

**TOWN OF PLATTSBURGH
TOWN BOARD SEMI MONTHLY MEETING
September 15, 2008**

The meeting was called to order at 6:00 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	
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. 08-288**Approve Minutes of the Previous Meeting**

Motion by:	Sheila A. Brockway	Seconded by:	Martin D. Mannix
Carried by:	Ayes 4	Nays	0

RESOLVED, that the minutes of September 2ND and September 8TH 2008 be approved and the reading of the minutes be dispensed with.

PUBLIC RECOGNITION

Present: See Attached

Comments: John St Germain Indicated that he feels the zoning ordinance has not been upheld as far as political signs being placed in right of ways, and requested a clear answer describing what a right of way is defined as. Supervisor Bassett explained some issues may need to be further investigated such as state laws or federal laws relative to election law. Supervisor Bassett said he and Don came up with a statement, Don put together the text of what ended up going out , Supervisor Bassett concurred and noted that he made sure the statement was shared with the Board of Elections at the County level as well as the county party leaders to make sure everyone was aware. There was a section of exemptions (including the mention of political signs). Supervisor Bassett does not feel political signs are completely exempt because it is noted that the signs have to be removed within 3 days after the election. Supervisor Bassett said he and Don came up with an interpretation of what a right of way may be. In Supervisor Bassett's mind the road side is an easement area, not necessarily a public right of way. Supervisor Bassett feels the Zoning Board of Appeals should be the one to decide, but until then they had to give everybody something to work with. Attorney Coffey said that if Mr. St Germain has a question regarding the interpretation of the Zoning Code the route is thorough the Zoning Board of Appeals, it is not a Town Board decision. Councilor Mannix feels this is a good year for this to be looked at, due to the small amount of candidates. Debbie Blake spoke of the definition of public right of ways and easements and feels both Mr. Coffey and Supervisor Bassett know what an easement and public right of way are.

Committee Reports
See Attached

RESOLUTION NO. 08-289**Abstract 9B**

Motion by: Gerard A. Renadette
 Carried by: Ayes 4

Seconded by: Sheila A. Brockway
 Nays 0

RESOLVED, that the abstract of audited claims No**9B. (82237-822367)** and in the amount of (\$678,561.78), be received as reviewed by the Audit Committee and the Supervisor is hereby authorized to pay said abstracts.

RESOLUTION NO. 08-290**Supervisors' Financial Report**

Motion by: Sheila A. Brockway
 Carried by: Ayes 4

Seconded by: Martin D. Mannix
 Nays 0

RESOLVED, to receive and place on file the Supervisor's Financial Report for the month of August 2008.

RESOLUTION NO. 08-291**Town Clerk's Monthly**

Motion by: Gerard A. Renadette
 Carried by: Ayes 4

Seconded by: Sheila A. Brockway
 Nays 0

RESOLVED, to receive a report from Amy Duquette Town Clerk for the month of August 2008.

RESOLUTION NO. 08-292**Monthly Report Codes/Zoning**

Motion by: Sheila A. Brockway
 Carried by: Ayes 4

Seconded by: Gerard A. Renadette
 Nays 0

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

Discussion: Councilor Brockway commented on the number of heating systems installed.

RESOLUTION NO.08-293**Consolidation of The Town of Plattsburgh Consolidated Water District and the Archie Bordeau Water District**

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

Seconded by: Sheila A. Brockway
 Nays 0

WHEREAS, the Town Board of the Town of Plattsburgh has heretofore and on the 4th day of August, 2008, adopted a Resolution consolidating the Town of Plattsburgh Consolidated Water District and Archie Bordeau Water District and extensions thereof, into a Single Consolidated Water District,

pursuant to the provisions of Section 206 of the Town Law of the State of New York and said Resolution was adopted subject to a Permissive Referendum; and

WHEREAS, no Petition for Permissive Referendum has been received within thirty (30) days after adoption of the aforesaid Resolution and after the posting and publication thereof as required by Section 206 of the Town law of the State of New York ; and

WHEREAS, the action undertaken herein is a TYPE II ACTION, requiring no further review under 6 NYCRR 617.5; and now therefore it is ordered,

RESOLVED AND DETERMINED, the Town of Plattsburgh Consolidated Water District and Archie Bordeau Water District and extensions thereof, are consolidated into a Single Consolidated Water District, pursuant to the provisions of Section 206 of the Town Law of the State of New York, and known as the Town of Plattsburgh Consolidated Water District said consolidation shall be effective as of December 31, 2008, pursuant to the provisions and determinations as made by this Town Board in its Resolution dated August 4th, 2008; and it is further

RESOLVED, that the Town Clerk is directed to cause a certified copy of this Resolution to be recorded in the Office of the Clerk of the County of Clinton within ten (10) days after the adoption thereof.

