

**TOWN OF PLATTSBURGH
TOWN BOARD MONTHLY MEETING
MARCH 2, 2009**

The meeting was called to order at 6:30 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. 09-80Approve Minutes of the Previous Meeting

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

RESOLVED, that the minutes of February 2, February 9 and February 23, 2009 be approved and the reading of the minutes be dispensed with.

PUBLIC RECOGNITION

Present: See Attached

Comments: Debbie Blake had concerns with resolutions 09-63 and 09-64, Supervisor Bassett said he will review the resolutions to ensure the dollar amounts are correct.

Committee Reports

See Attached

MOTION TO GO INTO EXECUTIVE SESSION DISCUSSING PENDING LITIGATION CONCERNING NEGOTIATIONS WITH SARANAC PARTNERS AT 6:44 PM.

Motion by:	Gerard A. Renadette	Seconded by:	Martin D. Mannix
Carried by:	Ayes 5	Nays	0

MOTION TO COME OUT OF EXECUTIVE SESSION AT 7:43 PM.

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

RESOLUTION NO. 09-81Abstract 3A -09

Motion by:	Gerard A. Renadette	Seconded by:	Sheila A. Brockway
Carried by:	Ayes 4	Nays	0
Absent:	Thomas E. Wood		

RESOLVED, that the abstract of audited claims **No.3A-09 (90377-90481)** and in the amount of (\$1,636,815.95), be received as reviewed by the Audit Committee and the Supervisor is hereby authorized to pay said abstracts.

RESOLUTION NO. 09-82**Codes and Zoning Monthly Report**

Motion by:	Sheila A. Brockway	Seconded by:	Gerard A. Renadette
Carried by:	Ayes 4	Nays	0
Absent	Thomas E. Wood		

RESOLVED, to receive and place on file a report from Stephen Imhoff, Codes Enforcement Officer, for the month of February, 2009.

RESOLUTION NO. 09-83**Highway Monthly Report**

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

RESOLVED, to receive and place on file a report from Fred Lavene, Highway Superintendent, for the month of January, 2009.

Discussion: Supervisor Bassett noted that Fred has indicated that they have only used half of their supply for winter thusfar. Councilor Renadette added t hey are still shopping for salt prices.

RESOLUTION NO. 09-84**Parks/Recreation Monthly Report**

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

RESOLVED, to receive and place on file a report from Melanie Defayette, Recreation and Youth Services Director, for the month of January, 2009.

RESOLUTION NO. 09-85**Planning Monthly Report**

Motion by:	Martin D. Mannix	Seconded by:	Thomas E. Wood
Carried by:	Ayes 5	Nays	0

RESOLVED, to receive and place on file a report from Phil VonBargen, Planning and Engineering Department Head, for the month of February, 2009.

RESOLUTION NO. 09-86**Town Clerk's Monthly Report**

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

RESOLVED, to receive a report from Amy Duquette Town Clerk, for the month of January, 2009.

RESOLUTION NO. 09-87**W/W Monthly Report**

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

Nays 0

RESOLVED, to receive and place on file a report from David Comfort, Director of the Water and Wastewater Department, for the month of January, 2009.

Discussion: Councilor Wood indicated that all employees from the department attended the safety meeting.

RESOLUTION NO. 09-88

Comprehensive Land Use Planning Committee Appointment

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

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, a vacancy exist on the Comprehensive Land Use Planning Committee; and

WHEREAS, Ms. Ellie Berger, of Lake View Drive in the Town of Plattsburgh, is willing to serve on the CLUPC; therefore be it,

RESOLVED, that the Town Board of the Town of Plattsburgh does hereby appoint Ms. Ellie Berger as a Comprehensive Land Use Planning Committee Member.

Discussion: Councilor Mannix said filling the vacancies is necessary, and appreciates the fact that two very competent people are willing to serve.

RESOLUTION NO. 09-89

Comprehensive Land Use Planning Committee Appointment

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

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, a vacancy exist on the Comprehensive Land Use Planning Committee; and

WHEREAS, Ms. Hope Coryer, of Smith Drive in the Town of Plattsburgh, is willing to serve on the CLUPC; therefore be it,

RESOLVED, that the Town Board of the Town of Plattsburgh does hereby appoint Ms. Hope Coryer as a Comprehensive Land Use Planning Committee Member.

RESOLUTION NO. 09-90

Planning Board Appointment

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

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, resolution 09-59 was accepted regarding the resignation of Robert Chase as a Town of Plattsburgh Planning Board Member effective January 12, 2009; and

WHEREAS, a vacancy now exist on the Planning Board; and

WHEREAS, Tom Latinville, an alternate Board Member, is willing to serve as a Planning Board Member to fill the unexpired term of Robert Chase; therefore be it,

RESOLVED, that the Town Board of the Town of Plattsburgh does hereby appoint Tom Latinville a resident of the Town of Plattsburgh, to the Planning Board for a term to expire 12/31/12; and be it further,

RESOLVED, that Mr.Latinville be given an oath of office within 30 days and that the original copy of said oath be filed with the Town Clerk.

