

RESOLVED, to receive and place on file a report from Don Lee, Codes Enforcement Officer for May 2008.

Discussion: Supervisor Bassett asked for clarification on what the alter tenant space on the report was, Steve Imhoff explained that it is Pyramid and Consumer Square bringing in new tenants.

RESOLUTION NO. 08-209

Monthly Report /Planning

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

Seconded by: Thomas E. Wood
Nays 0

RESOLVED, to receive and place on file a report from Phil VonBargen of the Planning Department for July 2008.

Discussion: Supervisor Bassett noted that this is a new item in the line up of reports and will be a regular item. This will give a heads up to other departments that may be involved in upcoming projects. Supervisor Bassett feels this will be very beneficial.

RESOLUTION NO. 08-210

Monthly Report Water/ Wastewater

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

Seconded by: Thomas E. Wood
Nays 0

RESOLVED, to receive and place on file a report from David Comfort, Director of the Water and Wastewater Department for May and June 2008.

Discussion: Supervisor Bassett spoke of the variable speed pumps that are being installed in Wells #6, 7, and 8 to be more energy efficient and user friendly on the town's infrastructure.

RESOLUTION NO. 08-211

Agricultural & Industrial Fair of Clinton County Inc.

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

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, the Town Clerk has received an application with fee for a license to conduct and operate a place of public amusement within the Town of Plattsburgh; namely, the Agricultural & Industrial Fair of Clinton County, Inc., at the Clinton County Fairgrounds; and

WHEREAS, Donald F. Lee, Code Enforcement Officer for the Town of Plattsburgh, did hereby receive from the applicant the required certificate of insurance naming the Town of Plattsburgh as additional insured; and

WHEREAS, said applicant received the issuance of a New York State Certificate of Inspection by the Code Enforcement Officer indicating full compliance and a check in the amount of six hundred dollars (\$600) has been submitted to the Town Clerk's office; therefore be it further

RESOLVED, that, upon receipt of the Certificate of Inspection for the year 2008, the Town Clerk is hereby authorized to issue said license for the period of Tuesday July 22nd through Sunday July 27, 2008.

Discussion: Councilor Mannix informed everyone that the Fair is subject to State inspection as well as the Town's inspection.

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

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, Auburn Telstar Display Fireworks, Inc., has duly submitted to the Town Board of the Town of Plattsburgh (Town herein) an application for a permit for the public display of fireworks on July 22, 2008 at the Clinton County Fairgrounds situated along Route 22B in the Town; and

WHEREAS, the Town is not required to collect a fee for the granting of such permit; and

WHEREAS, the Town Board has determined that in lieu of an adequate bond in the amount of one million dollars being provided by the applicant, a commercial general liability insurance policy in the minimum amount of one million dollars for each occurrence and general aggregate coverage in the minimum amount of one million dollars, with the Town being named as insured's on said policy, be accepted and also be submitted to the Town Attorney for his review, and upon the Town Attorney approving the application and liability insurance coverage as to form, and the Clinton County Fairgrounds as the controlling agency of the land on which the public display of fireworks is to be held having also approved the granting of said application by the Town; now, therefore it is

RESOLVED, that the Town Clerk be and she hereby is authorized and directed to issue the required permit for the public display of fireworks by the applicant on Tuesday, July 22, 2008 at the Clinton County Fairgrounds situated along Route 22B in the Town upon the Town Attorney approving the said application as complying with the conditions and requirements of section 405.00 of the Penal Law.

Discussion: Councilor Renadette questioned if in light of what happened in Ticonderoga, if Attorney Coffey felt the town would be adequately covered if named party to a lawsuit. Attorney Coffey feels we would be covered and added that Mr. Prescott would look at the coverage as well.

