquette, Town Clerk