RESOLUTION NO. 09-91

Removing Private Right of Ways as Town of Plattsburgh Roads

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

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, Lavene has recently been contacted by the Clinton County Emergency Preparedness Office in regard to the request of removing roads as private Right-of –Ways for 911 in the Town of Plattsburgh as follows:

- Pine Cone Lane (Former Pine Haven Trailer Park)
- Pine Haven Road (Former Pine Haven Trailer Park)
- Pine Hollow Drive (Former Pine Haven Trailer Park)
- Hill Crest Drive (Former Pine Haven Trailer Park)

; therefore be it,

RESOLVED,that the Town Board of the Town of Plattsburgh does hereby authorize the request of Fred Lavene and the Clinton County Emergency Preparedness Office relative to removing the above identified private road names from all future Town records, maps and road lists in the Town of Plattsburgh.

RESOLUTION NO. 09-92

Temporary Posting of Certain Roads

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

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, the Supervisor has received a letter dated February 23, 2009 from Fred Lavene Superintendent of Highways requesting permission to temporarily post the following Town roads effective March 31, 2009;

- Bart Merrill Road (Section North of the Gene Lefevé Rd. intersection)
- Bell Road ,Bradford Road, Brown Road ,Champlain Park (both entrances)
- Brown Road
- Church Road, Cliff Haven Community (All entrances),Cross Road
- Kennedy Road, Robinson Road ,Stafford Road, Durand Road, South Jct. Road
- Trudeau Road, Thunderbird Heights, Woodcliff Drive

Therefore be it ,

RESOLVED, that certain vehicles, as described in the New York State Vehicle and Traffic Law, Section 1660, be excluded from Town Highways and/or sections thereof listed in the aforementioned letter upon (1) the erection of signs posting the respective highways or sections thereof; and (2) a notice, pursuant to said section 1660, being published the Press Republican; and it is further

RESOLVED, that the Town Board does hereby authorize and direct the Town Clerk to cause said notice to be published in the Press Republican in accordance to Town Law.

RESOLUTION NO. 09-93

Harris Change Order

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

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, the Town of Plattsburgh has been in the engaged in the process of purchasing new software from Harris Computer Systems, to meet billing and management needs of the various departments; and

WHEREAS, Department Heads have been working with Cristian Balan, software consultant for the Town, and Harris staff and trainers to customize software programs to meet Town needs now and in the future; now, therefore be it

RESOLVED, that Change Orders No.3 in the amount of \$1,200.00 be accepted as indicated by the attached copies; and be it further

RESOLVED, that the Supervisor is authorized to sign Change Order No.3, and a certified copy of this resolution be given to the Budget Officer.

RESOLUTION NO. 09-94

Extend Canal Grant Program

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

Seconded by: Thomas E. Wood
Nays 0

WHEREAS, Resolution 06-257 was passed for the New York State Canal Corporation Project Titled Champlain Lakeshore Park; and

WHEREAS, the State and Local Sponsor wish to amend said agreement (C100779), the purpose of which is to extend the contract term at no cost and all other provisions of said Agreement shall remain in full force and effect; therefore be it

RESOLVED, that the Supervisor be authorized to sign said agreement and forward paperwork to Canal Corporation 200 Southern Boulevard Albany, New York 12209 ; and be it further

RESOLVED, to forward copy's to Laberge Group and the Town of Plattsburgh Recreation Department

Discussion: Councilor Wood asked if the term is for one year, Supervisor Bassett confirmed.

RESOLUTION NO. 09-95

AUTHORIZING THE SUPERVISOR TO PROCEED AND TO FILE AN APPLICATION UNDER THE NEW YORK STATE DIVISION OF HOUSING And COMMUNITY RENEWAL'S 2008-2009 HOME PROGRAM AND AUTHORIZING THE SUPERVISOR TO ACCEPT REHABILITATION PROGRAM

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

Seconded by: Gerard A. Renadette
Nays 0

WHEREAS, The Housing Trust Fund Corporation (HTFC) administers the New York State HOME program and uses federal funds to expand the supply of decent, safe, and affordable housing within the State; and

WHEREAS, the HOME Program funds a variety of activities through partnerships with counties, towns, cities, villages, private developers, and community-based non-profit housing organizations. To **rehabilitate, conserve energy**, or construct housing, or to provide assistance to low-income homebuyers and renters. Funds must be distributed in accordance with needs and priorities identified in the State's Consolidated Plan. now therefore be it,