RESOLUTION NO.08-213

Authorize NYSDOT To Alter and Pave Intersecting Roads on Tom Miller I-87 Bridge Project

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

Seconded by: Thomas E. Wood
Nays 0

WHEREAS, in connection with the reconstruction of Tom Miller Road; Structure Over 1-87, Town of Plattsburgh, Clinton County, P.I.N. 7720.80, and under the provisions of Section 10, Subdivision 25, of the New York State Highway Law as amended, which provides in part that the Commissioner of the Department of Transportation shall "have power to combine, connect, alter, relocate, terminate and pave intersecting highways, roads or streets," and also that "maintenance of any highway, road or street which is affected by the subdivision and which in the judgment of the Commissioner, is not deemed to be part of the State Highway System shall be maintained by the municipality or the municipalities in which the streets or roads are located," and

WHEREAS, the Commissioner proposes to improve Tom Miller Road; Structure Over 1-87, Town of Plattsburgh, Clinton County, and in connection therewith to alter and pave the following roads or streets:

| <u>Name</u> | <u>Between Stations</u> | <u>Centerline (km)</u> | <u>Lane (km)</u> |
|-------------|-------------------------|------------------------|------------------|
| Quarry Road | Q 1+005 to Q 1+151 | .146 | .292 |

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WHEREAS, said highway, roads or streets are located within the Town of Plattsburgh and in the judgment of the Commissioner of the Department of Transportation will not be deemed to be part of the State Highway System, now therefore be it,

RESOLVED that the Town of Plattsburgh approves the above-described paving and altering of the town roads, and be it further

RESOLVED that upon completion of construction of the above described roads or streets, the Town of Plattsburgh will maintain such roads or streets in accordance with the provisions of the Highway Law, and be it further,

RESOLVED, that the Clerk of this Board is hereby directed to transmit four (4) certified copies of the foregoing resolution to: New York State Department of Transportation, 317 Washington, Street Watertown, New York 13601, Attn: Timothy J. Vreatt.

Discussion: Councilor Renadette asked for clarification on exactly what is being done. Supervisor Bassett explained that one of the things they are trying to do is eliminate the sharpness of the angle and change the alignment of the bridge itself by widening it. The bridge by design is anticipating the potential for four lanes. In the short term it will be two lanes with nice wide bike paths and walk ways.

RESOLUTION NO. 08-214

For the Maintenance of Sidewalks on Tom Miller Road Bridge Over I-87

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

Seconded by: Thomas E. Wood
Nays 0

WHEREAS, the New York State Department of Transportation proposes to reconstruct Tom Miller Road; Structure Over 1-87, Town of Plattsburgh, PIN 7720.80 and

WHEREAS, the State will include as part of the construction, reconstruction, or improvements of the above mentioned project the construction of sidewalks, pursuant to Section 10, Subdivision 22 & Section 140, Article 7, Subsection 18 of the Highway Law and

WHEREAS, the State will provide for the construction of the above-mentioned work, as shown on the contract plans relating to the project, now therefore be it,

RESOLVED that the Town of Plattsburgh approves the construction of sidewalks and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Plattsburgh will maintain or cause to be maintained the relocated, reconstructed and/or constructed sidewalks performed as above stated and as shown on the contract plans, including the control of snow and ice and be it further,

RESOLVED, That the Clerk of this Board is hereby directed to transmit four (4) certified copies of the foregoing resolution to: New York State Department of Transportation, 317 Washington Street, Watertown, New York 13601, Attn: Timothy J. Vreatt.

Discussion: There was lengthy discussion on the type of sidewalk that was going to be installed as well as discussion on street lighting.

RESOLUTION NO.08-215

Authorization To Execute All Agreements With DOT Concerning Tom Miller I-87 Bridge Project

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

Seconded by: Gerard A. Renadette
Nays 0

WHEREAS, the New York State Department Of Transportation will begin reconstruction of the bridge over pass of I-87 and Tom Miller Road beginning in November of 2008; and

WHEREAS, structure replacement, minor paving of intersection intersecting roads, relocation of water mains with appurtenances and replacement of concrete sidewalks will require the execution of Agreements with the NYS DOT; therefore be it

RESOLVED, that the Supervisor be authorized to execute and approve any and all Agreements with the New York State Department of Transportation regarding the State’s construction project PIN 7020.80, Tom Miller Road, Structure Over I-87 Town of Plattsburgh, Clinton County.

Discussion: Supervisor Bassett stated this is standard operating procedure for DOT.