RESOLUTION NO. 08-294

Bid Award for Champlain Park Pump Station General Contract No. 1 to Luck Brothers Inc.

Motion by: Gerard A. Renadette
Carried by: Ayes 4

Seconded by: Sheila A. Brockway
Nays 0

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

WHEREAS, bids for Chaplain Park Pump Station Contract No. 1 General were received on August 19, 2008 and

WHEREAS, the Consulting Engineers, Laberge Engineering and Consulting Group Ltd. have submitted their report relative to their analysis of bids; now therefore be it

RESOLVED, that the recommendation of said Engineers be hereby accepted, approved and adopted; and be it further,

RESOLVED, that Champlain Park Pump Station Contract No. 1 General be hereby awarded to Luck Brothers Inc. of 73 Trade Road, Plattsburgh, New York 12901 in the Base Bid amount of \$1,513,900.50; and be it further

RESOLVED, that the Supervisor be hereby authorized to reduce the contract amount in allowance with the Engineer’s recommendation in the event NYSEG opts not to have the force main trench and /or if the amount of directional drilling can be reduced.

Discussion: Supervisor Bassett noted that in the letter from Laberge, Luck Bros. was the low bidder. Councilor Renadette added that the total came in under the \$2, 000,000.00.

RESOLUTION NO.08-295

Bid Award for Champlain Park Pump Station Electrical Contract No. 2 Electrical, To Mountain Lake Electrical

Motion by:	Gerard A. Renadette	Seconded by:	Martin D. Mannix
Carried by:	Ayes 3	Nays 0	
	Reuse 1 Sheila A. Brockway		

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

WHEREAS, bids for Champlain Park Pump Station Contract No. 2 Electrical were received on August 19, 2008; and

WHEREAS, the Consulting Engineers, Laberge Engineering and Consulting Group Ltd. have submitted their report relative to their analysis of bids; now therefore be it

RESOLVED, that the recommendation of said Engineers be hereby accepted, approved and adopted; and be it further,

RESOLVED, that Champlain Park Pump Station Contract No. 2 Electrical be hereby awarded to Mountain Lake Electrical of 102 Trade Road, Plattsburgh, New York 12901 in the Base Bid amount of \$138,450.00; and be it further

RESOLVED, that the Supervisor be hereby authorized to accept and he hereby is authorized to sign all related documents relative to the award of said contract.

Discussion: Supervisor Bassett noted that Mountain Lake Electrical was the low bidder.

RESOLUTION NO. 08-296

Order to Remedy at 19 Sorrell Avenue

Motion by:	Sheila A. Brockway	Seconded by:	Martin D. Mannix
Carried by:	Ayes 4	Nays 0	

WHEREAS, the Town Board has received correspondence from Don Lee, Code Enforcement Officer regarding abandoned, unsafe and unsanitary conditions around and in the dwelling at 19 Sorrell Avenue Parcel #220.2-2-9 owner Martin and Sonja Crawford; and

WHEREAS, Mr. Lee has requested that the Town Board take action under Local Law #1 of the year 1983, regarding unsafe buildings; therefore it be

RESOLVED, that the Town Board does hereby authorize the Code Enforcement Officer to take the actions necessary to abate the unsafe conditions as required in aforementioned Local Law; and it is further

RESOLVED, that by order of this resolution, the junk and debris be picked up and hauled away with the cost thereof to be levied upon the taxes of this property in accordance with Local Law No. 1 of the year 1983 entitled "Unsafe Buildings Law, and it is further

RESOLVED, that Mr. Lee report to the Town Board with actions taken and timetables for compliance and completion date of such action.

Discussion: Councilor Renadette feels that it is unfortunate that the order has to take place, but the property was severely neglected. Steve Imhoff spoke of situation starting five years ago, and stated that no action has been taken to remedy the situation.

RESOLUTION NO. 08-297

Clerk Typist Ms. Tamber Sheppard

Motion by: Sheila A. Brockway
Carried by: Ayes 4

Seconded by: Gerard A. Renadette
Nays 0

WHEREAS, the Town of Plattsburgh has a vacancy in the position of Clerk Typist; and

WHEREAS, the position of Clerk Typist was duly posted and interviews were conducted based on a list of qualified candidates received from the Clinton County Personnel Department; and

WHEREAS, interviews for the aforementioned position were held by the Supervisor, Personnel Committee, Mr. Phil VonBargen and Mr. Allen Reece of the Planning Department; and

WHEREAS, the interview committee had made recommendation as to the selection of the appointee to aforementioned position; now, therefore, it is

RESOLVED, that the Town Board of the Town of Plattsburgh hire Ms. Tamber Sheppard as Clerk Typist, effective as soon as possible, to step one of the 2008 pay scale, pending civil service approval with a probation period of six months from her initial date of employment and it is further,

RESOLVED, that the Supervisor is hereby authorized to sign all necessary documents for the hiring of Tamber Sheppard; and it is further

RESOLVED, that a certified copy of this resolution be forwarded to the Clinton County Department of Personnel for Civil Service final approval and filing.