RESOLVED, the Supervisor be and hereby is authorized to execute a application on behalf of the Town of Plattsburgh with the New York State Division of Housing and Community Renewal (DHCR); and be it further

RESOLVED, the Supervisor is hereby authorized and designated as the representative and to act as such in connection with the application, represent this governing body in supporting the proposed program, and provide additional information as may be required including all understandings and assurances contained in the application; and be it further

RESOLVED, the Supervisor is hereby authorized and directed to execute any contract and/or agreement in connection with the DHCR Application and his/her designee is further authorized to request and expend funds from the DHCR pursuant to said contract and/or agreement; and be it further

RESOLVED, that the supervisor enter into contract with the Laberge Group for a fee not to exceed \$5,400.00 to prepare the Grant Application as indicated in the Authorization To Proceed document attached to this resolution.

Discussion: Supervisor Bassett said the current grant cannot fulfill the current need and this will provide an opportunity for next year. Councilor Renadette spoke of the people that may not have qualified this round, but may qualify with the next grant.

RESOLUTION NO. 09-96

Waste Water Metering Bid Rejection

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

Seconded by: Gerard A. Renadette
Nays 0

WHEREAS, bids for Waste Water Metering were publicly opened and read aloud on Thursday, February 5, 2009 at 10:00 AM prevailing time at the Town Hall, Office Complex, 151 Banker Road, Plattsburgh, NY 12901; and

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

WHEREAS, the low bid price of \$372,551.00 exceeds the project budget by over \$100,000.00; now, therefore be it

RESOLVED, that all bids received for Waste Water Metering are hereby rejected; and be it further

RESOLVED, that bid documents be revised to reduce the cost of the construction

Discussion: Supervisor Bassett stated that the bidders will be notified when revisions are made.

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

Seconded by: Sheila A. Brockway
Nays 0

WHEREAS, the Town of Plattsburgh has previously awarded the Champlain Park Pump Station Contract No. 1 – General to Luck Bros. Inc. in the amount of \$1,513,900.50 ; and,

WHEREAS, the plans and specifications did not call for the replacement of the wooded garage door at the existing treatment plant and based upon the condition of the door is it prudent to replace it with an insulated steel door: and,

WHEREAS, it has been recommended that erosion control fabric be placed in the County swale to preclude any damages to the County drainage system; and

WHEREAS, Laberge, Engineer and Consulting Group, has reviewed the proposed changes and recommends their approval; and

WHEREAS, the additional cost resulting from this change is \$4,610.46, the cost of which can be paid from project financing, now therefore be it,

RESOLVED, that the recommendation of the Town’s Engineer be hereby accepted, approved and adopted; and, be it further,

RESOLVED, the Town Board authorized the Supervisor to execute Change Order No. C1-1 allowing an increase in the contract amount of \$4,610.46 resulting in a Total Contract price of \$1,518,510.96.

RESOLUTION NO. 09-98

LOCAL LAW NO.2 OF THE YEAR 2009
ENTITLED "A LOCAL LAW REPEALING TOWN
OF PLATTSBURGH LOCAL LAW NO. 1 OF THE
YEAR 1970 A LOCAL LAW RELATING TO A
CODE OF ETHICS AND A BOARD OF ETHICS
FOR THE TOWN OF PLATTSBURGH

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

Seconded by: Thomas E. Wood
Nays 0

WHEREAS, the Town passed a Local Law in August of 1970 entitled "A Local Law Relating to a Code of Ethics and a Board of Ethics for the Town of Plattsburgh". Said Local Law was Local Law No. 1, 1970; and

WHEREAS, a considerable period of time has passed since said Local Law was passed and it is the desire of the Town Board to enact a new Code of Ethics and to establish a new Board of Ethics that will be more responsive to the numerous changes that have occurred over the last 38 years; and

WHEREAS, Supervisor Bassett has introduced proposed Local Law No. 2 of the year 2009 entitled "A Local Law repealing `Town of Plattsburgh Local Law No. 1 of the year 1970 a Local Law relating to a Code of Ethics and a Board of Ethics for the Town of Plattsburgh' and enacting a Local Law Establishing a Code of Ethics and a Board of Ethics for the Town of Plattsburgh." ; and

WHEREAS, the Town Board of the Town of Plattsburgh has considered the proposed Local Law No.2 of 2009, and

WHEREAS, said Local Law No. 2 of the year 2009 was duly introduced at the Meeting of the Town Board; and

WHEREAS, the required public hearing held on February 23, 2009 on said proposed local law was duly held prior to this meeting of the Town Board; and

WHEREAS, the Town Board has considered all comments from all persons, regarding this proposed local law, both as submitted in writing and as presented orally at the Public Hearing and comments at the meeting, now therefore it is ,

RESOLVED, that the Town Board of the Town of Plattsburgh after review of the said proposed Local Law #2 of 2009 , review and consideration of comments made at the public hearing, and further after consideration adopts the local law as Local Law #2 for the year 2009, and it is further,

RESOLVED, that the Attorney for the Town, acting for the Town Clerk, be and he hereby is directed to cause said Local Law No. 2 of the year 2009 to be duly filed with the Department of State of the State of New York, as required by Section 27, subdivision 1, of the Municipal Home Rule Law. This resolution shall be effective immediately.