RESOLUTION NO. 08-216

**Notice of Public Hearing for Noise Control
Local Law No.1 (introductory) for 2008**

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

Seconded by: Gerard A. Renadette
Nays: 0

WHEREAS, the residents of the Town of Plattsburgh have expressed a need to control unnecessary noise in order to preserve, protect and promote public health, safety and welfare and to foster the peace, quite, convenience and comfort of its inhabitants quality of life; and

WHEREAS, the Town Supervisor Bernard C. Bassett has introduced Town of Plattsburgh Local Law No.1 (introductory) of the year 2008 entitled:

“Town of Plattsburgh Local Law No.1 (introductory) of the year 2008, a Local Law Providing for the Control of Excessive, Unnecessary, And Unreasonable Noise,” now, therefore, be it

RESOLVED, that a public hearing will be held on said proposed Town of Plattsburgh Local Law No.1 (introductory) of the year 2008 on Monday, July 21, 2008 at 6:40 PM prevailing time, at the Town Hall, 151 Banker Road, Town of Plattsburgh, New York; and be it further

RESOLVED, 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.

Discussion: Supervisor Bassett said one of the complaints he has heard from day one was the noise problem. After many discussions with the Sheriff’s Department, State Police and others one of the things learned was the best way to approach the problem is by having a local ordinance. The ordinance is not designed to prevent anyone from having to start work early in the morning etc... That is not the intent. One of the challenges of the ordinance is the monitoring of the noise. If the law is passed, a meter should be purchased to meter decibels of sound to enable the law to be enforced. The enforcement will begin with Law Enforcement. Councilor Renadette added the reason the town will be purchasing the equipment to measure the noise is because the state police can not enforce the ordinance unless the have some way of measuring the noise that is being omitted and they do not have that equipment.

RESOLUTION NO. 08-217

**Public Hearing for Moratorium on Outdoor
Wood Boilers**

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

Seconded by: Gerard A. Renadette
Nays: 0

WHEREAS, the Town of Plattsburgh has addressed the concerns of outdoor wood boilers and or similar heating devices and systems, and desires to enacted a moratorium against said facilities to study and consider the impacts of having such facilities operate in the Town; and

WHEREAS, the Town has directed zoning and planning counsel to draft and enact such moratorium, and by reason thereof, the Town has contacted and requested Counsel to likewise report back to the Board on such topic and develop a draft local law incorporating the concerns and regulation of such devices, and

WHEREAS, the Supervisor being a member of the Town Board, has introduced Local Law 2 (introductory) of the Year 2008 for the Town of Plattsburgh entitled: “ Outdoor Wood Boiler Moratorium”, and

WHEREAS, the same had been placed on the desk of the all the members of the Town Board; and now therefore be it,

RESOLVED, that a public hearing will be held on said Local Law #2 (introductory) for the Year 2008 at 6:50 PM July 21 at the Town Hall, Town of Plattsburgh, 151 Banker Road, Plattsburgh, New York 12901; and it is further,

RESOLVED, the Town Clerk is hereby authorized and directed to cause notice of the public hearing and meeting be published in the Press Republican, in accordance with the Town Law.

Discussion: Supervisor Bassett said Steve Imhoff has worked with CJ Madonna on this and asked Steve to comment on the proposed law. Steve explained that they are not trying to prohibit out door wood boilers in the Town Of Plattsburgh, but trying to regulate them to the right areas. Keeping them out of highly dense areas where there is low airflow.

RESOLUTION NO. 08-218

BID AWARD FOR MOFFIT ROAD PROJECT

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

Seconded by: Martin D. Mannix
Nays 0

WHEREAS, bids for the Moffit Road Water Project were received on June 11, 2008 and

WHEREAS, the Consulting Engineers, Laberge Engineering & Consulting Group Ltd, have submitted their report relative to their analysis of said bids; and

WHEREAS, the recommendation of the Engineers has been accepted, approved and reviewed by the Town Attorney and Consulting Attorney; now therefore be it

RESOLVED, that Moffit Road Water Project be hereby awarded to Luck Bros Inc. 73 Trade Road Plattsburgh, New York 12901 in the amount of \$ 1,135,955.00; and be it further

RESOLVED, that the Supervisor be authorized to negotiate with the contractor to reduce the contract amount to be less than \$1,000,000.00 or failing that, cause to have prepared the requisite documents to increase the bond for this project to \$1,200,000.00

Discussion: there was discussion if the \$12,000.000.00 Bond should be increased. The board decided to leave the amount as is.