RESOLUTION NO. 08-298

Senior Code Enforcement Officer

Motion by: Gerard A. Renadette
Carried by: Ayes 4

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, the Town of Plattsburgh has a vacancy in the position of Senior Code Enforcement Officer; and

WHEREAS, interviews for the aforementioned position were held by the Supervisor, Personnel Committee Member Sheila A. Brockway, Thomas E. Wood and Supervisor Bernard C. Bassett; and

WHEREAS, Stephen Imhoff has held the position of Codes Enforcement Officer for 8 years and

WHEREAS, the interview committee has submitted a letter of recommendation and support for the appointment of Mr. Imhoff to the aforementioned position, now, therefore be it

RESOLVED, that the Town Board of the Town of Plattsburgh appoint Stephen Imhoff, as Zoning and Code Enforcement Officer effective October 1, 2008 at step 8 of the 2008 pay

scale pending Civil Service approval, with a probation period of six months from that date and it is further,

RESOLVED, that a certified copy of this resolution be forwarded to the Clinton County Department of Personnel for Civil Service final approval and filing.

Discussion: Councilor Brockway said Mr. Imhoff interviewed well and she feels he has done a fantastic job.

RESOLUTION NO. 08-299

SEQRA for the WIRY Project

Motion by: Sheila A. Brockway
Carried by: Ayes 4

Seconded by: Martin D. Mannix
Nays 0

WHEREAS, the Town of Plattsburgh Town Board previously adopted Local Law No. 3 of the year 2003 Regulation of Wireless Telecommunication Facilities; and

WHEREAS, Local Law No. 3 of the year 2003 mandates that no person shall operate, establish or maintain wireless telecommunications facilities until he has obtained a Special Permit to operate a wireless telecommunications facilities and has obtained a certificate of approval for the location of such wireless telecommunications facilities; and

WHEREAS, the Town of Plattsburgh Town Board did refer an application by Bill Santa, WIRY Hometown Radio, to operate an AM Radio Station, wireless telecommunication facility, on NYS RTE. 9 South to the Town Planning Board for review and recommendation report; and

WHEREAS, on September 9, 2008 the Town Planning Board by Resolution 08-61 did recommend for the Town Board to favorably consider the WIRY Hometown Radio application subject to the Town Planning Department list of recommendations letter dated September 9, 2008 and other recommendations noted within their resolution; and

WHEREAS, the Town of Plattsburgh Local Law No. 3 of 2003 requires the Town Board to schedule and give notice of a Public Hearing for all persons within 1500 feet wishing to be heard regarding the Special Use Permit application; and

WHEREAS, the General Municipal Law, Article 12B, Section 239m requires Local Law authorizations be referred to the Clinton County Planning Board if the action is within 500 ft. of the City of Plattsburgh municipal boundary or within 500 ft. of a County or State right of way; and

WHEREAS, General Municipal Law, Article 12B, Section 239nn requires Special Permit notice to an adjacent municipality when a hearing relating to the issuance of a proposed special use permit on property that is within 500 ft. of an adjacent municipality; and

WHEREAS, the proposed project location is within 1,000 ft. of the City of Plattsburgh but greater than 500 ft. distance from the municipal corporation limits and exceeds the distance required for GML 239nn notification; and

WHEREAS, Part 617 of the Environmental Conservation Law - "State Environmental Quality Review Act", Section 8-0113 provides for the review of any "ACTION" to determine the effect of said Action on the environment, along with any related administrative procedures for the implementation, authorization or approval of said Action; 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

T/B SEMI MONTHLY

September 15, 2008

WHEREAS, the Board has considered and discussed said claim and desires to resolve the claim in a manner that best represents the Town's needs and interest; therefore be it

RESOLVED, that the Town Board authorize Town attorney, James Coffey, to take appropriate and necessary action to settle the case between the Town and the trustee in bankruptcy; and be it further

RESOLVED, that Mr. Coffey report to the Town Board as to the proceedings and final actions taken on behalf of the Town.

ADJOURNMENT

Motion by:	Sheila A. Brockway	Seconded by:	Gerard A. Renadette
Carried by:	Ayes 4	Nays 0	

RESOLVED, that this Town Board Meeting be adjourned at 7:20PM.

Respectfully Submitted,

Amy Duquette, Town Clerk