Discussion: **Councilor Renadette is very pleased this Lwa is moving forward, and thanked Attorney Coffey for patiently helping. Councilor Mannix made the original motion , then asked to be removed and to let Councilor Renadette be the one to make the motion. Councilor Wood said nowhere does it state in the resolution how often the committee is to meet.. Councilor Woods recommendation is that the board meet at least once a year.**

RESOLUTION NO. 09-99

Authorization to Proceed with Restore New York Round 3 Grant Funding

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

Seconded by: Gerard A. Renadette
Nays 0

WHEREAS, the Town Board, after due consideration, has determined that it is desirable and in the public interest to submit an application to Empire State Development Corporation for a **Round 3** Restore NY Communities Initiative Municipal Grant Program; and

WHEREAS, the proposed project to continue the expansion of business and employment opportunities is in accordance with Town and Regional Planning objectives; and

WHEREAS, the proposed financing is appropriate for the continued development of the North Country Plaza Redevelopment Plan; and

WHEREAS, the proposed project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources in the phase two project; and

WHEREAS, and where applicable, the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities; therefore be it

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to submit an application for financial assistance under Round 3 Restore NY Communities Initiative Municipal Grant Program; and be it further

RESOLVED, that the Town’s consulting engineer, the LaBerge Group of 4 Computer Drive West, Albany, New York 12205, proceed with Grant submittals as required and that grant writing costs are to be paid by the project developer.

Discussion: Supervisor Bassett commented that he has had the authorization to proceed for some time, but was unable to nail down a specific project. The only viable project is a project for the four corners on Cumberland Head. The developer came forth and offered to pay the cost of the grant application, this allows the town to be part with the exception of financially.

RESOLUTION NO. 09-100

Appointments

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

WHEREAS, to ensure compliance with Public Officer’s Law Section 10, relative to Board Appointments as set forth in Exhibit A; and

WHEREAS, the Town Board desires to reappoint said persons and to direct the Town Clerk’s office to inform the appointed individuals of the requirements of said section 10 of the Public Officer’s law: now, therefore be it,

RESOLVED, that the Town Board of the Town of Plattsburgh does hereby reappoint the following persons to their respective offices as noted for the same term as previously appointed in the attached Exhibit A; and be it further

RESOLVED, that such persons be given an oath of office within 30 days and that the original copy of said oath is filed with the Town Clerk.

Discussion: Supervisor Bassett said this resolution puts the Planning and Codes Boards in a position to give their Oaths during this weeks meetings.

RESOLUTION NO. 09-101

Retaining Consulting Services

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

WHEREAS, the Town of Plattsburgh Town Board finds and determines that in order to protect and safeguard the Town, its residents and their property, with respect to certain agreements, negotiations and contracts that the Town Board engages in may require specific skills and knowledge, and

WHEREAS, the Town has been negotiating for several months with Saranac Power Partners concerning the settlement of an Article 7 proceeding and an amended PILOT Agreement between the Town, the IDA and other taxing entities; and

WHEREAS, in order to assure the Town’s best interest is represented, it is essential that the Town have available professional expertise to assist in the review of the proceedings and make recommendations to the Town Board; and

WHEREAS, the Town Board realizes that from time to time the Town Boards and staff are called upon to review and evaluate matters outside the range of their training and/or expertise, and that these situations may require the Town to seek out skills not possessed by the Town officials but which are not required frequently enough to justify the hiring of new, specialized staff, and

WHEREAS, pursuant to the authority of subparagraph (a)(12) and (d)(3) of the Municipal Home Rule Law § 10(1)(iii) and Municipal Home Rule Law § 22 the Town Board is granted the power to manage its governmental affairs and operations and to discharge their responsibilities to satisfy local needs as those needs are perceived, now therefore be it

RESOLVED, that the Town Board approve and authorize the Supervisor to enter into an Agreement with Larry Zimmerman, Esq. and Mark Lansing, Esq. of Hiscock Barclay LLP., 50 Beaver Street, Albany New York 12207 to advise and make recommendation to the Supervisor, Town Board and Zoning Attorney as needed to represent the Town’s interests during the settlement of the issues of concern between the Town of Plattsburgh and Saranac Power Partners.

ADJOURNMENT

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

RESOLVED, that this Town Board Meeting be adjourned at 8:47 PM.

Respectfully Submitted,

Amy Duquette, Town Clerk