RESOLUTION NO.08-219

Award Bid For The Demolition Of Properties at 7081 Route 9

T/B MONTHLY

JULY 7, 2008

Motion by: Sheila A. Brockway

Seconded by:

Martin D. Mannix

Carried by: Ayes 5

Nays 0

WHEREAS, the Town Board had received a written Unsafe Building Report from Steven Imhoff, Code Enforcement Official, concerning properties at 7081 Rt. 9; and

WHEREAS, the Report was submitted to the Town Board and by Resolution 08-162, an order for repair and compliance in accordance with Local Law No. 1 of the year 1983 was issued; and a hearing allowing the owner an opportunity to appear and be heard before the Board on May 12, 2008 at 6:00 P.M, concerning the demolition of said property, was held and no one appeared; and

WHEREAS, following a public hearing and advertisement for bids to demolish said property, that were opened on June 16, 2008, with the Town reserving the right to waive any informalities or to reject any or all bids; now therefore be it;

RESOLVED, after full review of all bids and proposals to demolish the abandoned property, The Town awards the project to LVI Environmental Services Inc. of 462 Getty Avenue Clifton Park, New Jersey 07011 for the amount of \$24,400.00 as total price as noted by bid; and be it further,

RESOLVED, that the Supervisor is hereby authorize to sign all related documents relative to the award of said contract subject to review and approval by the Town Attorney and Town Insurance Provider.

Discussion: Councilor Wood asked if there were any other bidders, the only other bidder was OP TEC

RESOLUTION NO. 08-220

**Town of Plattsburgh Comprehensive Plan
Advisory Committee Membership**

Motion by: Sheila A. Brockway

Seconded by:

Gerard A. Renadette

Carried by: Ayes 5

Nays 0

WHEREAS, the Town of Plattsburgh Town Board has requested the Comprehensive Land Use Organizing Committee to begin the process to update the Town Comprehensive Plan; and

WHEREAS, the Committee has met and made a recommendation of fifteen people to serve on The Town's Comprehensive Plan Advisory Committee; and

WHEREAS, the following individuals have been recommended for this committee; Tom Wood, Martin Mannix, David Kimmel, Jay White, Glen Cutter, Eric Day, Tim Palmer, Jeff Wagner, John Hebert, Jerry Rosenbaum, Betty Ann King, Lorraine Locklin, Mary Carpenter, Kathy Whalen, and Colin Read; therefore be it

RESOLVED, that the recommended individuals be appointed and charged with the responsibility to update the Town's Comprehensive Plan; and be it further

RESOLVED, The Town Board does accept and confirm said appointments to serve on the Town of Plattsburgh's Comprehensive Plan Advisory Committee.

Discussion: Supervisor Bassett mentioned what a great deal of work it has been and that it is all on a voluntary basis. Councilor Wood also mentioned that this is just the beginning sub committees will be formed as well.

RESOLUTION NO.08-221

SEQRA for Champlain Park Pump Station

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

WHEREAS, the Town Board, on behalf of the Consolidated Sewer District, had proposed a project entitled Champlain Park Pump Station which the Town Board identified as an “Unlisted Action”, and

WHEREAS, the Town Board has requested to be Lead Agency for the purpose of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town has caused a Lead Agency coordination letter to be sent to involved agencies, the Clinton County Highway Department, Department of Agriculture and Markets and the New York State Environmental Facilities Corporation; and

WHEREAS, the involved agencies by direct response or by failure to respond within 30 days of the receipt of such Lead Agency request concur with the Town Board being Lead Agency for this project; therefore be it,

RESOLVED, that the Town Board shall be Lead Agency for purposes of SEQRA review for the Champlain Park Pump Station project.

RESOLUTION NO.08-222

Negative Declaration for Champlain Park Pump Station

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|--------------------|-------------------------|---------------------|---------------------------|
| Motion by: | Martin D. Mannix | Seconded by: | Sheila A. Brockway |
| Carried by: | Ayes 5 | Nays 0 | |

WHEREAS, The Town Board on behalf of the Consolidated Sewer District has proposed a project entitled Champlain Park Pump Station; and,

WHEREAS, the Town has appointed itself, after coordination with involved agencies, the Lead Agency for the proposed Champlain Park Pump Station project; and,

WHEREAS, a Full Environmental Assessment form has been completed for this unlisted action; and

WHEREAS, the Town Board has conducted a Cultural Resource survey and has received project clearance from the New York State Office of Parks Recreation and Historic Preservation; and

WHEREAS, the New York State Department of Environmental Conservation has issued the required wetland permit for infringement upon the wetland adjacent area; and

WHEREAS, no other interested or involved agency has made comment hereon; and

WHEREAS, the project intends to eliminate a Publicly Owned Treatment Works (POTW) outfall to Cumberland Bay in Lake Champlain by the elimination of the treatment works; and

WHEREAS, the project includes the appropriate storm water management requirements to protects adjacent water bodies and properties; and

WHEREAS, the pump station will be constructed on the site of the existing POTW for Champlain Park and said POTW is in need of significant upgrade to met future discharge limits to Lake Champlain; and

WHEREAS, the project will avoid habitat of threatened and endangered species; and

WHEREAS, force main will be constructed in existing utility easements and highway right of ways which have been previously disturbed; therefore, be it

RESOLVED, that the Town Board hereby determines that the proposed Champlain Park Pump Station project will not have a significant adverse effect upon the environment and that the Notice of Determination of Non-Significance dated July 7, 2008 be hereby adopted

Discussion: Supervisor Bassett explained that there were still some items to be worked on with the County Highway Department. Supervisor Bassett also mentioned the possibility of natural gas being brought to Cumberland Head when the trench is put in if enough people were interested

RESOLUTION NO. 08-223

Annex Agreement with Kelly Allen

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

Seconded by: Thomas E. Wood
Nays 0

WHEREAS, there is a need to provide for the transport of dogs that have been confiscated by the New York State Police; and

WHEREAS, in the absence of the Town of Plattsburgh Dog Control Officer transportation service is needed, and

WHEREAS, the Town Attorney has reviewed and approves an amendment to the existing Agreement with Kelly Allen for animal control services, now therefore be it

RESOLVED, the Supervisor be and hereby is authorized to sign said annexed agreement between the Town of Plattsburgh and Kelly Allen for removal and transport of dogs as indicated.

RESOLUTION NO. 08-224

Twin State Maintenance Renewal Agreement

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

Seconded by: Gerard A. Renadette
Nays 0

WHEREAS, the Town of Plattsburgh ("Town" herein) has had an annual Maintenance Renewal Agreement with Twin State; and

WHEREAS, Twin State has submit a Renewal Agreement to the Town for Service from July 16, 2008 to July 16, 2009; and

WHEREAS, the Town Board has provided, within the General Fund of the Town of Plattsburgh 2008 budget, for the renewal of its one-year contract with Twin State in the amount of \$4,265.64; and

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

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

Discussion: Supervisor Bassett said we are renewing at a very good rate. And that this is a service so it did not need to go out to bid although we may want to at some point to see what other options are out there.

RESOLUTION NO. 08-225

Peru Bus Lease

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

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, the Town Board has received a school bus lease agreement dated June 20, 2008 between the Peru Central School District and Town of Plattsburgh Recreation Department, naming the Town Of Plattsburgh as the lessee for leasing school bus(s) for recreation purposes commencing on the 30th day on June 2008 and ending the 8th day of August 2008 and subject to the terms and conditions set fourth in said lease agreement and, therefore be it

RESOLVED, that upon approval of said lease agreement by the Town Attorney, and the Town Insurance Carrier, that the Supervisor is hereby authorize to sign all related documents relative to the award of said lease agreement and he is directed to obtain and initiate thorough the Town Of Plattsburgh compliance with all other terms and provisions of said lease agreement.

RESOLUTION NO. 08-226

Authorizing to Advertise Bids for Champlain Park Pump Station Contract No. 1 General And Contract No. 2. Electrical

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

Seconded by: Gerard A. Renadette
Abstain: Thomas E. Wood
Nays 0

WHEREAS, the Town Board has previously authorized the improvements required for the Champlain Park Pump Station upgrades and;

WHEREAS, the Consulting Engineers, Laberge Engineering & Consulting Group Ltd. have prepared documents for the bid proposapals to be advertised now therefore be it

RESOLVED, that the Town Clerk is hereby authorized to advertise bids for the project entitled Champlain Park Pump Station Upgrades Contract No. 1 General and Contract No. 2 Electrical and that said advertisement shall be placed in the Press Republican as soon as possible, with bids to be opened on August 18, 2008 at 10:00 AM, at the Town of Plattsburgh Town Hall on 151 Banker Road, Plattsburgh, NY 12901.

MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONELL ISSUES AT 7:30 PM.

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

Seconded by: Sheila A. Brockway
Nays 0

